

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 WAS DEFERRED AT PLANNING COMMITTEE 5
DECEMBER 2018 TO REQUEST AMENDMENTS AND TO ALLOW A SITE VISIT**

1.0 DETAILS OF AMENDMENTS TO SCHEME

1.1 This application was heard at a previous planning committee meeting on 5 December 2018, whereby it was agreed by Members that the application would be deferred in order to request amendments from the applicant and to allow a site visit to take place. The amendments requested by committee members were:

- Retention of trees on site and address lack of information relating to soil structure and hydrology
- Impact of retaining wall on drainage, septic tanks and run-off for properties on Rock Rd
- Design and construction of retaining wall and its maintenance
- Amenity, design and layout
- Safer Routes to School and Public Rights of Way
- Affordable housing and Viability
- Maintenance responsibility for attenuation ponds and landscaping

1.2 Upon receipt of the amended drawings and documents a 14-day re-consultation was undertaken with all statutory consultees, neighbours and members of the public who had commented on the planning application previously. The consultation period ended on 28th January.

2.0 NEIGHBOUR REPRESENTATIONS

2.1 19no. letters of representation have been received from 17no. residential properties. The comments can be summarised as follows:

Site Plans

- The plans submitted by the Developer on 11 January 2019 show slightly different layouts, so which layout is the developer requesting consent for?

Trees

- Support for the retention of trees near homes located on The Rock.
- The planning meeting in December made clear that committee members wished the developers to amend the plans to preserve the woodland on the eastern boundary.
- The revised proposal includes the removal of a significant number of semi-mature trees concentrated in one specific area - the south-eastern corner of the development immediately adjacent to the housing at the bottom of Teawell Close.
- These trees were specifically planted (at the insistence of the Council) to protect the Teawell Close development from the impact of the prevailing winds and storms.
- It has not been demonstrated that the removal of these trees is unavoidable and essential to enable the development. Alternatives should be explored by the developers.
- The removal of these Category A and Category B semi-mature, trees is unnecessary. It continues to contravene Local Plan policies and the trees could be retained by removing 1 no. house from the planning application.
- The revised arboricultural impact assessment and method statement now shows 16 trees will be removed from site (up from 10) and 12 tree groups (down from 17).
- Promises were made previously both by the developers and the Council that this woodland would be preserved intact.
- Residents were personally assured by the developers when purchasing houses 3 years ago that the trees would not be removed. These commitments should be honoured.
- Concerns that once the developers are on site they will take the opportunity to remove even more of the woodland.
- Concern that destroying mature trees will be detrimental to wildlife.
- The continued plans to remove woodland reduces the amenity of the area.
- There are fewer houses outlined on the Tree Removal Plan and the Tree Protection Plan compared to the revised site plan, materials key plan and the affordable housing plan. Given that the removal of the trees in the southeast corner is affected by the difference between the plans it is essential that all of the submitted plans are consistent.

Ecology

- The extended phase 1 habitat survey undertaken by Environmental Dimension Partnership was on the basis of the original site layout. As the layout has changed and the areas being retained/removed has altered a new survey would be required.
- In the absence of an ecological assessment it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) consequently planning consent should be refused.

- Part of the site is within the Green Network in the Telford & Wrekin Local Plan. The proposed scheme for the site must clearly demonstrate how the development will prevent impacts upon the Green Network and also how the scheme will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.
- As the Green Network will be destroyed after the proposed development, together with the priority habitats and ecology networks, planning consent should be refused.

Eastern Retaining Wall

- Concerns about safety regarding the height of the retaining wall and measures being taken to prevent any serious accidents being caused especially to children.
- Insufficient details regarding the rail fence that is proposed to run along a portion of the revised retaining wall. This should be fully specified in the planning consent to ensure it is in keeping with the local environment and is of a construction that will endure for decades and not become an ineffective eyesore when the developers have retreated from the site.
- That the retaining wall is just as long but not as high unless there is an unclimbable fence on top.
- The retaining wall will be 3m high and raises several safety concerns both for those above and below the wall.
- Children may play along the top of the retaining wall and fall.
- Although the plans say a 'climb-free' fence, there is nothing to demonstrate what this would look like in situ. Can the developers show an example of such a fence elsewhere?
- It is proposed to erect a 1.1m hooped top fence on top of the retaining wall, therefore the wall will stand between 2.1 and 4.1m high. However, the developer has not provided a plan showing the height of the wall over the extent of the boundary therefore it could be 4.1m for 95% of the boundary.

Maintenance of retaining wall and landscaping

- Lack of confirmation regarding who is going to maintain and repair the retaining wall and fence.
- One of the PROWs is proposed to go down to, and then run along, the rail fence at the edge of the retaining wall. This raises a concern about the personal safety of residents using the path as they will be clearly visible to the majority of the estate below, and their ability to avoid any anti-social behaviour along the path will be reduced.

Landscaping and Public Open Space

- The detailed soft landscaping proposals (Plan ref: LS 01 Rev C – LS 10 Rev C) submitted by the developer does not protect, maintain or enhance the Public Open Space and the replacement facility is not to an equal or improved standard therefore planning consent should be refused.

