

TWC/2018/0601

Lawley Phases 5 & 9, Lawley, Telford, Shropshire

Reserved matters application for the erection of 362no. dwellings with access, appearance, landscaping, layout and scale pursuant to outline application

TWC/2010/0828 ***ADDITIONAL INFORMATION RECEIVED IN RESPECT OF:
LAND STABILITY, COAL MINING, PRELIMINARY ECOLOGICAL APPRAISAL,
LAYOUT REVISION, PARKING REVISION AND AFFORDABLE HOUSING
PLOTS***

APPLICANT

Lawley Village Developer Group,

RECEIVED

20/07/2018

PARISH

Lawley and Overdale

WARD

Ketley and Overdale

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF LAWLEY AND OVERDALE PARISH COUNCIL

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT RESERVED MATTERS subject to Condition(s) and Informative(s).

2. APPLICATION SITE

- 2.1 The site lies to the west of Telford Town Centre adjacent to the newly developed Lawley Centre at the foot of West Centre Way.
- 2.2 This 13.94 hectare site lies within the redline application boundary for the Lawley SUE. The land is part restored open cast coal site that was operational up until 1990. The land is now fields and has been subject to horse grazing. The land slopes down towards existing development (part of Phase 3) around the Lawley Centre to the west of the site. Phase 9 covers a site area of 11.6 hectares and Phase 5 covers an area of 2.34 hectares. There are no buildings on site at present.
- 2.3 Phase 5 bounds Marlborough Way to the north, Newdale Primary School to the east, Phase 9 to the south (separated by the Wrekin Way) and woodland, and woodland to the east.
- 2.4 Phase 9 bounds Phase 5 to the north, existing residential dwellings at The Rock to the east, West Centre Way to the south and existing residential dwellings at Davenham Walk and Churchward Drive to the west.
- 2.5 The site has a marked slope in a westerly direction with a fall of approximately 18 metres from the most easterly boundary to the furthest westerly boundary. It is largely open across the centre of the site, with hedges and visually prominent copses of trees around the eastern boundary with several others visible within the northern area of Phase 9.

3. APPLICATION DETAILS

- 3.1 This is a Reserved Matters application for Phases 5 and 9 of Lawley Sustainable Urban Extension (Lawley SUE) for the erection of 362No. dwellings and formation of new accesses onto West Centre Way (Phase 9) and Marlborough Way (Phase 5). The application is pursuant to Outline Planning ref.: W2004/0980 (amended by TWC/2010/0828).
- 3.2 Phase 9 is the larger of the two Phases and will accommodate 316No. dwellings and all of the affordable dwellings, with the smaller Phase 5 accommodating 46No. dwellings. The Phases are separated from each other by the Wrekin Way Footpath, which will be bridged to provide a link for vehicles and pedestrians. This link will be subject to a traffic calming feature. The site is on sloping land with an 18 metre fall in levels across the site. The highest parts of the site lie along the eastern edges. Both Phases are to be developed by Barratt Homes (West Midlands) and Persimmon Homes (West Midlands) (incl. Charles Church).
- 3.3 Lawley SUE comprises circa. 3,300 dwellings, employment, commercial and leisure facilities, a new Primary School and associated recreational space and landscaping and is being built out in phases over some 20 years (albeit not in numerical Phase order) - the Outline Consent for the whole SUE having been approved in 2005. The Lawley SUE Development Framework 'Masterplan' as part of the Outline Consent shows the areas of the various Phases. Phases 1a, 1b, 2 (Lawley Square and associated retail units), 3, 4 and 6 have been completed with Phases 7 and 8 under construction and partially occupied. An Extra Care home has been built opposite Lawley Square and is now occupied. To-date, circa. 2,000 dwellings have been built or are under construction, as has Lawley Square and the associated retail units, Morrison's supermarket and a children's nursery. The new Lawley primary school has been completed and is operational.
- 3.4 Phases 5 and 9 will provide an overall housing mix of 65No. x 2-bed, 163No. x 3-bed, 102No. x 4-bed and 32No. x 5-bed units. Of these. there will be marginally over 12% Affordable Housing provision (or 44No. dwellings) comprising 35No. x 2-bed and 9No. x 3-bed units. There will be a mix of house types (terraces, semis, detached) mainly two-storeys with some two and a half units. Barratt Homes will deliver a total of 196No. dwellings and Persimmon will deliver a total of 166No. dwellings, 46No. of which will be their Charles Church house types comprising the whole of Phase 5.
- 3.5 The pair of Phases have been designed to have distinct characters, Phase 5 being solely comprised of detached dwellings of a lower density and Phase 9 having a mix of detached, semi-detached and terraced dwellings. The development will retain or re-route existing footpath links into other parts of the wider Lawley development and these will lead through landscaped areas. The site will include attenuation ponds and a significant amount of green space within and around the edges of the development. It is proposed to remove the majority of the existing trees that line the south eastern, eastern and north eastern edges of the site. The reason provided by the applicant

being the necessity to level parts of the site due to its sloping nature through a system of cut and fill in order to create a developable platform. The eastern parts of the site are steepest and there is a requirement to install a retaining wall structure where trees currently exist to stabilise the site. The retaining wall would be approximately 450 metres in length and would vary in height from 2 up to 8 metres. A second retaining wall is proposed around the attenuation pond that would be adjacent to Davenham Walk and Chuchward Drive. No details have been provided on the height of this wall.

