

## INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2018/0601
Site address	Lawley Phases 5 & 9, Lawley, Telford, Shropshire
Proposal	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***
Recommendation	Reserve Matters Grant

### 1.0 ADDITIONAL NEIGHBOUR REPRESENTATIONS

- 1.1 Since the committee report was written, 2no. further letters of objection have been received raising the following concerns:
- The amended layout now shows the addition of 3no. houses behind 38 The Rock, whereas the previous layout clearly showed a large open space;
  - The 3no. houses could be sited in the green space between Phases 5 and 9 without compromising the plans or reducing the number of houses proposed.
  - Increase in traffic on Marlborough Way and Rock Road.
  - Parking in the area for people dropping off at school should be thought about.
  - Impact upon wildlife in the area.

### 2.0 APPLICANT'S RESPONSE TO NEIGHBOUR REPRESENTATIONS

- 2.1 On 6<sup>th</sup> February the applicant submitted the following responses to the public objections set out in the main committee report, to be read alongside Section 2.0 Neighbour Representations:

#### Site Plans

- The plans have been checked and no discrepancies have been identified between the layouts. We are happy to review this if any inconsistencies are identified and brought to our attention.

#### Trees

- The vast majority of trees on the eastern boundary will be retained and a programme of additional tree planting is also proposed.
- Unfortunately, the retention of all trees has not been possible due to the challenging topography of the site. To make the levels suitable for development it has been necessary to provide a retaining wall between the proposed housing and the existing woodland along the eastern side of the site.
- The retaining wall has been designed to minimise any tree loss and tree planting is proposed to mitigate this impact. The replacement tree planting will enhance the existing woodland and increase the extent of the landscaped buffer.
- The only tree removal proposed is to enable the development. It is not proposed that any additional trees would be removed beyond what is proposed

in this application. It is acknowledged that the existing woodland and landscape buffer makes a positive contribution to the character of the site and therefore its retention, where possible, is important for existing and future residents.

- The retained woodland and proposed tree planting will ensure that existing wildlife continues to thrive.
- As with any planning permission, we would develop the site in accordance with approved plans and this would be regulated by the Local Planning Authority.

### Ecology

- The extended phase 1 habitat survey, undertaken by Environmental Dimension Partnership, was produced for the whole site as proposed. It is not necessary to amend this report and the development will be implemented in accordance with its recommendations.
- The proposals retain the vast majority of the existing woodland/landscape buffer. The proposals would therefore not adversely affect the Green Network. The green corridor along the eastern boundary of the site will be retained and additional tree planting will help contribute towards its enhancement.

### Eastern Retaining Wall and Maintenance

- The retaining wall would measure 3m at its highest point – the majority of the wall would be significantly less than this.
- Health and safety for residents is of paramount importance to us. We have been working with our engineers to ensure that this is the best possible solution taking into account the health and safety of residents, retention of trees and landscape buffer along the eastern boundary and to enable the development of the site.
- To ensure the safety of residents we are proposing 1.1m high railings along the top of the wall to act as a barrier. The railing design will maintain visibility to the woodland behind. Please refer to 'Boundary Treatment' plan L063 for the detail.
- It is proposed that land surrounding the wall will be landscaped and upon reaching maturity will effectively create a 'green wall' minimising its visual impact.
- The retaining wall and fence would be maintained by BVT as per previous phases of Lawley. If this situation changes, then a private management company will be appointed to manage and maintain these areas (inclusive of the retaining walls). Either way, the area and wall will be managed as per the Management Company Plan - L012.

### Landscaping and Public Open Space

- The site benefits from an outline planning permission for residential development as part of the wider Lawley development and accordingly needs to deliver housing.
- The proposed layout has been designed to strike a balance of delivering housing in accordance with the outline planning permission whilst retaining, where possible, and enhancing existing tree provision and useable green

spaces. These spaces will then contribute positively to the area and can continue to be used and enjoyed by existing and future residents.

### Drainage

- Please refer to Telford and Wrekin's response in relation to the drainage concerns of existing residents.
- In terms concerns regarding odours and contamination, we are satisfied that the development parcel is sufficiently offset to ensure any flows from the feature will drain into the ground before entering the toe drain serving the retaining wall. We are therefore content that this will not cause any pollution risks to existing and proposed residents.
- The drainage of the underlying soils in the vicinity of the trees along the eastern site boundary will not be affected by the construction of the retaining wall. This has been confirmed by our Arboricultural and geotechnical consultants.