- The removing of what little green area is actually left now in Lawley/Dawley/Overdale/Newdale is just such a shame.
- Half the existing park bordering Hengrave Meadow and Churchward Drive has been removed on the Persimmon side. This is an established walking route for many residents and also maintains an area of separation from existing dwellings. The original outline masterplan showed this land to be retained. This is a wildlife link between the existing woodland belt around the Newdale ponds and the tree belt bordering the rock. I hope the Council reconsider the proposals to remove half the parkland when it is a well-established and valuable piece of public open space.

Drainage

- When purchasing houses 4 years ago residents were told that Phase 9 was not going ahead due to drainage problems with the land behind Gresham Drive and Davenham Walk.
- Drainage of septic tanks for properties on The Rock was raised as a specific issue with potential unsatisfactory practical and financial implications for owners of The Rock properties and the new owners of property on the new development. It is not clear how the “private pipe” arrangement addresses this issue (or even if that is its intention). These points are grounds for further deferral to allow the above issues to be addressed so that wholly reasonable protections and safeguards for current and future residents of the area can be provided.
- An important consideration are soakaways and septic tanks on The Rock. Having these running down the field into property gardens and the balancing pool seems unnecessary, when leaving some open field ground would allow the water and waste to soak away as it currently does, without causing any issue to any neighbouring properties or land owners/users.
- The impact of soakaway and the septic tanks on The Rock (which is not on the main sewage system) were raised as a concern at the planning committee meeting in December. The developers have submitted more detailed plans with respect to drainage from the retaining wall (using a private pipe to empty into the balancing pool), however, these plans specifically address the particular issue raised and raises a concern about potential contamination of the balancing pool and smells emanating from behind the retaining wall.

Highways

- Until the road systems and atrocious parking issues that were previously approved on earlier phases is sorted out it seems stupid to continue to build in the same manner as before.
- Linking the proposed development to The Rock will be dangerous particularly with heavy school traffic.
- Concerns about the traffic impact upon Newdale Primary.

- The anticipated increase in traffic on Rock Road was specifically raised by the Parish Council representative at the last open meeting but there are no actions minuted in respect of this.
- The footpath-type crossing the road between Plots P1255 and B86 would be an ideal place to put some bollards.
- Object to the road entrance on to Rock Road due to the development adding even more traffic to an already overcrowded road.
- The new road connecting West Centre Way and Marlborough Way will cut across an existing tarmacked pedestrian right of way. This has happened elsewhere in Lawley and cars have always been given priority over pedestrians. There is no extra lighting at these crossing points and no 'zebra crossing' type markings to give priority and safety to pedestrians.
- The road connecting West Centre Way and Marlborough Way will quickly become a 'rabbit run' for cars heading to the motorway. By using this road and cutting through the new estates in Lawley they will avoid navigating a large and busy roundabout and at least 6 sets of traffic lights.
- Traffic around Rock Road, Colliers Way and the roads leading into Lawley are close to congestion now. Concerns that the cumulative impact of recent planning approvals have not been considered alongside this application i.e. the recycling facility increased traffic and the approved Hickory's Smokehouse development.
- The applicant has not provided evidence of the cumulative impact of the development and has not undertaken a Telford Strategic Transport Model. In the absence of this documentation planning consent should be refused.

Bins

- Concerns about the Bin Collection Points which seem to be located near to the east boundary which is just below houses on The Rock. This could present a health hazard in summer weather if lots of bins are to be sited just below the boundary wall.
- The developer has provided a plan identifying the Bin Collection Points. Assuming the dark grey roads on proposed site plan L(00)004 indicate private roads on the development, the majority of the Bin Collection Points are located on private roads which the bin lorries cannot access and even if they could they do not provide sufficient turning circles for the bin lorries to navigate. As the developer is proposing that bins be stored in an area where they cannot be collected this will lead to rubbish accumulating and result in a health hazard.

Public Rights of Way

- The Public Rights of Way now seem to wander all over the place, even into the retaining wall.
- The safety of people using these rights of way was raised at the December meeting but has not been sufficiently addressed in the revised plans - this aspect of the plan therefore needs serious consideration as safety of children attending school should be paramount over any development 'need'.

- The proposed development does not enhance local or strategic walking and cycling routes and the supporting documentation does not demonstrate that the applicant has made all reasonable efforts to secure public transport services which will be conveniently routed for new residents and visitors. Due to this planning consent should be refused.

Amenity

- The additional noise, light and vehicular pollution will be a major issue in the area. It would be sensible as a council to sort out the current issues already affecting this growing new area before adding to the problem by continuing in the same vein as before in the pure interest of profit.
- Plot No. C1365 is too close to the hedge of No 5 Bowland Close and will overlook the back garden. This Plot should ideally be removed or rotated through 90-degrees to reduce overlooking.
- According to the proposed kerbing plan the 8no. affordable houses adjacent to No 19 Corndean Meadow are 3m above the garden level of No 19 and the highest part of the roof of the new houses will be more than 8m above the garden of No 19. Given the total width of the 8no. affordable houses and the height of the development the sun will be blocked from east to south even in summer.

Affordable Housing

- The percentage of affordable housing is significantly less than the 25% required.
- No 19 Corndean Meadow would have 8no. affordable houses facing the side wall of its garden. This is clearly discrimination and against the human rights of the occupant. These affordable houses would lead to a significant increase in noise levels and disturbance, increase in overlooking. Strongly object to the development of these 8no affordable houses in this location. There are plenty of areas elsewhere in the development where these houses could be built.