3.6 This Reserved Matters application has also been prepared in general accordance with the Lawley Design Codes. As part of the Outline Consent, a Development Framework Plan and a set of Design Codes were prepared and approved that set down the principles of the layout and design of Lawley SUE, with the intention that each Reserved Matters application should follow it. In 2014, the three key stakeholders (the former Homes and Communities Agency (HCA), Telford and Wrekin Council, and the consortium of three national house builders - Taylor Wimpey, Barratt Homes and Persimmon (known as the Lawley Village Developer Group)) agreed to initiate a review of the Design Codes which was chaired by HCA with MADE commissioned as the independent review body. Whilst MADE advised that the development delivered to date created a high quality built environment, they considered there was a need to create:

- A more distinctive street hierarchy - as many routes appeared similar even though they were intended to be different;
- The need for greener streets - with more landscaping to be featured and positively integrated;
- Better connectivity - and the restriction of private drives and cul-de-sacs;
- Increase the range of parking options - to include greater use of on plot parking and integral garages and a reduction of rear parking courts.

These points were subsequently discussed at a series of pre-application design meetings and Stakeholder Workshops with a view to using this information to improve subsequent phases.

3.7 The 2015 Reserved Matters consent for Phase 8, ref.: TWC/2015/0233 followed the new design philosophy and the current proposal follows suit. The variations from the Codes featured in Phases 5 and 9 are discussed in further detail later within this report.

3.8 The Outline Consent was the subject of an Environmental Impact Assessment under the then Town and Country Planning (Environmental Impact Assessments) Regulations 1999. The Environmental Statement helped shape the Development Framework and the overall design concept of the Lawley SUE so that areas of ecological importance have been retained as open space and new development directed to less sensitive areas. The impacts were fully assessed by the LPA and the conclusions reached were that any outstanding environmental effects can be satisfactorily mitigated with the use of planning conditions.

- 3.9 Junction improvements to the M54 have already been undertaken and new road infrastructure installed to accommodate the traffic requirements of the entire Lawley development.

4. RELEVANT PLANNING HISTORY

- 4.1 There is an extensive planning history relating to the Lawley development, the most relevant for the purposes of this particular application being:
- 4.2 W2004/0980 - Outline Planning Permission to include access for Lawley Sustainable Urban extension comprising of 3300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping - Outline Granted 21 October 2005
- 4.3 TWC/2010/0828 - Variation of Conditions on Outline Application W2004/0981 with regards to timing of works to motorway junction improvements - Outline Granted with Amended Decision Notice 13 December 2011
- 4.4 TWC/2018/0346 - Carry out of engineering/enabling works including re-profiling of land to facilitate residential development and involving the importation of materials from other phases of the Lawley Sustainable Urban Village Development – Pending Consideration

5. RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF), July 2018 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.
- 5.2 Telford & Wrekin Local Plan 2011-2031:

- SP1 Telford Spatial Strategy
- SP4 Presumption in Favour of Sustainable Development
- HO1 Housing Requirement
- HO2 Housing Site Allocations
- HO3 Housing Trajectory
- HO4 Housing Mix
- HO5 Affordable Housing Thresholds and Percentages
- HO6 Delivery of Affordable Housing
- NE1 Biodiversity and Geodiversity
- NE2 Trees, Hedgerows and Woodlands
- NE4 Provision of Public Open Space
- NE5 Management and Maintenance of Public Open Space
- NE6 Green Network
- C1 Promoting Alternatives to the Car
- C3 Impact of Development on Highways
- C4 Design of Roads and Streets
- C5 Design of Parking
- BE1 Design Criteria

BE9 Land Stability
BE10 Land Contamination
ER8 Waste Planning for Residential Developments
ER11 Sewerage Systems and Water Quality
ER12 Flood Risk Management

5.3 Lawley Design Code and associated Addendum

6. NEIGHBOUR REPRESENTATIONS

6.1 46No. letters of **objection** were received originally with a further 6No. letters of **objection** received upon re-consultation making the following observations:

Loss of Tree Belt and Impact on Landscape

- Loss of trees and hedgerow on the eastern and southern edges and associated effect on biodiversity;
- Previous Council assurances that the Woodland Corridor would be retained;
- Note a Condition of the original development approval that trees had to be planted to serve as a buffer between the existing dwellings and new developments;
- Tree Retention and Removal Plan contradicts the Preliminary Ecological Appraisal, September 2017;
- Retention of the existing woodland would in part mitigate against neighbouring amenity in respect of significant levels of noise, air and light pollution from the construction site;
- Contrary to Telford Council's Policies to preserve green spaces;
- Arboricultural Impact Assessment (AIA) and Method Statement state that trees within the site making a contribution to the character and appearance of the locality;
- Layout should be amended retaining trees bordering Teawell Close, Wains Close and The Rock as untouched, preserving residential amenity and ecology;
- Suggestion of replacement Tree Planting is of no consequence;
- Green Space surrounding the Rock is intrinsic to the character of the site and its loss will adversely affect its historic character;
- Green Corridor to the east/south-east of the site are all identified as Category B Trees.

