

TWC/2016/0162

Land North of, Keepers Crescent & Daisy Bank Drive, St Georges, Telford, Shropshire

Erection of 40no. dwellings with associated access, landscaping, surface water drainage, public open space and associated earthworks

APPLICANT

Lioncourt Homes Ltd

RECEIVED

23/02/2016

PARISH

St. Georges and Priorslee

WARD

Priorslee

OFFICER

Kate Stephens

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 20TH JULY 2016.

This application was deferred at the request of the applicant and with the agreement of the Planning Committee in order for the applicant to reconsider the financial aspects of the application. The applicant has now confirmed there is no change required to the original report on account of financial aspects, which is reproduced below.

RECOMMENDATION:

Based on the conclusions in the original report below, the recommendation is for DELEGATED AUTHORITY to be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

- A) The Applicant entering in to a Section 106 Agreement with the Local Authority for provision of:-
- £16,500 for the improvement of the existing play area off Keepers Crescent.
 - £30,000 commuted sum for maintenance (for the fenced equipped play area only- landscape buffer to be maintained by Housing Trust).
 - All costs to be index linked from the date of the committee meeting at which resolution to grant is made.
- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):
1. A04 Time limit full
 2. B011 Samples of materials
 3. B012 Sample brick panel
 4. B032 Road design
 5. B051 Land stability ground investigation
 6. B061 Foul and surface water
 7. B083 Protection of new dwellings from noise

- 8. B145 Lighting Strategy
- 9. B149 Artificial nesting/roosting boxes
- 10. B150 Site Environmental Management Plan
- 11. C013 Parking, loading, unloading and manoeuvring
- 12. C020 Visibility splay for Plot 1
- 13. C074 Tree protection
- 14. C089 Landscape management as per drawings
- 15. C38 Development in accordance with plans

Informatives

- I06 Scope of consent- Section 106
- I25m Nesting wild birds
- I32 Fire Authority
- I40 Conditions
- I41 Reasons for Grant of Permission
- RANPPF2 Approval following amendments- National Planning Policy Framework

*****ORIGINAL REPORT*****

OBJECTIONS RECEIVED: No

THE APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE AS THERE ARE SECTION 106 CONTRIBUTIONS PROPOSED

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 40 no. dwellings with associated access, landscaping, surface water drainage, public open space and associated earthworks on land to the north of Keepers Crescent and Daisy Bank Drive, St Georges.
- 1.2 A S106 agreement is proposed to provide £16,500 to improve the existing play area within the site to an adoptable standard, with a £30,000 commuted sum for its maintenance by the Council.
- 1.3 The development would provide 11 no. 2 bedroom and 29 no. 3 bedroom open market dwellings. The two storey properties would be constructed with Weinerberger Tuscan Red Multi red brick, slate grey roof tiles and UPVC windows. The development would include a mix of styles in the form of terraces, semi-detached, link detached and detached properties. A number of the properties have the benefit of detached or integral garages, with all having two off-street parking spaces. Private gardens are available to the rear of properties.
- 1.4 The application is accompanied by a Design and Access Statement, Viability Appraisal, Coal Mining Risk Assessment, Ground Investigation Report, Preliminary Ecological Statement, Management Statement, Floor Risk Assessment and a Tree Report.

