

TWC/2016/0562

Site of Lincoln Grange Nursing Home, Lincoln Hill, Ironbridge, Telford, Shropshire  
Erection of 53no. dwellings, conversion of former Lincoln Grange Nursing Home into  
36no. dwellings following demolition of parts of Lincoln Grange Nursing Home, with  
associated internal and external works, access road and landscaping \*\*\*AMENDED  
PLANS RECEIVED\*\*\*

**APPLICANT**

Shropshire Homes Ltd

**RECEIVED**

27/06/2016

**PARISH**

The Gorge

**WARD**

Ironbridge Gorge

**OFFICER** Andrew Gittins

**THE APPLICATION INCLUDES FINANCIAL CONTRIBUTIONS WHICH TRIGGERS THE NEED FOR PLANS BOARD CONSIDERATION.**

**1. THE PROPOSAL**

1.1 The application seeks full planning permission for the conversion of the former Lincoln Grange Nursing Home (The Beeches) which is Grade II listed into 36 apartments, together with the erection of 53 dwellings. The scheme involves the formation of a new vehicular access directly opposite Beech Spinney which will serve the new build off the new adoptable shared surface. The apartments in the former Nursing Home will be served by the existing access which will not be adopted and will remain private. The scheme also involves the demolition of some late 20th additions.

1.2 The scheme will provide the following:

Open Market Dwellings

- 6 one beds, 35 two beds, 31 three beds, and 13 four beds.

Affordable Rented Dwellings:

- 1 two bed and 1 three bed.

Shared Ownership Dwellings:

- 1 two bed and 1 three bed.

1.3 This accommodation will be split between five different new build house-types including:

- Belgrave (two-bed terrace) x 12
- S-type (three-bed terrace) x 18
- Earlesdale (three bed detached) x 10
- Grasmere (four-bed detached) x 6
- Denbigh (four-bed detached) x 7

1.4 The conversion will accommodate:

- 6 x one beds,

- 25 x two beds, and
  - 5 x three beds.
- 1.5 The application has been submitted with the following supporting information:
- Conservation Appraisal
  - Flood Risk Assessment (FRA)
  - Historic Building Report
  - Archaeological Desk Based Appraisal
  - Exploratory borehole drilling findings
  - Tree Condition Report, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan
  - Tree Survey and Constraints Report
  - Travel Information – Notes
  - Travel Information
  - Slope Stability Declaration Form
  - Design and Access Statement
  - Ecological Assessment
  - Reptile Survey
  - Great Crested Newt Survey
- 1.6 Since submission the application has been subject to a number of amendments which have addressed the following concerns raised by Officers which related to the following:
- Comprehensive re-design of elevational treatments of the new build dwellings to reflect the Gorge vernacular,
  - Relocation of the gated walled enclosure for storage of refuse and recycling from the prominent p adjacent to Beech Rd to three less sensitive sites within the conversion.
  - Provision of extended visibility splays (from 43 to 51m) in recognition of the ‘actual’ travelled speeds. This involves re-planting a section of the hedge behind the specimen tree to the west of the new access.
  - The design and specification of the LEAP (Local Equipped Area of Play) has been refined.
- 1.7 An application for Listed Building Consent has been submitted under local authority reference TWC/2016/0563 and is also on this agenda.

## **2. SITE AND SURROUNDINGS**

- 2.1 The site is located within the Built up Area of Telford to the north of Ironbridge, south of Woodside, east of Coalbrookdale and west of Madeley, within 150m of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. The site comprises a Grade II Listed Building and curtilage.
- 2.2 The site is located to the south of Beeches Road which links Madeley Road to the Wharfage in Ironbridge via Lincoln Hill. The site has a rural character with open undeveloped land on all three sides, bar the north where some limited low density residential care development has taken place on Forbes Close

and a Care Village on Beech Spinney. The hospital is accessed by a tree-lined vehicular access drive to the west of the site. To the east the site is bound by an access drive serving two properties at The Woodlands Farm, a pond is located to the east of the track.

- 2.3 The site is covered by a group Tree Preservation Order with some located within the site with the remainder principally located along the existing access, adjacent to the proposed access and around the informal landscaped area. There are a substantial number of trees adjacent to the southern and eastern boundary of the new builds. The site is undulating in topography rising from east to west and north to south.
- 2.4 The site is subject to the following constraints and opportunities:
- The south-eastern part of the site which accommodates Plots 31-47, part of the Public Open Space and the LEAP are located within a Coal Mining High Risk Area with the remainder of the site falling within a Low Risk Area.
  - The site is located in Ground Stability Zone 1 as defined by the High Point Rendall Ground Behaviour Study.
  - The site is located within the Mineral Consideration Area for Clay (Brickclay).
  - Located within 150m of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.

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

- 3.1 Pre-application discussions.
- 3.2 Nearby site: TWC/2011/1102 - Outline planning application for part demolition of existing care village and nursery followed by construction of not more than 90no. open market residential dwellings, 3no registered social care bungalows, a new plant nursery and cafe, including the provision of means of access\*\*\*Amended description, application form and plans received\*\*\* - Land off, Beech Road, Madeley, Telford, Shropshire. (Forbes Close) – Granted 18<sup>th</sup> March 2015.