Highways

- Traffic has increased significantly over the past year;
- Proposed development does not enhance local or strategic walking and cycling routes;
- Lack of evidence to demonstrate securing Public Transport services which will be conveniently routed for new residents and visitors;

- Applicant has not provided evidence of the cumulative impact of the development and has not undertaken a Transport Statement.

Amenity

- Lawley (and surrounding areas) are already over-populated (Schools/GP surgery are struggling to cope with demand);
- Council need to look at increasing houses in other areas and leave Lawley alone;
- There has already been far more than previously planned residential development as the bottom of Lawley Bank which was originally envisaged;
- Green Corridor provides a buffer between existing houses and new development which will partially mitigate the additional air, noise and light pollution triggered by the site both during construction and on completion;
- Detailed soft landscaping proposals submitted by the developer do not protect, maintain or enhance the public open space;
- Object to further development until previous Phases are completed;
- Bordering houses of Teawell Close previously suffered regular damage caused by the strong winds caused by the landscape - the suggested removal of these barriers will result in significant, and potentially increased, damage to the properties.

Drainage and Land Stability

- During 2002, previously advised that the development area would be unsuitable for development – evidenced by existing subsidence;
- Further building may create an even bigger problem without adequate drainage around properties;
- Query why attenuation pool have not formed part of previous applications;
- Note the ground structure being of a man-made semi-watery clay, down to a level of over 2 metres;
- Proposed land is only suitable for the grazing of horses.

Design and Layout

- Barratt development has bin collection points on what appears to be private roads, not accessible to standard sized waste collection vehicles;
- Parking to the rear of Plots 57-63 (Persimmon) is remote and disconnected from the houses, encouraging anti-social behaviour;
- Occupiers of these plots are expected to park and walk over 60 metres from parking space to front door, encouraging owners to park on the road at Churchward Drive, causing obstruction to existing occupants and block access;
- Plot 56 is a standard mid run house with no dual aspect - the blank gable to Churchward Drive having an adverse effect on the current street scene;

- The pathway between Plots 61-62 should be designed out as this will encourage anti-social behaviour and possible risk to property;
- Parking associated with Plots 57-64 should be redesigned, noting the arrangement of housing is not in-keeping with existing urban form of Churchward Drive. Plots sit considerably higher than the existing housing on Churchward Drive;
- No refuse collection points, encouraging unsightly bins to be left on the street which is not visually attractive and will attract pests;
- Attenuation Pond serving Phase 5 has no over-looking from new and existing residents (anti-social behaviour and potential risk to life);
- Development turns its back on Attenuation Pond when this is a feature to be celebrated for its ecological value.

Ecology

- Ecological Assessment should be included unable to assess compliance with current Legislation;
- Contrary to Policy NE1 due to the planned absolute removal of the green corridor to the east and south east of the site (bordering Teawell Close, Wains Close and The Rock);
- Ecological Appraisal makes a number of recommendations which do not appear to have been addressed:
 - (i) Additional Preliminary Roost Assessment Surveys undertaken of the two mature Oak Trees;
 - (ii) Length of hedgerow removed should be kept to a minimum;
 - (iii) Reptile Surveys should be undertaken;
 - (iv) Winter Bird Surveys should be undertaken monthly (November to February) and Breeding Bird Surveys completed monthly (March to June).
- Retention of Tree Belt, used by local residents for recreation would contribute to a rounded education for children experiencing nature and of benefit to the wellbeing of local people;
- Plans to remove the woodland are approved would decimate wildlife.

Affordable Housing

- Local Plan requires 25% Affordable Housing on developments within Telford. The Persimmon development is only providing 11% Affordable Plots and the Barratt development 13% and the combined development 12% in total;
- Affordable Housing is not pepper-potted around the site - no Affordable Housing available in the Charles Church development or to the Northern parcel;
- Affordable Housing is not appropriately dispersed, nor tenure blind.

7. STATUTORY REPRESENTATIONS

7.1 Lawley and Overdale Parish Council: **Object**:

The Parish Council have submitted a Call-In Notice to ensure this application is formally heard at TWC Planning Committee for the following reasons:

- Highways Issues, in particular unacceptable impact of additional traffic on the local road network and the Primary School;
- Impact upon Public Rights of Way, noting 5 well used PRow's and long established PRow's directly affected by the proposals, including the Wrekin Way. Four PRow's are not referenced within the supporting documentation (2No. being designated safer routes to school and 2No. being main pedestrian routes to Lawley Square from The Rock);
- No community facility has yet been provided within the Lawley Development;
- Insufficient and contradictory information submitted regarding the number of trees affected;
- Site Investigation Reports accompanying the application in respect of Ground Conditions are over 6 years old and the site requires further investigation;
- Insufficient and out of date information provided in respect of Ecology;
- Conflict with Telford & Wrekin Local Plan 2011-2031 Policies C3, NE2, COM1 and BE9.

7.2 Highways: **Support**: subject to Conditions

This development already has outline approval under the Lawley Sustainable Urban Extension consent and it has to be remembered that this current application is Reserved Matters in nature; in that access principles, connections and street hierarchy have already been set in the Lawley Design Code and its subsequent Addendum document. These documents clearly show the provision of a 'Neighbourhood Street' linking West Centre Way to Marlborough Way and this application is consistent with these already approved details. The Public Rights of Way affected by the proposal can be effectively re-routed as part of a separate process.