2. SITE AND SURROUNDINGS

- 2.1 The site is located to the north of St. Georges, approximately 2.7km to the north east of Telford. Local shops, schools other local facilities are available within St. Georges as well as within the neighbouring Donnington, Oakengates and Priorslee.
- 2.2 The site measures 1.19 hectares and is currently vacant grass with an existing play area to the south east corner. The topography of the site is sloping with falls from east to west and also from south to north, sloping more steeply towards the north western corner.
- 2.3 The site is accessed from Redhill Way to the east, the road from this also provides access to the nearby commercial/industrial estate and the existing residential development off Daisy Bank Drive. The site is separated from Redhill Way by a steeply sloping bank, with the site sitting significantly higher. This land is defined as Green Network, however, the proposed development will not encroach upon this.
- 2.4 Daisy Bank Drive is located to the west of the site with Keepers Crescent to the south, both fronted by existing residential properties. All properties within the vicinity are two storey in height. Architectural form is repetitive and typical of the late 1980s and early 1990s with brown UPVC windows and a dominant use of traditional red brick and grey/brown tile. This existing development is also characterised by a series of cul-de-sacs which are accessed from Daisy Bank Drive with the majority being semi-detached properties. Properties have individual off-street parking in the curtilage, which is prominent along Daisy Bank drive. To the north of the site is a steep bank containing a variety of woodland and overgrown vegetation. This area also contains a mineshaft, within the Coal Authority's Development High risk Area, with the off-set encroaching marginally into the site.

3. RELEVANT PLANNING HISTORY

- 3.1 TWC/2012/0865: Erection of 35 no. affordable dwellings with associated works. Withdrawn 28/04/2015.
- 3.2 W2005/1077: Residential development (Outline). Outline granted 06/12/2007.

4. PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS1 Homes
CS3 Telford
CS9 Accessibility and Social Inclusion
CS15 Urban Design

- 4.3 Wrekin Local Plan:
 - H6 Windfall Sites in Telford and Newport
 - EH14 Land Stability
 - UD2 Design Criteria
 - OL11 Woodland and Trees
 - H23 Affordable Housing
 - LR6 Developer Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

- 4.4 Telford and Wrekin Local Plan (Publication Version):
 - SP1 Telford
 - SP4 Presumption in favour of sustainable development
 - HO1: Housing requirement
 - BE 1 Design Criteria
 - NE1 Biodiversity and geodiversity
 - NE2 Trees, hedgerows and woodlands
 - BE9 Land stability

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 St. George's and Priorslee Parish Council: Support

- 5.2 Drainage: Support subject to conditions
Condition to require a foul and surface water drainage scheme to include a Sustainable Urban Drainage Management plan, further modelling information relating to the Local Flood Risk Management Strategy and surface water run off restrictions.

- 5.3 Highways: Comment
Following the receipt of revised plans no objection to the proposal.
Recommend conditions requiring full construction details of the new roads, footways etc. to be submitted for approval. The areas for parking, loading, unloading, as well as the visibility splays for plot 1, shall be provided.

- 5.4 Parks and Open Space: Comment
Comments regarding the detail of the landscaping and public open space, and also the state/future adoption of the play area on site.

- 5.5 Ecology: Support subject to conditions
Conditions suggested requiring details of artificial nesting/roosting boxes and alighting plan, as well as an informative regarding nesting wild birds.

- 5.6 Environmental Health: Support subject to conditions
Considered submitted Noise Assessment report, which details that part of the development will be working towards an amenity level of 55dB LAeq. The report also details the different types of glazing and ventilation that could be used as mitigation. A suitably worded condition should require the submission of a mitigation plan for approval. This plan should include details of; the site

layout, details of the specific acoustic glazing and ventilation to be installed and fence location, height and density.

5.7 Arboricultural: Comment

If consent is afforded to the proposal conditions recommended to require protective fencing and a landscaping and maintenance plan. This shall include details of additional trees to be planted along the Daisy Bank Drive frontage, as agreed with the applicant's Landscape Architect.

5.8 Education: Comment

Given the number and type of dwellings contribution towards primary education facilities in the vicinity of the development would be required. However, education officers are aware of the viability issues with the site and do not consider that a refusal on the grounds of no education contribution being provided could be supported at appeal.

5.9 Affordable Housing: Comment

The provision of four affordable homes (10%) is below the Council's policy requirement. The four affordable homes to be provided should be for affordable rent and transferred to an appropriated Registered Provider.