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

- 4.1 National Planning Policy Framework (the NPPF): The NPPF is not the Development Plan for Telford and Wrekin but is a material consideration in this case because all of the Borough's Development Plan policies have to be viewed in light of this more recent national guidance.
- Section 4: Promoting sustainable transport
  - Section 6: Delivering a wide choice of high quality homes,
  - Section 7: Requiring good design,
  - Section 8: Promoting healthy communities,
  - Section 11: Conserving and enhancing the natural environment,
  - Section 12: Conserving and enhancing the historic environment.

4.2 Core Strategy:

- CS1 Homes
- CS3 Telford
- CS9 Accessibility and Social Inclusion
- CS10 Community Facilities
- CS11 Open Space
- CS12 Natural Environment
- CS13 Environmental Resources
- CS14 Cultural, Historic and Built Environment
- CS15 Urban Design

4.3 Wrekin Local Plan Saved Policies:

- EH14 Land Stability
- UD2 Design Criteria
- H6 Windfall Sites in Telford and Newport
- H9 Location of New Housing
- H10 Scale of Development
- H22 Community Facilities
- H23 Affordable Housing
- T22 Planning Obligations
- OL3 Green Network
- OL4 Development in the Green Network
- OL11 Woodland and Trees
- OL12 Open Land and Landscape – contributions from new development
- OL13 Maintenance of Open Space
- LR4 Outdoor recreational Open Space
- LR6 Developer contributions to outdoor recreation open space provision within new residential developments
- HE15 Demolition of Listed Buildings
- HE16 Alterations and Additions to Listed Buildings

4.4 A material consideration is the emerging Telford & Wrekin Local Plan, which has been submitted for examination. It is not the development plan for the purposes of determining planning applications, but under paragraph 216 of the NPPF weight can be given to policies in emerging plans according to their stage of preparation, extent of unresolved objections and degree of consistency with the NPPF, unless other material considerations indicate otherwise. The emerging T&WLP has reached an advanced state of preparation based on recent evidence (see the housing land supply and OAN issues already referred to below). Therefore the Council considers its policies to be sound and should be given some weight.

4.5 Telford and Wrekin Local Plan (2011-2031 – Submission Version

- SP 1 Telford
- SP 4 Presumption in favour of sustainable development
- HO 2 Housing Site Allocations
- HO 4 Housing Mix
- HO 5 Affordable Housing Thresholds and Percentages
- HO 6 Delivery of Affordable Housing

NE 1 Biodiversity and geodiversity  
 NE 2 Trees, hedgerows and woodlands  
 NE 4 Provision of Public Open Space  
 NE 5 Management and maintenance of public open space  
 NE 6 Green Network  
 COM1 Community Facilities  
 C 3 Impact of development on highways  
 C 5 Design of parking  
 BE 1 Design Criteria  
 BE 3 Ironbridge Gorge World Heritage Site  
 BE 4 Listed Buildings  
 BE5 Conservation Areas  
 BE9 Land stability  
 BE10 Land Contamination  
 ER 8 Waste planning for residential development  
 ER 10 Water conservation and efficiency  
 ER 11 Sewerage systems and water quality  
 ER12 Flood risk management

## 5. SUMMARY OF CONSULTATION RESPONSES

### 5.1 Standard Consultation Replies

#### 5.1.1 **The Gorge Parish Council:** Objected on the following grounds:

- Proposal appears to be over-development.
- Insufficient information to demonstrate how traffic will be managed on the existing 'Access Only' highway network.
- Concerns regarding the capacity of existing drainage systems.
- The Parish have also noted the following:
- It is hoped that account is being taken for the extra requirement for school place and healthcare provision.
- Requested a condition requiring a Traffic Management Plan for development traffic to minimise disruption to residents and prevent development traffic using unsuitable roads in The Gorge.
- The PC reserved the right to make further comment after the Public Consultation on the 1<sup>st</sup> September.
- The PC reserved the right to call-in the application to Plans Board.
- Following the submission of the Transport Assessment (TA) and re-consultation the Parish Council raised the following objections:
- The TA does not acknowledge that the nearest Primary School, shop and ATM is in Coalbrookdale, accessed via Lincoln Hill, a single track highway with steep gradient and no pavement with no apparent enforcement of the 'Access Only' signage.
- Ability of existing pupils at Coalbrookdale and Ironbridge School to retain existing school places.
- Water tower and underground tank should be safely demolished / excavated avoiding any pollution.