### Highways

- Pedestrian and vehicular permeability is an important principle in the design and layout of this site and the wider Lawley development.
- The layout has been designed to provide good pedestrian links and ensure that permeability is maintained. Please see PROW plan – L006 this shows how rights of way have been re-routed for the benefit of residents. This will be carefully managed during construction and after to ensure the pedestrian links are maintained.
- With regards to concerns about traffic outside of the development, this has all been considered through a TSTM and the principle of delivering this scale of residential development was established by the outline planning permission.
- The introduction of bollards to plots P1255 and B86 would not be possible as this would pose a health and safety risk to residents. This is a loop road to ensure vehicle permeability across the whole site.

### Bins

- There is only one single bin collection point (BCP) on the road opposite the retaining wall near to the eastern boundary. This is opposite plots B55-59. BCPs are necessary at the end of private drives as refuse collection vehicles are unable to manoeuvre down private drives. Bins will only be stored at the collection points on the day of collection otherwise they will be stored within the curtilage of the individual property.
- All other plots, accessed from the adopted road, will place their bins outside the house on the day of collection.
- Where a BCP is shown on a private drive this will be within 20m of the public highway - the refuse collection vehicle will park up on the adopted road and wheel the bins from the BCP on the private drive the vehicle and back. This is the case with all private drives on this development.

### Public Rights of Way

- The Public Rights of Way (PROW) Plan – L006 shows the retained PROW (Green), removed PROW (Orange) and re-routed PROW (Blue). The latest PROW plan will enhance existing pedestrian permeability across the site. The existing PROW currently leads to a fence on the eastern boundary (shown in

orange) and essentially a dead end. We have proposed to re-route this to make this a functioning PROW.

- The layout will deliver pedestrian permeability throughout the whole site from Hengrave Meadow to Rock Road on the opposite side. Access to the school will be maintained and extended through the development. To ensure the safe use of the PROW along the eastern boundary a barrier will be in place as per drawing Boundary Treatment Plan – L063 and referred to earlier.

#### Amenity

- The proposed layout has been designed to adhere to the Council's space standards including the separation distance between existing and proposed dwellings which exceeds the Council's standards.

#### Affordable Housing

- The level of affordable housing has been agreed with Telford and Wrekin Council following a viability assessment.
- The affordable housing has been designed in clusters and 'pepper-potted' throughout layout. The design and appearance of all housing is tenure blind. In respect of the housing opposite Corndean Meadow, the layout is in accordance with Council's space standards and in terms of levels. The level difference is minimal from Corndean Drive and it would therefore not adversely affect any existing residential amenity.

#### Consultation

- We understand that consultation was undertaken with surrounding residents as part of the planning process. All drawings and information for the proposed development have been made public, via the Council, for residents to comments on.

#### Role of developers on site

- We anticipate that the Council will control this matter either via a Construction Environment Management Plan (CEMP) or a Construction Method Statement (CMS) and we will accept an appropriately worded condition accordingly. We believe this will provide the Council with sufficient powers to manage the development of the site.
- Any decision will also require the development to be implemented in accordance with the approved plans.

### **3.0 APPLICANT'S RESPONSE TO COMMENTS FROM TWC HEALTHY SPACES SPECIALIST**

3.1 At the Planning Committee meeting on 5<sup>th</sup> December 2018 a decision was taken by members to defer determination of the Reserved Matters application to allow for consideration to be given for the retention of more trees along the eastern boundary. The applicant has taken the committee members concerns into consideration and amended their proposed layout accordingly.

3.2 During subsequent meetings with the Local Planning Authority (LPA) the applicants presented the amended layout to include the majority of trees along the eastern

boundary. To accommodate this it was necessary to relocate an area of Public Open Space (POS) to the eastern part of the site. The principle of this was discussed with the LPA and it was concluded that the amended layout represented a significant improvement due to the retention of a larger area of trees and a more substantial green corridor along the eastern boundary of the site. It was considered that this would help address the concerns expressed by members.