5.10 The Coal Authority: No objection

On the basis that the site layout has been informed by the presence of the mine entries and that in the opinion of the competent person; the development stand-off is sufficient to ensure that any collapse would not impact on the proposed buildings, The Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has now been adequately investigated. Therefore have no objection to this planning application based of the aforementioned details.

5.11 Shropshire Fire Service: Comment

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

5.12 West Mercia Police: Comment

Comments made in respect of crime prevention, including blank gable ends, site permeability, position of car parking outside front entrances and clearly defined areas of vegetation.

Neighbour consultation responses

- 5.13 Following consultation with neighbouring residents no letters of representation have been received.

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
- Impact on character and appearance of the area
- Impact on living conditions of neighbouring properties
- Access and highway safety
- Ground conditions and contamination
- Ecology
- Trees
- Section 106 contributions

Principle of development

6.2 The site is allocated within the Wrekin Local Plan (WLP) as an area committed for development over 1 hectare. Although now expired, the site has previously been granted outline consent for residential development (W2005/1077). Core Strategy (CS) Policy CS3 states that Telford will be the location for the overwhelming majority of new homes. Similarly, Telford and Wrekin Local Plan (TWLP) Policy SP1 advises that Telford will be the principal focus for growth to meet the borough's housing development needs. CS Policy CS9 also aims to improve inclusion and accessibility by making sure that everyone is afforded the opportunity to access homes, work, shops and other key services. Finally, the National Planning Policy Framework (NPPF) and TWLP Policy SP4 both advise that there will be a presumption in favour of sustainable development.

6.3 The site is located within the built up area of Telford and is within walking distances of shops, services, facilities and job opportunities. Officers therefore have no objection in principle to the application subject to the consideration of other materials matters as follows.

Impact on the character and appearance of the area

6.4 The site has been designed to take account of the constraints, including the mineshaft off-set, the site topography, ground conditions, drainage requirements and a 20m easement to the existing play area. At the request of officers the design has been amended to improve the overall appearance of the scheme, most notably the re-positioning of a dwelling orientated to face the end of the new internal road.

6.5 The proposed layout demonstrates a strong continuous street frontage along Daisy Bank Drive which also responds to the site's topography, following the increase in land level along the road where plots 1-10 are located. This would reflect the dwellings opposite. The proposed dwellings vary in their design, with a mix of house types with semi-detached and detached properties along the street frontage and throughout the site. Again, officers consider that this responds positively to the context. The corner of the site adjacent to the entrance to Daisy Bank Drive remains open to allow for the Sustainable Urban Drainage (SUDs), the first house encountered benefits from a dual aspect, avoiding any blank elevations to either of the two roads. The use of dual aspect properties is continued throughout the development for corner plots.

6.6 Officers are satisfied that the site can adequately accommodate the number of dwellings in the layout proposed, at a density of 34 dwellings per hectare.

The design and appearance of the dwellings are appropriate and would respect and respond positively to the context. Materials are proposed to reflect the existing dwellings in the area, however, conditions will require the submission and approval of specific materials to be used.

- 6.7 The play area has been re-designed with the involvement of the Parks and Open Space (POS) Officer with a S106 to secure funding for these works and its adoption by the Council. This upgrade is welcomed as the play area is in a state of disrepair and as a result is often locked and not available for use by existing local residents.
- 6.8 It is therefore concluded that there would be no conflict with saved Wrekin Local Plan Policies H6 and UD2, Core Strategy Policies CS 1 and CS 15, and Telford & Wrekin Local Plan (2031) Policies SP1, SP4 and BE1. These policies seek appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