Consultation

- At the planning committee meeting of December 2018, it was made clear that the Councillors expected developers to consult with residents. Residents have definitely not been consulted with, and therefore feel strongly that this should have happened prior to a resubmitted development plan.

Role of developers on site

- Concerns that there appear to be no measures included in the plans to ensure that the developers are accountable for the way they manage the building work.
- The plans offer insufficient protection against deviation by the builders when on site.
- Concerns about how carefully the developers will follow these plans and use the constraints and precautions outlined in the Arboricultural Impact Assessment and Method Statement and that the proposed monitoring is maintained over the course of the development.

Other

- There are far too many houses going up in the area already.
- Previous phases are still not complete and allowing development to continue is not fair on the existing new residents to Lawley. The landscaping and pathways are still not complete on the frontage of properties adjacent to Gresham Drive, Stoney Fold and Pantulf Close. Neither is the landscaping complete to the opposite side of Gresham Drive adjacent the Grazing Cow. The planners should be objecting to further development until these phases are complete as the developers are not listening to residents' concerns.
- Devaluation of properties.

- 2.2 The applicant has responded to the above comments as follows:
- (Expected to be received on Tuesday 5th Feb)

3.0 STATUTORY CONSULTATIONS

3.1 Lawley & Overdale Parish Council: Object

Whilst the Parish Council are pleased to acknowledge that a number of items have been addressed since the deferment, there are still areas of concern that remain:

- The tree retention is much improved but the Parish Council has been notified that 4 new Tree Protection Orders have been raised so these need to be included/plotted and root management plans submitted to ensure no damage is done during construction – the houses layout will also have to be amended
- Public Rights of Way – in the main the Parish Council accept the revisions. The Diversion orders need to be shared when due and the phasing plan should be conditioned to ensure it is followed.
- The Parish Council's main concern is still the access road from Phase 5 onto Marlborough Way. The Parish Council share the concerns of residents regarding the impact that this additional traffic will have on the local area.

- 3.2 **TWC Highways Engineer: Support** subject to conditions

3.3 TWC Public Rights of Way Officer: Comment

Satisfied that the revised application addresses the concerns regarding the connection to Lower Rock Road. The northern connection to Newdale Primary School is satisfactory. Despite the fact that there will be some disruption the plans retain adequate access throughout the development of the scheme.

- 3.4 **TWC Arboricultural Officer: Support** subject to conditions

3.5 TWC Healthy Spaces: Comment

- Compared to the previous layout there is now significantly less 'active' amenity open space proposed which has been lost to facilitate the residential development.

- Whilst there is open space proposed, this is less functional and does not encourage activity as it discourages access (i.e. being within woodland or dominated by highway).
- The visual amenity leading to the main Public Open Space serving the proposed development has been severely compromised to accommodate additional housing. This design does not make access to the off-site play area serving this large development attractive to use.
- In addition, a potential hazard for children using this route is that it passes a SUDS feature. This is currently proposed to be secured by post & rail fencing and shrubs. As this is the main route for young children to access their play area shrubs alone will not be sufficient to minimize the risk. The post & rail fencing must be enhanced to prevent young children from accessing the feature and making it un-climbable.
- It is understood that there is to be additional shrub planting on fencing by the retaining walls. However, this is not included on the soft landscape plans submitted and needs to be conditioned.
- A significant concern is that the proposed Landscape Management Plan is not long term and is unacceptable in its current form. The proposed plan is an initial establishment plan and should really be concentrating on the long term management. The plan should confirm exactly who is to manage these areas and not solely where and what. Indeed, the areas to be managed needs to be confirmed as it is still unclear.
- The Management Company Plan (L(00)012) has not included all the areas to be maintained such as footpaths and communal car parking areas. This plan should confirm all areas not being conveyed to residents and identify who is to maintain them (including highway land). This is essential to ensure there are no areas of space missed off from being maintained.
- The plan does not include the maintenance of SUDS / fencing / retaining wall / Mature trees / footpaths / public liability insurance / bin collection points etc. All elements of maintenance need to be included.
- The plan should also confirm how the maintenance is to be financed (i.e. service charge to residents). Some individual maintenance specifications are weak such as hard surfacing. This needs to be more detailed per surface type and include for moss treatment.
- A long term Landscape Management Plan (LMP) addressing the concerns above needs to be conditioned. It is also suggested that the same be applied to a long term SUDS management plan too (as the LMP does not normally include engineering maintenance).

3.6 TWC Housing Team: Comment

Previously commented on this scheme at pre-application stage (6 April 2018). The total number of dwellings to be provided is 362no. by two separate developers, Barratts and Persimmon. Of these 44no. (12.1%) will be affordable:

- Of the affordable homes, 39no. (89%) will be two bed and 5no. (11%) three bed – the number of three bed homes has reduced still further since the previous submission. A more even mix of dwelling types was requested previously.