- 3.3 The applicant confirms that the amended layout and relocation of the POS has not resulted in an increase in units (as suggested in the comments of the Council's Healthy Spaces Specialist dated 7<sup>th</sup> February). The total number of plots number has remained at 362; however the total area of POS has increased due to relocation and re-planning of plots, to enable the retention of the green corridor on the eastern boundary. The POS has now increased on the revised scheme to 32,239m<sup>2</sup> in total from 29,374m<sup>2</sup> on the previously submitted scheme.
- 3.4 With regards to the Healthy Spaces specialist's comments about enhancing the barrier around the central attenuation, it was agreed in principle with the LPA that no barrier would need to be erected around this pond and that a depth gauge could be added instead, as these ponds will largely remain dry for the majority of the year. We are willing to accommodate a suitable barrier if the Council conclude that this is necessary and trust that this matter can be conditioned accordingly.
- 3.5 The applicant can confirm that no communal parking is proposed as part of this development and that all parking areas will be conveyed to plots. Highways will adopt footpaths and Bournville Village Trust (BVT) will manage all areas of open space, including the attenuation ponds. In the event that BVT choose not to manage the open space then a separate management company will be appointed. The applicant is happy for the Council to condition the above matters if it is considered necessary.
- 3.6 It is proposed to provide additional planting to the retaining walls to minimise its visual impact. As this planting matures, it will effectively create a 'green wall'. This is shown on the retaining wall section plan demonstrating that landscaping will be encouraged to grow from the top and bottom of the wall naturally. The applicant is happy for this landscaping detail to be condition by the Council if it is considered necessary.

#### **4.0 ADDITIONAL RESPONSE FROM TWC HEALTHY SPACES SPECIALIST**

- 4.1 Following the receipt of the applicant's comments above, the Council's Healthy Spaces specialist has provided the following comments addressing the points raised.
- 4.2 The purpose of the point raised regarding the increase in housing units is that a number of amended options were possible and a design choice has been made to accommodate the maximum number of units to facilitate a buffer woodland between existing residents and the proposed development whilst utilising areas previously proposed as active open space (amenity areas) for new housing. These amenity areas help to provide both healthy spaces for people to socialise, become active and also break up the mass of built environment. Therefore, it is very important that the remaining amenity areas are designed to become areas for healthy active community activity. The Council's Healthy Spaces specialist considers that the proposed woodland is not likely to be suited for this purpose.
- 4.3 The central attenuation pond will be on the route between the proposed children's play area and this development. Whilst the liability of safety will rely with the

owner/manager of these facilities, consideration should be given to the likelihood of these areas being accessed by children and the prevention of accidents. The Council's Healthy Spaces specialist confirms the barrier to and enclosure of the attenuation pond in question can be conditioned.

4.4 It is clear from the applicant's response that BVT have yet to confirm management of the POS. The Council's Healthy Spaces specialist is comfortable that this can be satisfactorily secured by a condition which provides for the provision of a long term (not just 15 years) landscape management plan and highlights who (specifically) is to manage all areas outside of residential property. The condition should specifically include:

- how these areas are to be maintained
- confirms the principle of public accessibility to Public Open Space
- how ongoing maintenance is to be funded (e.g. service charge)
- a conveyance plan which shows who is responsible for these areas (and often highlights small POS areas which are missed off and as such not maintained).

4.5 The Council's Healthy Spaces specialist confirms a planning condition to secure the landscape detail for the retaining walls will be acceptable.

## **5.0 ADDITIONAL COMMENTS FROM TWC HOUSING TEAM**

5.1 Discussions have been on-going between the applicant and the Council's Housing Team with regards to the anomalies contained within the affordable housing information originally submitted and highlighted in the main committee report.

5.2 In response, the applicant has submitted further information for assessment to which the Council's Housing Team have provided the following feedback:

- There is an imbalance in the tenure mix with 39no. houses for social rent and only 5no. for shared ownership.
- There is an imbalance in the dwelling mix as all the shared ownership properties are 3bedroom and all the social rent properties are 2bedroom.
- The respective size of dwellings is acceptable but there are still inconsistencies in the information submitted by Persimmon.
- There has been an improvement in the size of housing clusters although clusters of 10no. and 11no. dwellings remain. This could be improved further.

## **6.0 GROUND CONDITIONS AND SLOPE STABILITY**

6.1 At the previous committee meeting Members requested more information on the construction of the retaining walls. Detailed geotechnical drawings and calculations would normally be secured by planning condition rather than provided during the application and the main committee report and recommendation reflects this approach.

6.2 To provide Members with further reassurance of the impact of the proposed retaining walls on land stability, officers would like to draw their attention to a condition attached to the outline consent which states:

*“Opencast High walls: Geotechnical information regarding development over high walls shall be provided to the Local Planning Authority and agreed in writing prior to the development layout of each reserved matter or agreed part of each phase being agreed.”*

6.3 Phase 9 is situated over an area of open cast high walls and therefore, under the provisions of this condition, the applicant is required to provide geotechnical information for the approval of the LPA to ensure the impact land stability would be acceptable. This information would provide reassurance to the Council that the proposed retaining walls are acceptable in terms of slope stability.