### 5.1.2 Cllr Nicola Lowery (Ward Member): Comment:

- Impact on the character and setting of the listed building. The logic to separate proposal from listed building is acknowledged, it would be preferable for new development to have taken reference from the heritage asset.
- Concern regarding encroachment upon the listed building allayed following site visit the provision of more green space would have been welcomed.
- Consideration to the provision of a footpath in the new development.
- Management/maintenance of communal areas.
- Compliance of Belgrave house type with HQI benchmark.
- Use of simple plank doors on 'Denbigh' housetype may be more appropriate.
- Concern surrounding the sub-division of gardens, considered communal garden space would be more in keeping.
- Acknowledge that 23dph density is lower than average but consider site is overdeveloped in respect of wider context and impact on WHS principally:
  - Impact of additional traffic although comments from Local Highway Authority in respect of mitigation through contributions are awaited.
  - Keen to identify if number of dwellings can be reduced, and understand what traffic calming measures will be installed on Beech Rd to prevent traffic using Access Only.
  - Traffic Assessment does not sufficiently consider the impact on Hodge Bower, Church Hill, Church Road and Lincoln Hill, nor is it considered that the traffic movements could be comparable to that which could be generated by the existing hospital use.
  - Further consideration to the cumulative effects of Forbes Close development as Lincoln Hill provides access to school/nearest supermarket/cashpoint encouraging use of access only roads.
  - Concern regarding time period of which traffic counts took place.
  - TA identified speeding as an issue but does not address or acknowledge impact of development.
  - Development should contribute to enforcement of Access Only.
  - TA needs amendment to correct housing numbers.
- Development should contribute to Local Nature Reserve to improve access, signage and pond restoration to mitigate impact.

5.1.3 **Built Heritage Conservation:** Additional plans with commentary provided on the 23<sup>rd</sup> August addressed some issues raised. However, whilst the applicant sought to justify the wholesale replacement of the windows in the listed building and sub-division of the courtyards to the front of the conversions it is not considered that sufficient justification has been provided for either of these elements. However, generally supportive of the scheme which preserves and enhances a Grade II Listed Building following a comprehensive re-design of the new build dwellings.

5.1.4 **Urban Design:** No formal comments made but contributed to layout at the pre-application stage of development

- 5.1.5 **Parks & Open Spaces:** No objection following amendments to the design and specification of the LEAP subject to conditions to ensure on-going maintenance of the LEAP and the Public Open Space.
- 5.1.6 **Highways: No objection** subject to conditions informative(s) and a financial contribution of £7,500 towards existing and proposed 'Access Only' signage on Beech Road.
- 5.1.7 **Drainage: No objection subject to conditions and informative(s).**
- 5.1.8 **Ecology: Additional information is required relating to Great Crested Newts** – this will be provided following a meeting with the agent and ecologist w/c 5<sup>th</sup> Sept following which detailed comments on impacts, conditions and a European Protected Species three tests matrix will be provided. This is no objection in respect of other protected species or the adjoining Local Nature Reserve subject to complete of a European Protected Species Licence, conditions and contributions to mitigate the impact on the Nature Reserve.
- 5.1.9 **Education: No objection subject to a financial contribution.**  
Given the number and type of dwellings a contribution of £173,393 towards the remodelling of The John Fletcher of Madeley Primary School is sought.
- 5.1.10 **Trees:** No formal comments made but Officer was involved in pre-application meetings and was content with the trees proposed to be retained, pruned and replaced which will be located in private domestic curtilages.
- 5.1.11 **Planning Policy:** The site is an allocation in the Telford & Wrekin Local Plan (refer Policy HO2 and site H5 in Appendix D). This indicates the Council's preference for housing on this site. As such, this should be a material consideration in your assessment of the proposal. No other comments on the application and assume that heritage/ ecology will be handled by other consultees.
- 5.1.12 **Affordable Housing:** No objection subject to the s106 stating that the affordable homes should be transferred to a Registered Provider. The trigger point for the delivery of the affordable homes is relatively high. In any event the triggers should be linked to completion, availability for occupation and transfer to a Registered Housing Provider.
- A revised version of the layout plan (Revision E) was published on the Planning Website on 24/08/16 which identifies the proposed affordable homes by tenure.
  - Floor Plans for Plots 22 and 23 have been provided.
  - The Viability Appraisal has been amended to correct the floor area of the affordable Belgrave from 626 to 697sqm.
- 5.1.13 **Historic England:** No response received.
- 5.1.14 **Shropshire Fire Service: Comment** consideration should be given to advice contained within the Shropshire Fire and Rescue Services guidance.

5.1.15 **The Coal Authority: No objection no specific mitigation measures are required.**

5.1.16 **Severn Trent Water: No objection subject to conditions.**

5.1.17 **West Mercia Police: No objection** although there are opportunities to design out crime and the applicant would be encouraged to aim for the Secured By Design aware status.

5.2 Neighbour Consultation Responses:

5.2.1 14 letters of objection have been received neighbours were also re-consulted following the receipt of the Transport Assessment on the 25<sup>th</sup> July 2016. Comments have been raised in respect of the following key considerations:

- Highway safety and increased traffic
- Impact on the heritage assets (Listed Building and World Heritage Site)
- Impact on ecological value, drainage visual impact and maintenance of Local Nature Reserve

## 6. 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
- Green Network, Local Wildlife Site and Protected Species
- Appearance, Landscaping, Layout and Scale
- Preservation of the listed building, its setting, features of special architectural or historic interest.
- Preservation and enhancement of character and appearance of the adjoining Conservation Area and World Heritage Site
- Developer Contributions
- Highways and sustainability
- Drainage
- Contamination / Coal Mining / Ground Stability

### 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, and that the NPPF is a material consideration.

6.2.2 The Council can demonstrate, based on an OAN, that it has more than a five year housing land supply (in fact 10.9 years). Therefore paragraphs 14 and 49 of the NPPF are not engaged on housing supply grounds and development

plan policies must be applied. The emerging T&WLP has reached an advanced state of preparation based on recent evidence and therefore the Council considers its policies to be sound and should be given some weight.