- Phase 5 of the development contains no affordable homes whatsoever.
- The developers have argued that scheme viability means that a policy compliant level of affordable homes cannot be provided.
- The floor plan for the Barratts affordable 2 bed 4 person house states that the internal floor area is 69.7 square metres, which is acceptable. This is consistent with the affordable housing layout.
- However there is a difference in the stated floor area of the 3 bed homes between the dwelling floor plan (89 sq. metres) and the Barratts affordable housing layout (79.3 sq. m.) The latter is below the recommended standard and clarification on this should be provided.
- Both of the floor plans for the Barratts affordable homes state that they will achieve Part M (4) – Category 2 of the Building Regulations – this is broadly equivalent to the ‘Lifetime Homes Standard’ and is welcomed.
- No information on the internal floor areas nor the accessibility standards has been provided for the Persimmon affordable element of the development. This is required.
- The affordable homes are proposed to be provided in six clusters, which are now of 4, 5, 6,8,10 and 11, all with frontage parking. As previously requested, clusters of no more than 6 to 8 affordable homes are preferred.
- As part of any planning consent there should be a requirement for the applicant:
 1. To agree a Local Lettings Plan and Nominations Arrangement with the local authority (Investment Strategy & Partnership Officer) before properties are advertised or allocated (first lettings and relets). The properties should also be exempted from any non-statutory Right to Buy scheme or similar.
 2. Prior to occupation, to provide formal certification by the Council’s Building Inspection Service that the affordable homes achieve the proposed accessibility standards, i.e. M4 (2) Category 2 – ‘Accessible and Adaptable’.

3.7 **TWC Ecology Specialist: Support** subject to conditions

3.8 **TWC Viability Specialist: Comment**

The viability appraisal for Phases 5 and 9 have been reviewed and demonstrate that with an affordable housing contribution of 12% the residual profit valuations for this development fall below the Allowed Profit Margin as per the Development Agreement. The Development Agreement allowed an accepted profit return of 16% and the projected profit is expected to be 9.54%. Therefore, the affordable housing provision of 12% is acceptable.

3.9 **Local Lead Flood Authority: Support** subject to conditions

3.10 **Coal Authority: No Comment**

3.11 **Highways England: No Comment**

3.12 **Shropshire Archaeology: No further comments received**

3.13 **Shropshire Fire Service: No further comments received**

3.14 **West Midlands Police: Support** subject to the inclusion of an informative relating to Secure By Design

4.0 PLANNING CONSIDERATIONS

4.1 Amenity, design and layout

4.1.1 The amendments requested by committee previously have facilitated a change to the layout of Phase 9. The key differences in this layout are:

- the retention of majority of the eastern tree belt,
- routing of a Green Lane along the base of the retaining wall,
- re-positioning of houses further away from the eastern retaining wall and not overshadowed by it, and
- the loss of planned Public Open Spaces within the development in exchange for a single larger amenity space within the woodlands area on the eastern boundary behind the retaining wall.

4.1.2 Proposed dwellings on the eastern side of the site now face towards the retaining wall, separated from it by the Green Lane and a stretch of landscaping. The 3no. Plots located the closest to the retaining wall are B27, B33 and B78 which are located approximately 8m, 10m and 7m away, respectively. This, combined with the retaining wall's reduced height (from 7.75m to 3m) would result in an acceptable level of light and amenity being received by these properties. All garden lengths and areas are acceptable in terms of the size of individual dwellings.

4.1.3 Within the original Design Code and Design Code Addendum there were three planned Public Open Spaces within Phases 5 and 9 for this area referred to as Newdale, including Newdale Triangle which was intended as a Neighbourhood Park. One compromise that the layout has had to make in order to accommodate the additional land taken up by retaining the tree belt is the loss of these three planned spaces. A key reason for this is the applicants' need to maintain the viability of the site and thus avoid losing any residential units as part of the new layout.

4.1.4 By way of compensation, the amenity space provision has been re-located to the higher land level behind the eastern retaining wall and will encompass the woodland being retained. Although this is a slight deviation from the Design Code Addendum it is considered that, on balance, this is an acceptable means of retaining the tree belt whilst also maintaining the viability of the site and providing Public Open Space.

4.1.5 A Green Lane is proposed to run along the lower edge of the eastern retaining wall. A key principle of the Design Code Addendum is connectivity and the absence of cul-de-sac highway arrangements. In order to maintain the number of plots on site, and therefore the viability, it has not proved possible to accommodate the Green Lane in one single length along this route. This is particularly due to Plots B77 and B78 which create a 'pinch point'. In order to

deliver the Design Code Addendum principles as strictly as possible, connectivity has been achieved along this route for cyclists and pedestrians. For vehicles there is a small break which results in two loops circulating around the eastern half of the site. Whilst it would be preferable to retain total connectivity for all highway users throughout the site, given the concessions and amendments made by the developers it is considered that the Local Planning Authority can accept this variation to the Design Code Addendum if it facilitates the retention of the eastern tree belt and improved amenity for the proposed dwellings.

4.1.6 Combined with the lowered height of the retaining wall these amendments are considered acceptable in terms of policy BE1 of the Local Plan.

4.1.7 A member of the public has objected to the location of 8no. affordable dwellings facing No 19 Corndean Meadow and raised a concern over overlooking, loss of light and loss of privacy. The 8no. dwellings in question are Plots P1259 to P1266 and their relationship to No 19 Corndean Meadow can be summarised as follows:

- P1259 – Front elevation is 18m away from rear boundary of 19 Corndean Meadow and overlooks a double garage.
- P1260 – 20m from the boundary with 19 Corndean Meadow and face towards the rear garden.
- P1261, P1262 and P1263 - 22m away from the boundary with 19 Corndean Meadow and face onto side elevation of main dwelling
- P1264, P1265 and P1266 - 22m to 25m away from the boundary with 19 Corndean Meadow and face onto side elevation of main dwelling and overlook the rear garden.