Impact on the living conditions of neighbours and future occupants

- 6.9 Exiting residential properties adjacent to the site are located on the opposite side of Daisy Bank Drive and Keepers Crescent, with the closest relationship being approximately 17m. There are no properties directly abutting the site boundary and no representations have been received from neighbouring residents. Officers are therefore satisfied that the proposal would not have an unacceptable impact on neighbouring properties through loss of light and privacy, or the creation of an overbearing structure.
- 6.10 With regard to the impact on future occupants, a Noise Assessment has been submitted to assess the existing noise environment on site, specifically with regard to the traffic flow on Redhill Way to the east. The report details the different types of glazing and ventilation that could be used as mitigation. The Council's Environmental Health (EH) Officer has considered the report and is in support of the application subject to a condition. This will require of the submission of a mitigation plan and details of acoustic glazing and ventilation, as well as fence locations, heights and densities. This will accordingly be applied to any grant of permission and, with this in place, officers are satisfied that the future occupants of the scheme would not be unduly impacted by noise.
- 6.11 The future occupiers of the individual dwellings would be served by ample private rear garden areas.

Access and highway safety

- 6.12 The site is accessed via Keepers Crescent to the south with the access point into the site taken adjacent to the existing play area. Highways officers requested amendments to the scheme to ensure the necessary visibility was provided. Revised plans have been submitted and Highways Officers now have no objections to the proposal subject to the conditions outlined above in the responses section.

- 6.13 The Council's Highways Officer is satisfied that the total number of car parking spaces would be acceptable to serve this development.
- 6.14 Accordingly there is no objection to the application in respect of access or highway safety.

Ground conditions and contamination

- 6.15 The Ground Investigation Report identifies that the ground conditions on the site comprise deep Made Ground comprising Colliery Spoil and backfill to a former pond, underlain by the Hadley Formation of the Upper to Middle Coal Measures. Once a design for the slope stability and foundations has been finalised the report recommends that a programme of earthworks testing and assessment is carried out to classify the suitability of the materials for re-use on site as engineered fill. With this conditioned accordingly officers are therefore satisfied that the development would meet the requirements of WLP Policy EH14 and TWLP Policy BE9.
- 6.16 The report also advises that there are no land contamination issues with the site.

Ecology

- 6.17 The application is accompanied by a Preliminary Ecological Report. The report identifies that the site comprises of poor semi-improved grassland with immature trees, scrub and a ditch section. The site boundaries are broadleaved woodland on the north and east boundaries and there is a single species poor hedge on the site. It also identifies that none of the trees on the site have potential for roosting bats, but there is potential for bats to be foraging and commuting in the wider environment. Three ponds and the ditch section are identified within 250m of the development, and an assessment of these concluded that there is negligible potential for great crested newts to be present on the site and that further surveys for the species are not required. The site does not contain suitable habitat for reptile species and there was no evidence of badgers on site.
- 6.18 The Council's Ecology officer has considered the submitted report and raises no objection to the application subject to conditions and informatives as outlined above in the responses section of this report.

Trees

- 6.19 The Council's Arboricultural Officer has raised no objection to the application, and welcomes the intention to plant further trees along Daisy Bank Drive. Details of these will be conditioned as part of the landscaping and management plan, with a further condition to require tree protection measures.

Section 106 contributions

- 6.20 The application originally proposed education, play space maintenance and public open space maintenance contributions, as well as the provision of four affordable housing units on site. However, during the process of the application the applicant has submitted a Viability Appraisal identifying

significantly increased engineering costs due to unforeseen ground conditions.