- 6.2.3 The 'Development Plan' consists of saved policies of the Wrekin Local Plan and the Telford and Wrekin Council Core Strategy. These will be replaced with the Telford and Wrekin Council Local Plan which is at an advanced stage of preparation having been submitted for examination.
- 6.2.4 The site is located within the Built up Area of Telford as defined by the Wrekin Local Plan Proposals Map. Subject to overall compliance with other material planning considerations the principle of residential development is acceptable under saved policy.
- 6.2.5 Furthermore, the site is an allocation in the emerging Telford & Wrekin Local Plan under Policy HO2 and site H5 in Appendix D. This indicates the Council's preference for housing on this site. As such, this is a material consideration. It should be noted that the indicative yield in the allocation is for 106 dwellings with the scheme proposing a much lower density 89 dwelling development.

### **6.3 Green Network, Local Wildlife Site and Protected Species**

- 6.3.1 The application site is currently designated as Green Network in the Wrekin Local Plan, meaning that this particular area of land is protected by policy and therefore the loss of the open space and its benefits are a principal consideration. Policy OL3 sets out the aims of the Green Network whilst policy OL4 outlines that the Council may permit development in the network provided that it can be demonstrated that there are exceptional circumstances. Whilst the policy outlines how these should include community and environmental benefits the NPPF requires a more holistic consideration. In this instance the new build enables the conservation and preservation of an irreplaceable, vacant, designated heritage asset, which must be given great weight as a matter of law. Notwithstanding this, the scheme does not sever the green network and retains corridors from Beech Road through the site to the Local Nature Reserve to the south and large swathes of green network remain around the site. Furthermore the scheme will financially contribute to the Local Nature Reserve to preserve and enhance its ecological value. On balance it is therefore considered that the scheme represents an exceptional circumstance to warrant development in the Green Network. In addition, limited weight should also be given to the emerging Local Plan which allocates the site for development omitting the Green Network designation.
- 6.3.2 The site is adjacent to The Beeches Local Wildlife Site, as designated by saved Wrekin Local Plan Policy OL2 (Designated Areas), but the proposal does not encroach into the designated site. The wildlife site received Cabinet approval to upgrade it to a Local Nature Reserve on the 21<sup>st</sup> July 2016, which when formally adopted will have a statutory rather than local designation.
- 6.3.3 In order to comply with both saved and emerging policy, the Council's

Planning Ecologist has assessed the scheme and noted that the Applicant's Ecology Report state that any Great Crested Newts trapped under Licence will be relocated to Pond 2 within Local Wildlife Site. The site will be the closest accessible area for recreational walkers and will be the closest connection to the wider footpath network and it is fair to assume that there will be an increase in recreational use of the designated site as a result of the development. In order to ensure that the site can be resilient to increased recreational pressure and to maintain suitable habitats a financial contribution will be required to mitigate the impact of the development of the designated site with particular regard to the a footpath at the west of the site, tree and scrub control around the pond and population class monitoring. These contributions will be secured by a S106 agreement. A European Protected Species Matrix for bats has been completed and appended to this report.

- 6.3.4 The application is therefore considered to be compliant with policies OL3 and OL4 of the Wrekin Local Plan, policy CS11 of the Core Strategy and policy NE6 of the emerging Telford & Wrekin Local Plan.

## **6.4 Appearance, Landscaping, Layout and Scale**

### Appearance

- 6.4.1 The new-build dwellings in the grounds of the former nursing home will be delivered in the form of five different house types. All of the properties have been designed to reflect the simple Gorge cottage style rather than the more formal institutional architecture of the hospital. The designs have been based around rectangular footprints, built in a traditional brick and clay tile construction with timber flush fitting casement windows. The local vernacular architecture will be articulated through robust chimney stacks, brick on-end headers and cills, eaves detailing and a limited selection of simple traditional porches. Officers have invested considerable time and effort in the fenestration details, with regard the location, proportion and design of windows and doors. Further attention will be paid to the intricate detail which will further enhance the buildings through the imposition of conditions requiring the production of sample panels of brickwork, submission of sections of windows and doors and rood details. It is therefore considered that the appearance of the new builds will preserve and enhance the character of this gateway to the Gorge. With regards the listed building existing detailing is being retained wherever possible and there will be minor alterations to some elevations including the insertion of rooflights, which have been reduced in number since the original submission.

- 6.4.2 Officers are content that the proposal will preserve and enhance the character and appearance of what is acknowledged as an important gateway to the Ironbridge Gorge World Heritage Site (WHS) and the Severn Gorge Conservation Area.

### Landscaping

- 6.4.3 In order to illustrate the potential visual impact, the developer has provided a

Streetscape from Beech Road. This illustrates how the retention of the majority of the roadside hedge and specimen oak but with the removal and replanting of a short section of the boundary hedge will reduce views of the development. Additional trees will be planted on the southern side of this hedge within the gardens of the proposed properties in order to offer additional screening.