7.3 Urban Design: No comments received

7.4 Arboricultural Officer: **Object**:

- No information on effect of retaining wall on retained or replaced trees and the future management;
- Removal of significant buffer to the east of the development;
- RPZ breaches of several trees no dig details are not sufficient in relation to T58;
- Level changes and drainage impact has not been detailed in relation to remaining trees and the retaining wall;
- Plans for the retaining wall don't match and there has been no impact assessment of the remaining trees.

7.5 TWC Healthy Spaces: Comment:

- The Planning Statement states there is supporting evidence of an Open Space Management Plan provided with the application, however this appears to have been omitted. As the future stewardship of previous phases has not been concluded/agreed the proposed future management of these POS areas needs to be agreed - request a Condition to provide a long term landscape management plan which identifies what areas are covered, how it is to be managed, who is to manage it and how this is to be funded. The reason for this is that should these areas be proposed for adoption by the council, a commuted sum for maintenance would be required. If this sum cannot be agreed then the POS is without confirmed stewardship. The Trust have declined to maintain large POS areas (usually maintain small landscaped areas / courtyards) on other phases, so this may negate an alternative option for funding maintenance. As such, the POS areas have an unclear future with some high cost maintenance features (e.g. flagged footpaths) and which could be addressed by changing landscape plans to a cheaper to maintain alternative should a commuted sum not be agreed on the current proposed design. The Management Plan should identify how some difficult to maintain features are to be carried out such as the thin grassed areas between the retaining wall and properties (as well as the retaining wall itself).
- Specific comments on the detailed landscaping which need to be addressed are, requiring an Amended Landscape Plan to be Conditioned to address these:
 1. There needs to be significantly less trees located in the area around the dry attenuation pond to open up views into the surrounding area below including the nearby play area (shown on plan LS-06 Rev C);
 2. There is no detail of the retaining wall;
 3. Drainage plans shows a footpath connection over the retaining wall (although this does not appear to be connected to any other footpaths), but this is not identified in any other plans;
 4. The detail of the footpath link by plot B140 is unclear;
 5. The detail on the hard landscaping plan LS-16 Rev C shows the footpath disappearing before it meets its connection to the Lichgate.

7.6 Council's Ecologist: **Support:** subject to Conditions

7.7 TWC Housing Team: **Object:**

The total number of proposed dwellings is 362No. with the total number of affordable homes to be provided being 44No. equating to 12% affordable housing provision on site. Of these 44No. Affordable Homes, 35No. will be 2-bed (80%) and 9No. will be 3-bed (20%). A more even mix of dwelling types has been previously requested. Phase 5 of the development contains no affordable homes whatsoever. It is noted that this is contrary to Policy HO6 of the Telford & Wrekin Local Plan which states that 'to support the delivery of socially mixed and balanced communities, affordable housing will be integrated across sites... ..unless it can be justified that this would be inappropriate. The distribution of dwellings across the site will be agreed by the Council.'

As previously requested, a full Affordable Housing schedule has not been provided. While the respective floor plans have been submitted, the format of the information provided means that it is difficult to determine the internal floor areas of the individual affordable dwelling types. It is therefore not possible to determine whether these are acceptable. It is also not clear what proportion of the affordable dwellings are to be for rent or shared ownership, nor their house type nor plot number. This information should be provided and agreed before this application is determined.

Policy HO6 states that '... the tenure split within the Affordable Housing to be provided will reflect local needs and circumstances.' The Affordable Homes are still provided in five clusters (6, 8, 9, 10 and 11). Whereby it has previously been requested that the preference is for Affordable Housing be provided in clusters of no more than 6 to 8 Affordable Homes.

7.8 Drainage: **Support:** subject to Conditions in respect of detailed Attenuation Scheme, submission of Ownership Details and proposed Attenuation Basins submission (Conditions on the Outline Consent remain applicable)

7.9 Highways England: **No comment:**

The principle of the development has been agreed in support of the Outline Planning Application. The Reserved Matters Application is related to matters internal to the site and no comment is therefore made.

7.10 The Coal Authority: **Support:** subject to Ground Investigation Conditions

7.11 Shropshire Council Archaeology: **No comment**

7.12 Shropshire Fire Service: **No objection:** subject to a Fire Safety Informative

7.13 West Mercia Police: **No comment**

8. PLANNING CONSIDERATIONS

8.1 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:

- Principle of Development
- Design Issues
- Residential Amenity
- Highway Safety and Access
- Impact upon Arboriculture and Landscaping Issues
- Impact upon Ecology
- Drainage and Flood Risk
- Affordable Housing
- Geotechnics and Land Stability
- Other Matters

8.2 Principle of Development

8.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Council has an up-to-date Local Plan that was adopted as recently as January 2018.

8.2.2 In July 2018, the revised National Planning Policy Framework (NPPF) was introduced and reasserted the Government's commitment to a Presumption in Favour of Sustainable Growth and Development. In terms of decision-making, this means approving developments that accord with the Development Plan 'without delay' and, where the Development Plan contains either no relevant policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

8.2.3 The NPPF does not change the statutory status of the Development Plan as the starting point for decision-making.

8.2.4 The revised NPPF is, however, a material consideration that needs to be given weight. Para. 12 of the Framework states that 'where a planning application conflicts with an up-to-date development plan permission should not usually be granted...local planning authorities may take decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the Plan should not be followed'. Section 70(2) of the Act provides that in determining applications the Local Planning Authority 'shall have regard to the provisions of the

Development Plan, so far as material to the application and to any other material considerations.'