The LPA considers all these distances sufficient to maintain existing levels of privacy. These properties would be built on the same land level as 19 Corndean Meadow and there is no 3m height difference in land level.

4.1.8 In terms of the relationship between the new development and existing dwellings, therefore, the proposed layout is considered to provide an acceptable distance of separation between the proposed dwellings and existing houses. Therefore, resultant levels of privacy, light, noise, disturbance and amenity are all expected to be satisfactory.

4.2 Drainage

4.2.1 The principles of drainage for this site were established as part of the original outline consent. Objections have been raised relating to the impact of the proposals on the operation of soakaways and drainage fields serving properties on The Rock and the possible contamination of flows in the drainage system serving the retaining wall.

4.2.2 The Council's Drainage Engineer advises that TWC do not hold any plans of the private soakaways or drainage fields serving properties off Rock Road, however the public sewer records show that properties in Teawell Close are connected to the Severn Trent Water (STW) network. Unless residents can provide evidence to the contrary it is assumed that any soakaways or

drainage fields serving the remaining properties along the site's eastern boundary are contained entirely within the property curtilages.

- 4.2.3 As set out in Building Regulations Part H the development standoff for a surface water soakaway is 5m. Foul drainage fields require a minimum of 15m. The reasoning behind these standoffs is to ensure that flows from the soakaway do not interact with or damage the foundations of any proposed or existing structures. As a general rule infiltration from septic tanks will drain into the ground below at roughly a 45-degree angle via gravity.
- 4.2.4 The revised retaining wall proposals include the retention of the existing landform into the site boundary, with the retaining structure height greatly reduced. The shortest distance between private land and the retaining wall is near Section 2-2 (drawing: 18152.04) and measures approximately 13m.
- 4.2.5 On this basis and taking into account the 45-degree angle at which infiltration would drain away from septic tanks, even if the neighbouring septic tanks were located as close to the application site as possible, i.e. on the boundary, there should still be sufficient offset to ensure that flows from the drainage field meet the ground before entering the proposed toe drain serving the retaining wall. In all likelihood the situation is likely to be better than this because septic tanks and drainage fields for the neighbouring properties on Rock Rd are more likely to be located further away from the boundary with the application site and therefore the offset distance is even greater.
- 4.2.6 A concern has been raised by a member of the public regarding risk of contamination and odour. In the unlikely event that flows from a foul drainage system reach the toe drain, the movement of foul water through the ground would have provided sufficient treatment/filtration meaning that the risk of pollution is unlikely.
- 4.2.6 Recognising that residents may have detailed information on the exact location of the drainage field serving these properties, the Council's Drainage Engineer would be willing to review any such information that can be provided by members of the public.
- 4.2.7 The Council's Drainage Engineer has liaised closely with the applicants and is satisfied that the revised scheme includes an acceptable Design Statement, microdrainage model and SUDS management plan. On the basis of the above points, it is considered that the scheme complies with Local Plan policies ER11 and ER12.

4.3 Arboriculture

- 4.3.1 At the previous planning committee members expressed concern about the extent of the removal of the tree belt along the eastern boundary of Phase 9. Therefore, the revised layout has focussed on fundamentally retaining the majority of the tree belt along the eastern boundary. This has resulted in a reduced height and length for the retaining wall which is discussed in more detail in Section 4.4 below.

- 4.3.2 The Arboricultural Impact Assessment and Method Statement that accompanies the latest version of the proposals explains that many of the woodland/tree blocks are overgrown and dense areas of brambles restricted access to conduct the tree survey. As a result some tree measurements are based on estimates and average tree sizes obtained from similar trees within the blocks.
- 4.3.3 Approximately 400no. trees will be retained across the site. In total ten individual trees and eleven tree groups (or parts of the group) have been identified as requiring removal. As can be seen from the consultation responses from members of the public, there is still considerable concern from the public over the partial loss of tree group G11 which is located in the south-eastern corner of the site and backs onto Teawell Close.
- 4.3.4 The two properties with the closest relationship to the tree belt in this location are Nos 37 and 39 Teawell Close. Currently, the depth of the tree buffer appears to measure approximately 39m from the rear boundary of No 39 and 35m from the rear boundary of No 37. The proposed plans show that the construction of the retaining wall would reduce the depth of this tree buffer to approximately 10m from the rear boundary of No 39 and 16m from the rear boundary of No 37. The edge of the retaining wall would lie approximately 19m from the rear boundary of No 39 and 24m from the rear boundary of No 37. It should be noted that the retaining wall is tapering down at this point and would measure approximately 0.8m in height.
- 4.3.5 Policy NE2 of the Local Plan refers to trees, hedgerows and woodlands and under this policy the Council expects proposals for new development to assess its potential impact on these landscape features, stating that proposals which involve felling or removal of trees or which are likely to cause demonstrable harm will normally be resisted unless acceptable mitigation or compensation measures can be secured. The applicants have proposed compensation and mitigation in the form of replacement tree planting throughout the remainder of the site including a significant new group of trees on the embankment behind the eastern retaining wall. The Council's Arboricultural Officer supports this approach subject to a condition securing further details to ensure an appropriate diversity of tree species across the site.
- 4.3.6 It has been suggested by members of the public that the layout of the scheme in this location could be amended such that the retaining wall is re-positioned to retain the whole of tree group G11. An amendment of this nature would result in the loss of at least 7no. residential units, which would have a detrimental impact upon viability. The consequences of this would include less, if any, tree planting throughout the remainder of the site and would contribute to making the site too expensive to develop, resulting the Borough's housing supply being under-delivered.
- 4.3.7 It is useful to remember what the 'fall back' position is in planning terms. The trees within tree group G11 are not subject to a Tree Preservation Order and are sited on private land. Therefore, the land owner could remove the trees at

any point without needing any form of consent from the Local Planning Authority. Whilst the LPA understands that it may be a cause of concern to residents in Teawell Close that the existing tree buffer may reduce from 35m or more down to approximately 10m, the applicants would be operating within their rights to remove the tree belt altogether and the proposed layout is intended to achieve a compromise between the total retention of G11 versus its total loss.