- 6.21 The Viability Appraisal demonstrates a number of scenarios providing individual and combinations of contributions. The Development Delivery Group Specialist is satisfied that the appraisal is an accurate assessment of the costs, and identified that the development would be in a significant deficit providing the any of the contributions and affordable housing.
- 6.22 The NPPF states that the pursuit of sustainable development requires careful attention to be paid to viability and costs in decision making. Further Government guidance is contained in the Planning Practice Guidance that states that Local Planning Authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make the site unviable. The PPG also states that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. Contributions should not be sought without regard to individual scheme viability.
- 6.23 It was concluded that there wouldn't be a strong enough case to refuse permission for a scheme without any contributions, although officers considered that the upgrade and adoption of the play area was a key issue for the site. The play area is in a bad state of repair and consequently has been locked and unavailable by existing residents for use for some time. Allowing the development without securing funding for this was felt would be a missed opportunity, to the detriment of both existing and future residents. The Parks and Open Spaces Officer outlined that a sum of £16,500 would be required to improve the existing play area up to an adoptable standard, and a £30,000 commuted sum for its maintenance by the Council. Through negotiations with the applicant it was agreed to meet this requirement, despite it still resulting in a deficit for the scheme.
- 6.24 Education Officers advised that there are a limited number of school spaces available within a 2 mile radius, and therefore requested £36,000 to improve facilities at St. Georges School. However, they considered that it would be difficult to present an argument that the application should be refused on the grounds of not providing any education contribution, as there would be spaces available within the borough outside of this preferred radius. Furthermore, there are other schemes in the wider area which could provide funding as well as the Miller Homes development in Priorslee, with a resolution from committee to grant, which includes a new school. While the availability of spaces at this school for future residents of this application would depend on the timing, it does provide a potential alternative. The discussions with the Education officer therefore concluded that the lack of an education contribution would not be sufficient grounds to refuse the application. It would also not be considered by officers to be CIL compliant.
- 6.25 With regard to affordable housing only a limited number was proposed, the four units on the site would only provide 10%, therefore less than the 38%

affordable requirement within WLP Policy H23. The complete loss of these units, while not ideal, would not be a basis on which to refuse this application, especially in light of the evidence provided in the Viability Appraisal.

- 6.26 Public open space maintenance is now proposed to be dealt with by the applicant through a private management company.
- 6.27 A S106 agreement would therefore secure £16,500 for improvement of the existing play area and a £30,000 commuted sum for ongoing maintenance. This meets the three tests of Regulation 122 of the CIL Regulations that a Planning Obligation must meet in order for it to be lawful:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 6.28 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.
- 6.29 Despite the limited offer of planning obligations, the opportunity to secure development on a site, together with the improvement and maintenance of the play area and an increase in the Borough’s housing supply income creating Council Tax and New Homes Bonus income, weigh in favour of the proposal. This position is supported by the Viability Appraisal. It is therefore considered that this development complies with the requirements of WLP Policy LR6.

Other matters

- 6.30 Drainage Officers have considered the application and are in support subject to the conditions outlined above in the consultation responses section.
- 6.31 The Coal Authority has considered the Mining Risk Assessment and has raised no objection.
- 6.32 West Mercia Police have made comments regarding crime prevention. The design and Access Statement advises that, in terms of secured by design, the layout maximises the opportunity for natural surveillance to all external aspects. The design of landscaping and boundary treatments provides defensible space within the site and clearly identifies public, semi-public and private domains. The scheme incorporates a number the Police recommended features, such as car parking outside entrances to individual properties, dual aspect dwellings to avoid blank gable ends and overlooking towards the play area.
- 6.33 All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

7 CONCLUSIONS

- 7.1 The principle of the development of 40 dwellings is supported in this sustainable location. The siting, design and appearance is considered to be appropriate and would respect the context and character of the area. The proposal would also have an acceptable relationship with neighbouring properties and the amenity for future occupants in respect of noise has been appropriately assessed. With appropriate conditions, matters relating to highways, drainage, site stability, ecology and trees are also to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. A financial contribution will be provided to upgrade and maintain the existing play area, to the benefit of existing and future residents. The application is therefore in accordance with Wrekin Local Plan, Core Strategy and Telford and Wrekin Local Plan policies and guidance within the National Planning Policy Framework.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation is for DELEGATED AUTHORITY to be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

C) The Applicant entering in to a Section 106 Agreement with the Local Authority for provision of:

- £16,500 for the improvement of the existing play area off Keepers Crescent.
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- All costs to be index linked.

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16. A04 Time limit full
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