- 8.2.5 The Development Plan consists of the adopted Telford and Wrekin Local Plan 2011-2031. The Development Plan for the Borough is up to date and consistent with the Framework. The Council is able to demonstrate a 5-year housing land supply which is sufficient to address the Framework's 5-year Housing Land Supply requirements.
- 8.2.6 The issue of principle, therefore, concerns the compatibility of the proposed development with the Planning Policy Framework and in particular, consideration of whether or not it constitutes Sustainable Development that should be granted planning permission. The proposed development will be considered against these policies in more detail in this section of the report, against each of the main issues listed above.
- 8.2.7 This Reserved Matters application for 362No. dwellings relates to Phases 5 and 9. The principle of housing development on these two Phases has already been approved and established by the grant of Outline Consent for the Lawley SUE back in 2005 (ref.: W2004/0980) and the acceptance that there would be a series of Reserved Matters applications as the development got built in Phases over the coming years.
- 8.2.8 The Council's current 5-year Housing Land Supply position (March 2018) has already taken account of the Lawley SUE as a 'commitment' and the phased timescale for building the 3,300 dwellings. Therefore members need not consider the 5-year housing land supply issue in relation to Lawley SUE and this Reserved Matters application.
- 8.2.9 The principle of residential development on this site is therefore considered to be acceptable.

8.3 Design Issues

- 8.3.2 The NPPF is particularly concerned with the impact that new development may have on the amenities of local residents. Amongst the core land-use planning principles that it embodies, those that affect this particular issue include the need to secure high quality design and a good standard of amenity for all existing and future residents. Section 12 of the NPPF is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design.
- 8.3.3 It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets,

which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings.

8.3.4 Policy BE1 of the Local Plan seeks to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should also be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment.

8.3.5 The Lawley Design Code and Addendum were prepared to provide additional detailed guidance to the development framework and set out a vision for the development to be built in a number of phases over a 20-year period. The Codes are mandatory and comprise four residential neighbourhoods, namely Newdale Valley, Newdale Village, Lawley Bank, and Newdale together with a new Local Centre provided at its heart. Phases 5 and 9 comprise Newdale Neighbourhood.

8.3.6 In order to guide development appropriately the Design Codes provide a statement for each neighbourhood, with Newdale envisaged as *'an unfolding townscape which sits dramatically on the steep terrain'* having *'great views towards the Wrekin...from both the open spaces and the dwellings [to] provide a sense of place in Telford. The east of Newdale is a continuation of the ridgeline which 'holds' all of the Lawley area. Existing 'green fingers' run counter to the contours as opposed to along the contours, and provide physical connections between the existing communities with the large open space in the [Newdale] valley. The view of the ridgelines will be one of buildings emerging from the tree canopy. All features must be respected in the design of developments...Newdale is less prescribed to allow greater freedom for innovation.'* The application proposes to significantly reduce the topography of Phase 9 through a programme of cut and fill earthworks. This would result in an extensive retaining wall measuring approximately 450 metres in length located along the eastern boundary of the site. At its maximum it would measure up to 8 metre in height. This extent of land remodelling would run contrary to the Design Code which encourages new development to respect land form features in the design of new development. Based on the detailed proposals submitted for this application it is likely that place-defining features such as a steep terrain and great views of the Wrekin will be diminished from what the Design Codes seek to achieve.

8.3.7 In considering any proposal for residential development, the Council typically expects development to be of an appropriate scale and be closely related to the existing built form. The details submitted provide a site layout divided into a number of character areas which provide a mix of housing types, providing variety in the street scene, with groups of dwellings either facing open space

on the edge or within the site, within cul-de-sacs or fronting onto the spine road. The Affordable Housing Units are shown distributed across the site in 5No. clusters.

- 8.3.8 The site is accessed from two points at the northern and southern ends and a third point on the western boundary which connects with Churchward Drive. The access/spine road runs southwards from Marlborough Way into the site and apart from two minor curves is a relatively direct route through the development with a traffic calming feature proposed for the bridge over Wrekin Way. The spine road serves a number of cul-de-sacs arranged east and west off the road. The density of the development varies from high to low in the different character areas. Informal open space is also provided mainly around the site edges.
- 8.3.9 The site layout provides for a living environment where each of the dwellings has the benefit of a private amenity area of a size considered acceptable to meet the needs of each dwelling. However, the 3No. Local Open Spaces identified for Newdale in the Design Code Addendum as key public realm have been omitted from the proposed site layout including Newdale Triangle which was intended as a Neighbourhood Park.
- 8.3.10 Adequate car parking for each unit is provided, the larger dwellings having the benefit of garaging and parking spaces within their curtilages. The smaller units have access to parking bays arranged along the property frontages and sides. In several locations across both Phases this results in a street scene where the cars will be visually dominant, which is normally considered contrary to good design practice. The dwelling types include a variety of 2-bed and 3-bed terraced and semi-detached dwellings, and 4-bed and 5-bed detached dwellings.
- 8.3.11 All house types incorporate a range of common architectural features including feature gable projections and oriel windows. Materials include a mix of brick, tile, timber weatherboard and green or cream-coloured render. The mix of materials is therefore considered to be acceptable subject to submission of material samples, secured by means of Condition.
- 8.3.12 The boundary treatments are indicated on the submitted plans, comprising a mix of brick walling, 1.8 metre close boarded fencing, neighbourhood street railings with hedging, and low shrub hedging within and around the site. The boundary treatments are considered acceptable and provide adequate division and privacy between dwellings.
- 8.3.13 One key feature of particular note is the retaining wall that will run for just under half a kilometre along the eastern boundary of the site. This feature is