- 4.3.8 Policy NE2 continues to say that new development is expected to demonstrate that any proposed removal of trees is outweighed by the wider benefits of the scheme and that the trees, hedgerow or woodland in question cannot be retained without prejudicing the economic viability of the development. As mentioned in para 4.3.6, re-locating the retaining wall to allow total retention of G11 would have an impact upon the viability of the development. The Council's Viability Specialist has assessed the viability appraisals for the scheme and confirmed that the profit margin for Phases 5 and 9 falls significantly below what was agreed as part of the original Development Agreement. Therefore, any further impacts upon profitability through the loss of additional plots would detrimentally impact upon the agreed profit margin. One significant implication of such a scenario could be a reduction in the amount of affordable housing on these phases lower than the 12% currently being proposed.
- 4.3.9 The Council's Arboricultural Officer has assessed the scheme and is supportive subject to conditions securing details of the maintenance of the retaining wall through a management company, a method statement relating to the installation of the retaining wall and management of tree roots, landscaping details for the top of and beneath the retaining wall, and the location of streetlights. A total of 2no. Tree Preservation Orders have been created for individual trees within Phase 5 during the consultation period. These trees were taken into account as part of the proposed layout and no revisions are necessary in light of these new Tree Preservation Orders.
- 4.3.10 The partial loss of tree group G11 and any loss of visual amenity or potential negative impacts upon neighbour amenity with regards to exposure to inclement weather, must be balanced against the benefits the scheme brings in terms of housing delivery plus the applicants' fall-back position of being able to remove all the trees on their land anyway. In light of this, the LPA considers that the applicant have made considerable concessions in retaining as much of tree group G11 as they have within the revised layout whilst working to reduce the height of the retaining wall and improving the quality of design across the site more generally. Therefore, and given the Council's Arboricultural Officer's support of the proposals, it is considered that on balance the LPA can accept the partial loss of G11 as shown on the approved plans in the interests of achieving the wider benefits of the scheme.
- 4.3.11 At the previous committee Members requested further information and clarity on the hydrology and soil structure in the area where the eastern retaining wall would be constructed to ensure that the retained trees would be able to survive. In order to undertake a full ground investigation and assessment of

hydrological conditions and soil structure, the applicants would have needed to undertake physical works on site within the region of the eastern tree belt. For this reason, it was agreed between the applicant, Local Planning Authority and Council's Arboricultural Officer that intermediate supporting information would be submitted at this stage in the form of an Arboricultural Implications Statement (AIS) to avoid the need for intrusive investigations to be carried out on site whilst the planning application was still under consideration.

4.3.12 The AIS submitted since the previous planning committee indicates that there may be a temporary effect on the water table from the changes to the current soil level. However, the geological appraisal indicates that this would not be significant due to the permeability of the soils present. Soil water volumes would return to current field capacity levels once the works are completed and the retaining wall is established. The AIS concludes that the works can be achieved and the trees retained using appropriate management and supervision of the works and arboricultural management. The Council's Arboricultural Officer has not raised any concerns with this approach and considers detailed site investigations can be secured by conditions to assess the hydrology and soil structure further.

4.4 Design and construction of retaining wall and its maintenance

4.4.1 The retention of the eastern tree belt naturally results in fewer cubic metres of land requiring excavation. Consequently, the height of the eastern retaining wall reduces to a maximum height of 3m in the centre tapering down to 0.3m at each end. This would have a greatly reduced visual impact over the previous scheme. It is accepted that a retaining wall of some description is required in this location due to the overall change in land levels across the site from west to east, which is approximately a fall of 18m.

4.4.2 It is proposed that the wall is constructed in a Rootlok design which allows vegetation and planting to be incorporated within the wall. Over time this would enhance the habitat provision for ecology as well as soften the visual appearance of the wall.

4.4.3 The wall has reduced in length from the previous scheme, by approximately 85m to 365m, and with the visual appearance having been significantly mitigated this dimension is not a concern in itself. Overall, given the topographical requirements of the site, it is considered the proposed design and appearance of the eastern retaining wall is acceptable.

4.4.4 In response to the concerns of committee members, the applicant has confirmed that the maintenance of the retaining walls would be undertaken either by Bournville Village Trust (BVT) or by an external management company as per the submitted Management Company Plan (drawing: L(00)012). At the present time it is the intention that BVT will maintain the retaining walls, and they have confirmed this is acceptable in principle subject to details of costs and designs. Should either the cost or design prove prohibitive then an external management company would be put in place to

manage the maintenance of the retaining walls in line with the normal practice of the applicants on other development sites.