- 6.4.4 Internally the estate road has been design as a shared surface, which will act as a traffic calming measure and allow the verge to be grassed. On the majority of the site a mixed native species hedge will be planted behind this verge with hornbeam, alder and birch trees planted to provide further soft landscaping. The scheme also proposes a sensitively designed Locally Equipped Area of Play (LEAP) together with the retention of a semi-natural area which extends to 0.45ha that will be within the viewpoint on entry to the development. This landscaping in addition to the efforts that have been made to retain as many existing trees and hedges as possible is considered to facilitate the introduction of built development and mitigate its impact.

#### Layout

- 6.4.5 The total site area including the hospital extends to 3.5 hectares (ha) which equates to a density of 25 dwelling per hectare (dph). Furthermore, the site area of the new build which is more visible from Beech Road, extends to 2.3ha equating to a limited density of 23 dwellings per hectare. Officers note that the Parish Council have objected on the grounds that the site appears to be over developed. However, officers consider the density to be low and respectful of this semi-rural location. The perceived density of the development is further reduced through the setting back of dwellings off the highway behind grass verges and driveways, front gardens are landscaped with mixed native species hedges and specimen trees. A sensitively designed local area of play has been sited within the centre of the development. The LEAP will be set within an informal landscaped area adjacent to a semi-natural area around the existing badger setts where the mature trees will be retained. This is considered to provide a sense of openness which further reduces the perceived density of the development.

#### Scale

- 6.4.5 The proposed development will be a traditional two-storey scale which is considered to be in keeping with the local vernacular of the Gorge cottage style and subservient to the more formal institutional architecture of the former hospital.

### **6.5 Preservation of the listed building, its setting, features of special architectural or historic interest**

- 6.5.1 The scheme for the conversion of the listed building is based on an understanding of the significance of the composite parts and reasoned justification and evidence presented in order to justify the proposed works.

- 6.5.2 Within the conversion complex the scheme proposes four parking areas, three of which will have communal walled bin enclosures. These are located in discreet areas and will be landscaped in order to soften the hard landscaping. Considerable discussion has taken place regarding the subdivision of the front garden areas with 900mm high metal railings, with Officers questioning the need for so much fencing in what was a communal institutional setting. The applicant has presented an argument that this defensible space is required to make the units saleable. It is accepted that the rear gardens, which provide private areas, require more privacy and this will be achieved through sensitively designed timber fencing and brick walls. On balance the use of three-bar estate metal railings in the front courtyards is generally acceptable.
- 6.5.3 The scheme also includes the demolition of the Nursing Home to the south of the site. Initially Officers strongly resisted the demolition of this building on the basis that the applicant's Significance Plan stated that it dated from the 1930's and was of low to moderate significance. However, following further investigation it was established that the highly detailed Purcell Miller Tritton Conservation Appraisal evidenced that the building was a later 1950's / early 1960's addition which was of low significance, which allows for loss if it were to benefit the site or a building of higher significance. Officers are satisfied that the loss of this building and the design and form of the replacement structures will not harm the setting of the listed building.
- 6.5.4 The new housing scheme includes a semi-natural area around the badger setts where the mature trees will be retained, which will provide an appropriate degree of separation from the listed hospital. Careful consideration has been given to the siting of the closest dwellings and these have been moved further from the hospital to minimise any impact whilst special attention has been and will continue to be given to boundary treatments under the discharge of condition process.

## **6.6 Preservation and enhancement of character and appearance of the adjoining Conservation Area and World Heritage Site**

- 6.6.1 Whilst located outside of the Conservation Area and World Heritage Site, special attention has still be given to the preservation and enhancement of the character and appearance of these designated heritage assets. The scheme is considered to meet the higher statutory test following careful consideration and negotiation of layout, landscaping and design.

## **6.7 Highways**

- 6.7.1 The scheme involves the formation of a new vehicular access directly opposite Beech Spinney which will serve the 53 new dwellings off the new adoptable shared surface. The 36 dwellings in the conversion scheme will be served by the existing access which will not be adopted and will remain private. The application has been submitted with a Highways Statement which has been assessed by the Highways Department whose comments have been summarised above. The applicant's submitted Transport Assessment advised that the actual travelled speeds were slightly higher than the speed

limit, which informed the necessity to increase the visibility splay to the west from 43metres to 51metres, requiring the removal of a short section of hedge which will be replanted behind the tree.

6.7.2 The Parish Council have objected on the grounds the application does not demonstrate how traffic will be managed on the existing highway network to prevent use of the access only area of The Ironbridge Gorge World Heritage site. However, the Highways Team have no objection to the proposal subject to the attachment of conditions in respect of road design, construction traffic management plan, parking and turning areas and visibility splays, informative(s) in respect of the highway design/layout and a s106 contribution of £7,5000 towards new and existing signage on Beech Road.

## **6.8 Sustainability**

6.8.1 The NPPF identifies 3 roles of sustainable development: economic, social and environmental. There would be some economic benefit arising from this scheme and its delivery of new housing, which the NPPF supports.