proposed to enclose the site and provide a visual backdrop to the development. Due to the changing topography of the land, the retaining wall will be approximately 2 metres in height at the southern end of the eastern boundary, rising to approximately 8 metres in height at its highest. The proposed housing plots most detrimentally in respect of neighbouring amenity being B111 to B114 and B119 to B140.

8.3.14 Plots B111 to B114 would be enclosed to the side and rear by the retaining wall. The side elevation of Plot B111, a detached house, would be located approximately 1.7 metres from the retaining wall, which would be approximately 6.6 metres tall at that point. The retaining wall would then wrap around the rear garden of Plot B111 and the rear gardens of Plots B112 to B114. These 4No. rear gardens would face north and east. At its nearest point the retaining wall would stand approximately 1.5 metres from the nearest rear garden and at its furthest point no further than 15 metres away from the rear gardens serving Plots B111 to B114.

8.3.15 Plots B119 to B140 are all proposed to stand immediately in front of the retaining wall. This means the base of the retaining wall would abut the rear boundaries of each of these plots' rear gardens. The longest of these rear gardens is approximately 13 metres meaning that this distance would separate the rear elevation and principal windows of the dwelling in question from a retaining wall standing between 6 and 8 metres in height. The shortest of these gardens is less than 6.5 metres in length with the majority of Plots B119 to B140 having rear gardens that measure 11 metres in length or under - all these rear gardens face east.

8.3.16 Gardens which face north and/or east typically experience a reduced level of amenity due to limited sunlight and increased shading compared to gardens that face south and/or west. In the case of Plots B111 to B114 and Plots B119 to B140 the rear gardens face north and/or east but are also enclosed by a significant retaining wall, thus reducing the level of light and increasing the amount of overshadowing within the gardens even further. This would not result in an overly positive living environment and it should be noted and acknowledged that this element of the layout and design cannot be considered to make an overly positive contribution to the environment.

8.3.17 The height of dwellings situated in front of the retaining wall would range between approximately 7 and 8.3 metres depending on the house type. Therefore, the retaining wall would be visible above the roofscapes of these dwellings, and particularly visible above the roofline of detached garages and in the spaces between dwellings.

8.3.18 No details have been provided regarding the maintenance of the retaining wall. The plans indicate there would be no space between the rear boundaries of Plots B126 and B140 and the base of the retaining wall to allow access for maintenance – a Management Plan is proposed to be secured by means of Condition.

8.3.19 The northern attenuation pond is surrounded by several housing plots. Plots CC34 and CC33 are positioned with their rear elevations facing towards the pond and Plots CC24 and CC32 have their side elevations facing towards the pond. In urban design terms, this is not an overly-desirable layout as it creates a publicly accessible space which does not overly benefit from active frontages or natural surveillance. This can increase opportunities for anti-social behaviour or crime. The layout clearly show two accessible routes leading into the pond area, suggesting it is intended to be accessible to the community.

8.4 Residential Amenity

8.4.1 Local Plan Policy BE1 is concerned with ensuring new development proposals respects the amenity of existing residential properties and their occupiers. In this case, the properties most likely to be affected are those along the northern side on Marlborough Way, Bowland Close and Delamere Close. To the west is the recently developed housing on Churchward Drive and Davenham Walk, which are set lower down the hillside. To the east on elevated land are the dwellings along The Rock and Teawell Close. The new dwellings would maintain acceptable separation distances to all existing residential development and therefore the levels of privacy, outlook and light to be achieved are considered satisfactory.

8.4.2 Residents living to the east of Phase 9 on Teawell Close and The Rock have raised concern about the loss of trees inside the eastern boundary of the site. The application proposes the removal of a significant number of trees along this embankment in order to excavate the land and construct the retaining wall. This would have a significant visual impact upon the landscape. The Design Code Addendum identifies that in this location of Phase 9 'Green buffer space [will be] provided to create a positive relationship between new development fronting existing neighbourhoods.' The removal of trees proposed compromises this objective and potentially undermines the level of amenity currently experienced by residents on Teawell Close and The Rock. The applicant has proposed to retain trees on top of the retaining wall although the Arboricultural Officer has advised the works would compromise the Root Protection Zones to the extent that not all the trees would be likely to survive on top of the retained embankment, in conjunction with this it should be noted that were a suitable scheme to be provided by the applicant that

would allow the retention of trees on top of the retaining wall, this would further increase shading and reduce the amount of light being received into the gardens of dwellings located at the bottom of the wall.