4.4.5 Further details have also been received regarding the minor retaining wall on the western side of the site facing Davenham Walk and Corndean Meadow. This retaining wall is considerably smaller in scale than the eastern retaining wall, measuring approximately 115m in length and up to approximately 2m in height at the southern end. This wall would enclose the SUDS feature opposite Corndean Meadow and be located approximately 40-50m from the front elevations of properties in that street. The properties in Davenham Walk would be located approximately 10m from the retaining wall separated by their own front gardens and a highway. The wall would be constructed of a similar Rootlok construction that would allow planting and greenery to establish over the course of the first year. Taking all these matters into account the minor retaining wall on the western boundary is considered to be acceptable in terms of its impact upon visual amenity and impact upon existing residents.

4.4.6 In terms of construction of the retaining wall and land stability, the applicant has provided a statement from an Engineering Geologist who considers that the underlying ground conditions in the vicinity of the proposed retaining wall are fairly consistent, and the soils below and behind the retaining wall will be the same. Along the majority of the retaining wall, the soils will comprise backfill colliery spoil material of sandy gravelly clay. Towards the northern end of the retaining wall, the soils become natural superficial deposits of Glacial Till also comprising sandy gravelly clay.

4.4.7 The construction of the modular block retaining wall would include a soil zone of well graded, free draining, granular fill with geogrid reinforcement. This will ensure there is no build up of perched waters behind the retaining wall. The applicant's Engineering Geologist concludes that land stability, taking into account the expected underlying ground conditions, would not be affected by the installation of the retaining wall and the drainage of the underlying soils in the vicinity of the trees along the eastern site boundary would not be affected by the construction of the retaining wall, whilst the introduction of the retaining wall would have little effect on the trees themselves.

4.4.8 A 1.2m rail fence is proposed to run along the top of the retaining wall for its full length (fully specified on drawing ref: L(00)0063). This railing has been designed to be anti-climb and to allow increased visual permeability with the intention of providing safer levels of surveillance to people walking along the PROWs on top of the embankment and to design out crime. The scale of this hooped railing would appear appropriate in its location and the design would prevent it from adding to the visual mass of the wall. It is therefore considered appropriate in terms of policy BE1 of the Local Plan.

4.5 Maintenance responsibility for attenuation ponds and landscaping

4.5.1 At the previous committee members were particularly keen to establish who would be responsible for maintaining the attenuation ponds and landscaping. The Council's Healthy Spaces specialist has assessed the Landscape

Management Plan and Management Company Plan submitted by the applicant has part of these latest revisions and advised they do not provide sufficient information to demonstrate who would be responsible for the maintenance of these features or provide reassurance that all the areas to be maintained are covered by the maintenance plan. At the time of writing the report the applicants are aware of the concerns of the Council's Healthy Spaces specialist and are continuing to discuss how these concerns can be addressed. The outcome of these discussions will be presented to committee following publication of the report.

- 4.5.2 It is useful to remember that it is possible for landscaping matters such as these to be secured by a suitably worded planning condition.
- 4.5.3 A significant consequence of retaining the eastern tree belt is the impact upon the layout of the remainder of the site and in particular the land available for designation as Public Open Space. In order to retain the embankment of trees and maintain the same number of residential units across the site, the 3no. planned Public Open Spaces have been omitted from the layout now submitted for consideration.
- 4.5.4 The Council's Healthy Spaces specialist advise that as well as there now being less open space, the alternative amenity spaces being proposed are less active and functional, often due to them being more difficult to access. Specifically, some of the proposed open spaces are narrow and dominated by a vehicle route running through the centre, and the woodland area on top of the eastern retaining wall is likely to be less easy to play in and walk through than the Public Open Spaces proposed originally.
- 4.5.5 A matter for members to consider, therefore, is the benefits of retaining the eastern tree belt versus losing the Public Open Spaces within the site and which of these is considered to have the greatest impact upon visual and residential amenity.
- 4.5.6 The Council's Healthy Spaces specialist advises that enhanced enclosure should be introduced around the central SUDS feature, annotated as attenuation pond on the proposed site plan, to make it more secure from children accessing the housing area from the existing playground to the west. This could be achieved via a suitably worded planning condition.
- 4.6 Safer Routes to School and Public Rights of Way (PROWS)
 - 4.6.1 There are 3no. PROWS that cross the site currently and connect with each other: No's 181, 177 and 17. The applicant has provided a plan showing how each of these footpaths would be retained or re-routed to accommodate the development. Those that are re-routed would be diverted a short distance from where they run currently to allow them to coincide with proposed streets or formal routes within the site layout. This would allow connectivity to be retained in the long term.
 - 4.6.2 In the short term, to facilitate pedestrian connectivity and maintain Safer Routes to Schools during the construction of the development, the applicants

have given further consideration to the network of PROWs across and around the application site. As part of the revisions to the layout, eastern tree belt and retaining wall the applicants have submitted a Phasing Plan (drawing ref: L(00)011) of development that demonstrates how the PROWs would be kept open during each of the three phases of development to allow members of the public to safely pass through the site at any point during development. This solution would allow the Public Rights of Way to be used throughout construction as a Safer Route to School for pupils attending Newdale Primary.

4.6.3 Public Right of Way along eastern boundary would be diverted to coincide with the Green Lane proposed as part of the revised layout. At the end of the retaining wall the PROW would follow the incline and run behind the hooped railing proposed for the top of the retaining wall. The PROW would then leave the site onto Rock Rd as it does presently.