6.8.2 There would be some social benefit from the provision of a mix of market and affordable housing providing mixed communities. The Parish have provided the example that the nearest convenience store will be in Coalbrookdale and accessed via the 'Access Only' area of Ironbridge. Officers note the Parish Council's concerns but would highlight the presence of two small convenience stores on Madeley Road on the corner of Wrekin View, which are approximately 500 metres from the site and which are equidistance from the convenience store in Coalbrookdale. The Woodlands Primary and Nursery School and Abraham Darby Academy (secondary school) are located within approximately 700m (a 10 minute walk) as is the Arriva bus service between Much Wenlock and Telford Town Centre. This would also be the desirable route to Madeley District Centre which has an extensive range of services and facilities and to the A442 distribution road. Officers consider that the site has some sustainability credentials with regards its location to services and facilities when taking into account that not all locations can be within an ideal walking distance of all services and facilities. In addition the site is a proposed housing allocation in the emerging Local Plan and had hence been deemed suitable as a housing location.

6.8.3 With regards environmental benefits, there would be some loss of green network and roadside hedge. However, this will be counterbalanced by Local Nature Reserve enhancement funding, no significant severing of the wider Green Network provision and some biodiversity gain with the provision of suitable landscaping and ecological enhancements such as bat and bird boxes. Significantly; there will be protection of heritage asset bringing a vacant listed building back into active economic use.

6.8.4 Hence Officers consider that the development proposal represents sust

## **6.9 Drainage**

- 6.9.1 The proposal will connect to mains foul sewer with surface water disposed. The Parish Council have objected on the grounds that there is concern the existing drainage systems may not cope with the extra waste and water the site will produce. In respect of surface water the development has been submitted with a Flood Risk Assessment as whilst the scheme is located in Flood Zone 1 (lowest probability) the site area exceeds 1 hectare. The FRA has been assessed by the Council's Drainage Team who has no objection subject to the attachment of conditions requiring the submission of further details in respect of foul and surface water drainage.
- 6.9.2 In respect of foul drainage, the drainage undertaker has a statutory duty to connect the development to the mains sewer and to upgrade the system if necessary. As such this is not a material planning consideration.

## **6.10 Contamination / Coal Mining / Ground Stability**

### Contamination

- 6.10.1 The site is not subject to any contaminated land issues and is not located within the buffer zone of landfill; as such there is no requirement for a contaminated land survey.

### Coal Mining

- 6.10.2 Part of the site falls within the defined Development High Risk Coal Mining Area. The application has been submitted with a Coal Mining Risk Assessment which concludes that the site is not underlain by shallow coal mine workings and that no further works are required. This has been assessed by the Coal Mining Authority whose comments have been recorded above who are satisfied with the conclusions and have no objection and do not require any specific mitigation measures. Accordingly, the proposal is compliant with policies EH14 and BE9.

### Ground Stability

- 6.10.3 The site is located in Stability Zone 1 as defined by the High Point Rendell Ground Behaviour Study. This outlines that the area is suitable for development as ground movement does not impose any constraints on site development and no stability reports are required. However, the application has been submitted with Explanatory Borehole Drilling Findings by Ground Investigation Specialists Limited who have concluded, based on the information available from the 2007 and 2016 Coal Mining Risk Assessment's prepared by GIP Limited, that it is considered that the site is not underlain by shallow mine workings and that foundations for the new houses need only take account of the geotechnical properties of the near surface soils. This has been utilised to complete the Slope Stability Declaration Form in which GIS Ltd concluded in Category F (Stability Assessment) that the information is adequate to assess the stability of the site and adjacent land; that ground instability cannot reasonably be foreseen within or adjacent to the site, and

that it is not necessary to implement any mitigation or stabilisation measures. As such, Officers are satisfied that the site can be developed without any negative impact on stability and that the scheme is compliant with policies EH14 and BE9.

## **6.11 Developer Contributions**

6.11.1 The proposed development triggers the need for the following planning contributions:

- Affordable Housing
- On-site provision and maintenance of a “Local” Equipped Area for Play (LEAP), and Public Open Space.
- £173,393 towards education (remodelling of the John Fletcher of Madeley Primary School),
- £17,660 towards the mitigation of the impact of the development on the Lodge Field Local Nature Reserve
- £7,500 towards improvement and provision of new ‘Access Only’ signage on Beech Road.

6.11.3 A Viability Assessment was submitted in support of the planning application that concluded that the provision of more than four affordable houses (5%) on this site would make the development unviable. Whilst this is less than would normally be required, this has been assessed by the Council’s Development Delivery Group Specialist who has agreed with the appraisal. As such four affordable houses will be provided i.e. two rented and two shared ownership dwellings on Plots 22-25 on the northern boundary with Beech Road. Notwithstanding this the scheme makes full provision for the delivery and maintenance of the on-site LEAP and public open space and contributions towards education, the Local Wildlife Site and highways will be secured in full.

6.11.4 The viability of a proposed development and local financial considerations are material planning considerations that must be given weight in the consideration of an application. In this instance the applicant has satisfactorily demonstrated that the scheme would not be viable if more than four affordable houses were provided. It is considered that the opportunity to secure development on a derelict listed building together with an increase in the Borough’s housing supply that would create Council Tax and New Homes Bonus income, weighs in favour of the proposal.

6.11.5 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.

6.11.6 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more

than five contributions to a single type of infrastructure. It is considered that the financial contribution set out above meets the relevant tests.

6.11.7 The financial contributions and other obligations will be secured through a S106 Agreement that will be signed prior to the issuing of the decision.