8.5 Highway Safety and Access

- 8.5.1 Lawley SUE already benefits from Outline Consent and access principles and street hierarchy were agreed and established at the Outline Stage. The Council's Highways Engineer has confirmed this application is consistent with the details already approved.
- 8.5.2 In accordance with the Design Codes there is a Street Hierarchy so that the street network layout responds to the principles established in the Codes. Car movements and speeds are controlled by the design, and the grid layout is pedestrian and cycle friendly resulting in legible permeability throughout the development. Private drives, which were criticised on some previous phases for their impediment to permeability, have been reduced, and where they do exist they have been better designed to allow pedestrian movements along or around them.
- 8.5.3 The widest and most formal road is the main route through the development running as a central spine through the site linking Marlborough Way and West Central Way. The development will also link into Churchward Drive to the west providing reasonably direct and safe access to the retail and service uses in Lawley Centre. This road provides the main route for pedestrian and vehicular activity and is clearly defined by a carriageway and pavements as well as being tree-lined on both sides. The trees will be situated in a new landscaped verge to create a greener look and feel to the route. The street trees have been arranged to increase the level of enclosure to the road and reduce the visual impact of gaps in the streetscape created by introducing dedicated on plot parking and driveways, although a street lighting layout has not yet been received and the position of streetlights may prove to conflict with the position of street trees. Phase 9 will also have a new access point off West Central Way, which will be a prominent entrance point with houses and open space designed as a key gateway.
- 8.5.4 In relation to car parking, the Design Codes require an overall parking ratio of 1.5 spaces per dwelling. This has proved unworkable on some of the earlier Lawley phases, particularly with larger dwellings and has resulted in more on-street parking. Taking into account the findings of MADE and the developers' own experience when selling Plots, Phases 5 and 9 have sought to increase parking ratios for the dwellings as well as providing more on-plot parking, which reduces the need for rear parking courts and be likely to reduce problems of indiscriminate on street parking.
- 8.5.5 There are 3No. Public Rights of Way (PROWs) that cross the site currently and connect with each other: No's. 181, 177 and 17. The applicant proposes to re-route these footpaths to allow connectivity to be retained. The Council's Public Rights of Way Officer advises there are a number of options available

for achieving this that would be considered through a process which is outside the scope of this planning application.

8.6 Impact upon Arboriculture and Landscaping Issues

8.6.1 The site contains a substantial number of mature trees principally around the northern, eastern and southern boundary edges.

8.6.2 The NPPF places high value on the importance of enhancement of the natural environment, especially valued landscapes. It asserts that the aim should be to encourage the effective use of land by re-using land that has been previously developed where practical. That being the case, further advice within the NPPF iterates the importance of conserving the natural environment including retaining existing mature trees and protecting biodiversity interests.

8.6.3 A Landscape Master Plan has been submitted with the application setting out the overall strategy for the site. In summary, this involves:

- Removal of semi-mature trees and hedges around the eastern, south eastern and northern parts of Phase 9. Retain other existing vegetation wherever possible and ensure its protection during the proposed construction work using industry standard methods. This includes trees and hedgerows within and around certain parts of the site. Existing boundary vegetation will be supplemented by new planting at the edges of the site which will thicken green corridors of biodiversity value and provide additional screening;
- Standard size trees will be introduced along the spine road and streets to provide a more immediate sense of maturity to the vegetated structure at the centre of the development;
- Proposals are subject to a Management Plan in line with the Outline Consent.

8.6.4 The Arboricultural Officer has commented that trees along the eastern boundary indicate some traditional land boundaries and provide suitable natural screening and buffer for the existing dwellings off Rock Road and should be retained.

8.6.5 It is proposed that all trees along the line of the detailed retaining wall are removed, Group 18 and most of Group 11. No rationale for the removal has been provided, however it is assumed that this is to enable the major retaining wall to be constructed along with the dwellings. No information has been provided as to how any remaining trees in the ownership of adjacent existing dwellings will be affected by the retaining wall. Whilst these are off-site the effect on these trees should be considered.

8.6.6 It is proposed that the trees within the south eastern corner of Group 11 are retained behind the new retaining wall. However detail has not been provided on the impact of the retaining wall on these trees nor how access would be obtained to undertake maintenance of these trees.

8.6.7 Proposed re-planting along the top of the retaining wall is limited and may conflict with the maintenance and integrity of the retaining wall. Should the retaining wall maintenance be passed to the residents there is a risk that this planting will be removed to lower the risk of damage to the wall. The Arboricultural Officer advises that the Council would not seek to adopt this wall or the planting on along the top.

8.6.8 The Arboricultural Officer advises that proposed tree planting across the phase will not compensate for the loss of these groups.

8.7 Impact upon Ecology

8.7.1 The NPPF places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided.

8.7.2 The Council's ecology specialist advises that the reports are up to date and the impact upon ecology is acceptable subject to Conditions.

8.8 Drainage and Flood Risk

8.8.1 The Council's Drainage Engineer is satisfied that the site can be adequately drained and mitigated against flood risk subject to a detailed scheme of attenuation, which can be secured by means of Condition.

8.9 Affordable Housing

8.9.1 Policy HO6 seeks an Affordable Housing contribution of 25% within Telford. The Outline Consent agreed an Affordable Housing contribution of 25% for Lawley though the S106 agreement, so it is not a matter for detailed consideration through this Reserved Matters application.