4.6.4 The Council's Public Rights of Way Officer is supportive of these proposals and the formal diversion process would take place separately to the determination of this planning application. It is considered that these proposals will enable the long term sustained use of these PROWs for pedestrians and cyclists.

4.7 Affordable housing and Viability

4.7.1 As part of the revised layout the applicants have amended the distribution of affordable housing throughout the site. At the pre-application stage the Council's Affordable Housing Officer requested a greater proportion of 3bed dwellings although advises that the proportion of 3bed affordable homes is too low and has reduced further since the application came to committee in December. At the time of writing the report there are anomalies in the submitted information regarding floor area that prohibit any comprehensive conclusion to be drawn about the quality and suitability of the affordable housing units proposed. This information has been requested from the applicants.

4.7.2 Policy H5 of the Local Plan refers to affordable housing and seeks for new development within the borough of Telford to provide 25% affordable housing. The applicants have submitted a viability appraisal which has been assessed by the Council's Viability Specialist, who has confirmed that the significant land reclamation costs required for Phases 5 and 9 have such an impact upon the viability of the scheme that the 12% affordable housing being offered is acceptable.

4.8 Highways

4.8.1 The Council's Highway Engineer advises that this development already has outline approval under the Lawley Sustainable Urban Extension consent and, therefore, 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.

- 4.8.2 As part of the previous layout the applicant created a traffic calming feature in between Phase 5 and 9 where the Neighbourhood Street crosses Wrekin Way to mitigate concerns about motorists using it as a short cut. This feature has been retained as part of the new layout.
- 4.8.3 At the time of the outline application the wider transport implications upon Lawley of all Phases were assessed within the Telford Strategic Transport Model (TSTM) and considered acceptable. The TSTM takes into account all existing, future and planned development up until 2031. Therefore, the cumulative impact of the levels of increased traffic upon Rock Rd, Marlborough Way, Colliers Way and other streets within the vicinity of the application site would have been considered at outline stage.
- 4.8.4 A public objection has been received regarding the road entrance onto Rock Rd. However, no vehicular access directly onto Rock Rd is proposed as part of this application.
- 4.8.5 A suggestion has been received from a member of the public that bollards should be located across the Neighbourhood Street between Plots P1255 and B86. However, this would result in a highway obstruction and be likely to result in increased danger to highway users.
- 4.8.6 One public objection has suggested that no further development should take place until problems with roads and parking on earlier phases are resolved. No details are given of what these problems entail, however, the delivery of construction on other phases are outside the scope of what this Reserved Matters application can consider and do not represent material planning matters for the purposes of determining this application.

4.9 Ecology

- 4.9.1 The Council's Ecology Specialist is supportive of the scheme and has no further planning conditions to add beyond those included on the outline consent.
- 4.9.2 Contrary to some of the public objections received, the site does not lie within the Green Network.
- 4.9.3 Although the layout has changed this does not undermine the submitted Phase 1 habitat assessment as the layout revisions do not fundamentally change the level of impact upon the site in terms of ecology. The Council's Ecologist has assessed this to be acceptable and the revised landscaping plan and retention of trees along the eastern boundary addresses any previous concerns.

5.0 CONCLUSION

- 5.1 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 detrimental impact.
- 5.2 The amendments to the layout have facilitated the retention of the eastern tree belt, reduction in height and length of the eastern retaining wall and enhanced tree planting on the embankment behind the retaining wall and throughout the remainder of the site. The visual impact of these amendments plus the proposed design for the retaining walls and streetscenes are considered positive additions to this environment. The PROWs will be safely retained during construction to allow children safe access to their schools.
- 5.3 The additional information provided by the applicants regarding viability, affordable housing, hydrology and soil structure, maintenance of the retaining walls, landscape maintenance and maintenance of the attenuation ponds has provided confidence that the development can be delivered safely and without detriment to any existing land features or residents. Any further detailed information can be secured by planning condition.
- 5.4 The development is considered acceptable in terms of impact upon amenity for existing and future residents, highways, drainage and ecology, and would contribute 362No. dwellings towards the Borough's housing supply. The detailed design and layout is considered to deliver the objectives of the Lawley Design Codes and create a neighbourhood at Newdale. An affordable housing provision of 12% is proposed across Phase 9
- 5.5 Accommodating all the requested amendments has resulted in some compromises having to be made. This includes losing the 3no. planned Public Open Spaces across the site and exchanging them for a main amenity space on the embankment behind the eastern retaining wall with some minor areas indicated elsewhere on the site plan. The partial loss of tree group G11 is required to facilitate the eastern retaining wall and provide a connecting route through the development at that point for pedestrians and cyclists. Any removal of trees is unfortunate but in this instance, and remembering that the trees are not subject to a Tree Preservation Order and are sited on private land, it is considered that the benefits of the scheme outweigh the drawbacks of losing these trees.
- 5.6 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 considerably outweigh the detriments and the application is therefore recommended for approval.

6.0 DETAILED RECOMMENDATION

6.1 Based on the conclusions, it is recommended that **DELEGATED AUTHORITY** be granted to the Development 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
Construction Environmental Management Plan
Tree Conditions as proposed by 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 and Floor Areas
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

*****ORIGINAL COMMITTEE REPORT*****

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 to 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 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 2 No. 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.

7.0 CONCLUSION

7.1 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.

7.2 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.

7.3 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.

- 7.4 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.

8.0 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:

- b) 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