## **7.0 OFFICER'S COMMENTS**

7.1 In response to the public objection regarding the 3no. plots at the rear of 38 The Rock, the LPA can confirm that these plot numbers are B146, B147 and B148. These 3no. plots have not changed on the site plan between the previous layout and the current layout. Therefore, there has been no material change in the proposals in this respect.

7.2 Furthermore, the rear garden of 38 The Rock is approximately 27m to the rear boundary, which is considered sufficient to maintain levels of amenity and privacy to the occupant.

7.3 In addition to this an existing line of trees is being retained along the rear boundary between 38 The Rock and Plots B146 to B148, which will further preserve privacy, and the nearest of the dwellings in these new Plots would be positioned more than 35m from the rear elevation of 38 The Rock. Taking all these factors into account, it is considered that the location and arrangements of Plots B146, B147 and B148 is acceptable in terms of design and amenity and meets the requirements of Local Plan Policy BE1.

7.4 With regards to the impact that an increase in traffic may have on Marlborough Way and Rock Road, the access and highways layout was agreed through the outline consent and is not under consideration as part of this Reserved Matters application. Potential traffic impact was taken into account as part of the Telford Strategic Transport Model (TSTM) at that point.

7.5 The Council's Ecologist is satisfied that the proposals are acceptable in terms of their impact upon ecology and wildlife and that they comply with Local Plan Policy NE1.

7.6 With regards to Healthy Spaces, the two matters discussed between the applicant and TWC specialist above can both be secured by condition.

7.7 The Council's Drainage Engineer has confirmed that the inclusion of an appropriate enclosure around the central attenuation pond could be comfortably accommodated within the SUDS management and maintenance agreement that forms one of the conditions recommended to committee.

7.8 On this basis the LPA agrees that a planning condition is the acceptable means of achieving a suitable enclosure around the central attenuation pond for safety purposes.

7.9 With respect to the maintenance of the retaining wall and public areas across the site, the applicant has set out their intentions to have this managed either by Bournville Village Trust or by an external management company, as they would on any other development. The Council's Healthy Spaces specialist has agreed that this is an appropriate solution and has provided wording to inform a condition to secure the long term management and management of the proposal.

- 7.10 On this basis the LPA suggests the recommendation is amended to reflect the inclusion of both these conditions.
- 7.11 With regards to affordable housing, the discrepancies in the information provided by the applicant have prevented the TWC Housing Team from commenting in full. The applicant is aware of the information required and has provided information on 20<sup>th</sup> February to address this. The LPA is reviewing this information.
- 7.12 There are further discussions to take place regarding the mix of affordable dwellings and tenures, although this would be unlikely to materially affect the layout of the scheme in any way. Therefore, the LPA considers that the recommendation can be amended to reflect this and a resolution to grant planning permission can be agreed subject to the required affordable housing information being received and agreed by the LPA. The applicant has indicated via email on 20<sup>th</sup> February they are willing to engage further with the LPA to address these imbalances.
- 7.13 With regards to geotechnics and land stability, it was a concern of Members that the proposed retaining walls may have a detrimental impact upon slope stability. Drawings have been provided by the applicant showing the extent and design of the construction wall. Detailed geotechnical calculations and drawings would normally be secured by planning condition and the details agreed post-decision.
- 7.14 With reference to condition 15 of the outline consent, the LPA is of the view that the information required to discharge this condition would be sufficient to satisfy any geotechnical requirements concerning the retaining walls. Therefore, the LPA proposes that the recommendation below is amended to reflect that Condition 15 of TWC/2010/0828 be discharged prior to a decision being issued.

## **8.0 RECOMMENDATION**

- 8.1 Based on the conclusions, it is recommended that **DELEGATED AUTHORITY** be granted to the Delivery Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to:
- a) Amended plans showing correct information relating to affordable housing, and amendments to the balance of tenure mix and dwelling type, being received and approved by the LPA;
  - b) Geotechnical information being received to enable the discharge of Condition 15 of TWC/2010/0828 in relation to Phases 5 and 9;
  - c) 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 as recommended by Healthy Spaces  
Details of enclosure around attenuation pond

**Informative(s)**

I40 Conditions  
I34 Outline Planning Conditions discharged by this consent  
I34a Outline Planning Conditions  
I06 Deed of Variation to 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