8.9.2 The details accompanying the application note the level of Affordable Housing for Phase 9 being approximately 12% although the Planning Statement submitted with the application does not provide a justification to for this and no Viability Appraisal has been received from the applicant to support a reduced Affordable Housing provision.

8.9.3 Phase 5 is not proposed to contain any Affordable Housing as it is being developed by the Charles Church branch of Persimmon, which aims to deliver aspirational housing.

8.9.4 Any variation to the level of Affordable Housing would need to be considered through a Deed of Variation to the S106 agreement pertaining to the Outline Consent, which would need to be accompanied by a full Viability Appraisal to demonstrate the acceptability of any reduction in the provision of Affordable Housing.

8.9.5 Members should note that the S106 agreement for Phases 3, 4 and 6 was subject to a Deed of Variation which allowed the Affordable Housing contribution to be reduced to 15%. With regards to Phases 7 and 8 an affordable housing contribution of 12% was proposed although no Deed of Variation has been applied for by the developer for either of these Phases.

8.10 Geotechnics and Land Stability

8.10.1 There are 2No. retaining walls proposed on site; a major retaining wall on the eastern boundary and a minor wall on the western side of the site around an attenuation pond adjacent to Churchward Drive and Davenham Walk. No technical specification has been provided for either retaining wall to enable the Local Planning Authority to assess their potential impact upon slope stability. Whilst cross-sections have been received indicating the height of the major retaining wall no information regarding the height or construction of the minor retaining wall has been received.

8.10.2 No information has been received with this application to specify the volume of earth to be removed from Phases 5 and 9 or how and where this will be relocated to. It is understood that part of this earth will be re-located to Phase 11, subject to the approval of TWC/2018/0346, to enable the land to be remodelled for development.

8.10.3 Policy BE9 of the Local Plan states the Council will support development proposals within the Mining Consideration Area, areas of suspected slope instability or where it is suspected there is poor ground conditions provided that the proposal demonstrates that:

- i. Its structural integrity will not be compromised by slope instability;
- ii. Where active systems exist, the development does not exacerbate any instability;
- iii. The development can tolerate the ground conditions by special design; and
- iv. There is long term stability of any structures built on filled ground.

At the time of writing the report no technical information has been received to enable the Local Planning Authority to assess whether demonstrate whether the proposed earthworks and construction of retaining walls would have a detrimental impact upon slope stability or cause the surrounding land to become more unstable. These details can be secured by Condition to make the Policy compliant with Policy BE9 albeit through the granting of the Outline Consent this was considered to be acceptable in principle.

8.11 Other matters

8.11.1 The Parish Council have objected to the application on the grounds no community facility has been provided in Lawley SUE to date. This is the subject of separate conversations which are outside the scope of this planning application. Members should note that the Design Codes did not include a community facility as part of Phases 5 or 9 and this planning application is consistent with that approach and the principles of community use agreed at outline consent.

9. CONCLUSION

9.1 The principle of residential development has been established on this site via a pair of previous Outline Consents as have the principles of access, street hierarchy and connectivity. The purpose of the current application is to approve reserved matters relating to details of appearance, scale, layout, access and landscaping. From the discussion above it is clear that the proposed development achieves a number of planning benefits that need to be assessed against any disadvantages.

9.2 The development is considered acceptable in terms of impact upon amenity for existing residents, highways, drainage and ecology, and would contribute 362No. dwellings towards the Borough's housing supply. The detailed design and layout contributes in part towards delivering the objectives of the Lawley Design Codes and creating a neighbourhood at Newdale.

9.3 The application's drawbacks include discreet areas of undesirable design relating to the major retaining wall and consequent undesirable living environments for specific housing plots located adjacent to this retaining wall. The level of excavation required would involve the loss of the majority of trees on site, including an established buffer between Phase 9 and The Rock and Teawell Close. Although there is planning proposed throughout the site this would not be an equal trade for the trees lost elsewhere.

9.4 Taking all these matters into account, therefore, the Local Planning Authority considers that when the advantages and disadvantages of the scheme are weighed against each other the benefits outweigh the detriments and the application is therefore recommended for approval.

10. DETAILED RECOMMENDATION

10.1 Based on the conclusions, it is recommended that **DELEGATED AUTHORITY** be granted to the Delivery Management Service Delivery Manager to **GRANT RESERVED MATTERS** subject to:

- a) The following Condition(s) and Informative(s) (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Condition(s)

Time Limit - Reserved Matters
Development in accordance with Deposited Plans
Drainage Scheme for Surface Water Drainage and Exceedance Flow
Drainage Details for SUDS attenuation
Site Environmental Management Plan
Routing of Movements (away from Residential Streets)
Ecology Conditions (to be agreed with Council's Ecologist)
Tree Conditions (to be agreed with Council's Arboriculturist)
Submission of and compliance with Construction Environmental Management Plan
Site Investigation Conditions as proposed by the Coal Authority
Geotechnical Conditions
Highways Conditions as proposed by Highways Engineer
Confirmation of Affordable Housing Plots
Landscaping and Landscaping Management Condition

Informative(s)

I40 Conditions
I34 Outline Planning Conditions discharged by this consent
I34a Outline Planning Conditions
I06 Section 106
I09 HIGHWAYS – Diversion of PRow required
I10 HIGHWAYS – Stopping-up of PRow required
I32 Fire Authority
I43 Reason for Grant of Reserved Matters