6.11.8 In respect of Open Space it is noted that the Parks & Open Spaces Officer has previously requested a “neighbourhood equipped area for play” (NEAP) for older children given that the nearest NEAP is in Woodside with limited pedestrian accessibility. However, it is accepted that in marketing the site the Council confirmed that the provision of a LEAP would be acceptable given that the siting of a NEAP, which is much larger and more robust than a LEAP may have a negative impact on the setting of the listed hospital, that it would negatively affect viability and whilst designed to provide a “neighbourhood” facility for the reasons set out above (proximity to intended users) would only serve the development. As such Officers support the provision of the LEAP, its adoption by the Council together with a financial contribution for its future maintenance along with the remaining open space which will be secured through a S106 agreement.

## **7. CONCLUSIONS**

7.1 The principle of the conversion of a Grade II Listed Building in 36 dwellings and erection of 53 new dwellings is acceptable under existing and emerging policy on the basis that the harm of developing the Green Network will be outweighed by the benefit of securing the long term preservation of the listed building.

7.2 Following the submission of additional information in respect of protected species it should be possible to conclude that the proposal will not cause an offence under the Habitat Regulations and that measures can be made to enhance opportunities for protected species and the scheme will mitigate any impact of the adjoining Local Wildlife Site.

7.3 The new building element of 53 new houses has been carefully designed to both preserve and enhance this gateway approach to the adjoining World Heritage Site and Conservation Area, with special attention to the proximity of dwellings to Beech Road and the streetscene elevations of dwellings on the site entrance.

7.4 Special attention has been paid to the proportions, design, fenestration detailing and materials of the proposed dwellings which take reference from The Gorge and are sympathetic to the listed building including scale, layout and landscaping including choice of boundary treatment. Furthermore, the proposed density has been limited to approximately 23 dwellings per hectare which is reflective of the local vernacular.

7.5 The scheme for the conversion of the listed building is based on an understanding of the significance of the composite parts and reasoned justification and evidence presented in order to justify the proposed works.

Whilst Officers questioned the need for some much fencing in what was a communal institutional setting on balance this is accepted.

- 7.6 To this effect, the under provision of affordable housing is accepted on the basis that full provision would render the scheme unviable. The development still mitigates any impact on education, open space and recreation and on the adjoining local wildlife site.
- 7.7 The impact of the proposal on the local highway network has been quantified in the Transport Assessment and it is not considered that the proposal will result in any highway safety or amenity issues with no significant impact on the Access Only Gorge.
- 7.8 The proposal can be adequately drained via a connection into the mains combined sewer will flows attenuated in order to reduce the risk of flooding. It cannot reasonably be foreseen that the proposal will have any impact on the ground stability within or adjacent to the site and reports have been produced which demonstrate that the site is not underlain by shallow coal mine workings and that no further works are required.
- 7.9 Following a detailed balance of all material planning considerations Officers are of the opinion that the proposal is a sustainable form of development and is in overall compliance with the Development Plan and NPPF.

## 8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:
- A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:-
- (i) Affordable housing (4 units)
  - (ii) Highways £7,500 towards new signage and improvement of existing signage on Beech Road to deter use of Access Only route.
  - (iii) Outdoor recreation open space / Equipped Area for Play - On-site provision and maintenance of a "Local" Equipped Area for Play (LEAP), and Public Open Space sum to be agreed if adopted by the Council.
  - (iv) Education £173,393 for the remodelling of John Fletcher of Madeley Primary School
  - (v) Local Nature Reserve £17,660 towards the mitigation of the impact of the development on the Lodge Field.
- B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

## Conditions

1. A04 Time Limit – Full with no Reserved Matters
2. B011 Samples of materials
3. B012 Sample Brick Panel
4. B032 Road Design
5. B061 Foul and Surface Water Drainage
6. B121 Landscaping Design
7. B126 Landscape Management Plan
8. B141 Ecological Method Statement
9. B145 Lighting Plan
10. B149 European Protected Species Licence
11. B149 Pre-commencement inspection – Badger
12. B150 Site Environmental Management Plan
13. B155 Details of LEAP
14. C013 Parking, Loading, Unloading and Turning
15. C014 Visibility Splays
16. C38 Developmental accordance with plans
17. C74 Retention of Trees with Bat Roosting Potential
18. C091 Ecological Survey – working in accordance with protected species survey
19. C100 Erection of artificial nesting/roosting boxes
20. C118 LEAP Occupancy
21. D01 Removal of all Permitted Development

## Informative(s)

- |         |                                 |
|---------|---------------------------------|
| I12     | Public Sewer                    |
| I23     | Bats                            |
| I24a    | Great Crested Newts             |
| I25a    | Nesting Wild Birds              |
| I35     | Badgers                         |
| I35     | Hedgehogs                       |
| I35     | Highways Design / Layout        |
| I35     | Drainage                        |
| I40     | Conditions                      |
| I41     | Reasons for grant of permission |
| RANPPF2 | Approval following amendment    |

### **EUROPEAN PROTECTED SPECIES – The ‘three tests’**

Application reference number, site name and description:

TWC/2016/0562 & TWC/2016/0563
Site of Lincoln Grange Nursing Home, Lincoln Hill, Ironbridge, Telford, Shropshire
Erection of 53no. dwellings, conversion of former Lincoln Grange Nursing Home into 36no. dwellings following demolition of parts of Lincoln Grange Nursing Home, with associated internal and external works, access road and landscaping ***AMENDED PLANS RECEIVED***
Andy Gittins

Date:

1<sup>st</sup> September 2016

Officer:

Fran Lancaster  
Planning Ecologist (01952 384221)  
[Fran.Lancaster@Telford.gov.uk](mailto:Fran.Lancaster@Telford.gov.uk)

### Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The former Victorian hospital is a Grade II Listed Building which has been vacant for a number of years. The property has recently been subject to vandalism with a large number of windows broken. Without the proposed development the building remain vulnerable and become so dilapidated that it is beyond viable repair. The Framework recognises that listed buildings are irreplaceable heritage assets and that every effort should be made to secure their optimum viable use and conservation. The scheme will not sever the Green network and will retain corridors between it and the Local Nature Reserve. The scheme will make provision for the enhancement of the Reserve through financial contributions and will provide nesting opportunities through the installation of artificial nest boxes. As such the conversion is considered to be in the overriding public interest.

### Test 2

Is there '**no satisfactory alternative?**'

The alternative would be for the building to become so dilapidated prejudicing any viable reuse which would be wholly contrary to the aims of the Framework in respect of heritage assets.

### Test 3

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

The following survey reports relating to bats have been produced for the site: The Bat Survey by Star Ecology (3<sup>rd</sup> August 2016), The Survey of Trees for Bat Roosts by Star Ecology (3<sup>rd</sup> August 2016) and The Bat Mitigation, Compensation and Enhancement Report by Start Ecology (3<sup>rd</sup> August 2016). Building 1 contains bat droppings from 2014 or older (6 droppings) and 10 droppings from the 2016 season in one area. The DNA of the droppings showed them to come from a brown long-eared bat and a single brown long-eared bat was seen roosting in the area during one of the surveys. Part of building 1 contains a non maternity summer (day) roost of a lone brown long-eared bat which is considered by Star Ecology to be of very low conservation importance. Conversion of this area of building 1 (identified on the plan in appendix 6 of the report) will need to occur under a European Protected

Species Mitigation Licence from Natural England. Star Ecology specify that the roost area will be retained and enhanced, that there will be a pre-commencement check for bats, bat boxes will be erected on the site prior to the commencement of works, 1 way exclusion of bats from the area if necessary and that the roost space will be maintained as a bat loft including traditional bitumen roof lining and an internal bat box feature. There will also be roosting opportunities built into units C17, C18, C19 and C20 loft spaces when the building is converted as enhancements for roosting bats.

None of the other buildings showed evidence of bat roosting and were assessed by Star Ecology as having low/negligible potential for roosting bats. The proposed development will not be detrimental to the maintenance of the populations of brown long-eared bats at a favourable conservation status within their natural range provided that the conditions below detailed in the response from Fran Lancaster to Andy Gittins dated 1<sup>st</sup> September 2016 are on the decision notice and are appropriately enforced:

### **3. Ecological Survey – working in accordance with protected species survey**

Development shall occur strictly in accordance with the Bat Survey: Buildings within the Beeches Hospital Site by Star Ecology (3<sup>rd</sup> August 2016) and the Bat Mitigation, Compensation and Enhancement report by Star Ecology (3<sup>rd</sup> August 2016), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of bats, a European Protected Species

### **4. European Protected Species Licence**

No development (including demolition or site clearance procedures) of the area of building 1 identified as a known bat roost on the plan in Appendix 6 of the Bat Survey: Buildings within the Beeches Hospital Site by Star Ecology (3<sup>rd</sup> August 2016) shall commence until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority for the proposed work. Works shall be carried out strictly in accordance with the granted EPS Mitigation Licence and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist.

Reason: To ensure the protection of bats, a European Protected Species

### **6. Lighting Plan**

Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Interim Guidance: Recommendations to help minimise the impact artificial lighting.

Reason: To minimise disturbance to bats, a European Protected Species

### **Informative: Ecology – Bats**

All bat species found in the U.K. are protected under the Habitats Directive

1992, The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is a maximum fine of £5,000 per individual animal impacted and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0845 601 4523) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

### **Guidance**

The 'three tests' must be satisfied in all cases where a European Protected Species (most frequently bats, Great Crested Newts, Otter and Dormouse) may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence under the legislation is likely to be committed, it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative) – information can be sought from the applicant/developer/agent to assist with this consideration.

Test 3 (favourable conservation status) will be considered by either Fran Lancaster (planning ecologist) or Sophie Milburn (Environmental Planning Assistant) with guidance from Natural England.

A record of the consideration of the three tests is legally required: this completed form should be included on the case file, in the planning officer's report, and should be discussed and minuted at any committee meeting at which the application is discussed.

- 1 Is the purpose of the development/damaging activity for '*Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?*'**

**Preserving public health or public safety** must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that

action is required to alleviate a clear and imminent danger to members of the general public:

1. If an unstable structure ( e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

**Imperative reasons of overriding public interest:**

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

**2 Is there no satisfactory alternative?**

An assessment of alternative method of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

**3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?**

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The

net result of a derogation should be neutral or positive for a species.

In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.