



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

# PLANNING COMMITTEE

**Wednesday, 17 December 2014**

**5.00 pm**

**Shropshire College Hotel School Ltd  
(The Telford Whitehouse) (Telford Suite)  
Watling Street, Wellington, Telford TF1 2NJ  
Please use the Conference Entrance**

## **Lead Officers**

Michael Barker  
Assistant Director:  
Planning Specialist

**(01952) 384100**

Kate Callis  
Assistant Director:  
Development,  
Business and  
Housing

**(01952) 384591**

## **Democratic Services**

Phil Smith

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## **Media Enquiries**

Corporate  
Communications

**(01952) 382406**

## **PLANNING COMMITTEE**

### **Membership:**

Cllr J C Minor – Chair  
Cllr C R Turley – Vice-Chair  
Cllr N A Dugmore  
Cllr E J Greenaway  
Cllr K R Guy  
Cllr A S Jhawar  
Cllr R T Kiernan  
Cllr J Loveridge  
Cllr L A Murray

(Lab)  
(Lab)  
(Con)  
(Con)  
(Lab)  
(Lab)  
(Con)  
(Lab)  
(Lab)

### **Substitutes:**

Cllr F M Bould  
Cllr A A Mackenzie  
Cllr G C W Reynolds  
Cllr S A W Reynolds  
Cllr R J Sloan  
Cllr B J Thompson  
Cllr V A Fletcher  
Cllr C P R Mollett  
Vacancy

(Lab)  
(Lab)  
(Lab)  
(Lab)  
(Lab)  
(Lab)  
(Con)  
(Con)  
(Con)

### **Terms of Reference:**

The Committee's main role is to determine applications for planning permission within the Borough. Not all applications come before the Committee – decisions on many small householder applications are delegated to Officers.

The Committee has powers in relation to listed building and conservation area consent and the making of Tree Preservation Orders. It also has enforcement powers to take action against unauthorised developments. A full list of the Committee's functions can be found in the Council's Constitution.

### **Public Speaking:**

Members of the public are allowed to speak on planning applications under consideration by the Committee. Any person wishing to speak must contact Democratic Services (e-mail: [publicspeaking@telford.gov.uk](mailto:publicspeaking@telford.gov.uk) or tel: 01952 383215) by no later than 5pm two working days before the meeting. Information on the public speaking arrangements is available from the Council's website at [www.telford.gov.uk](http://www.telford.gov.uk) or from Democratic Services on request.

Borough Councillors are allowed to address the Committee on any planning applications that are located in their Ward. Parish and Town Councils are also entitled to speak on applications in their area in accordance with the scheme for Public Speaking at Planning Committee.

### **Meeting Procedure:**

A copy of the Agenda and papers are available from Addenbrooke House, electronically upon request or by visiting the Council's Web Site at [www.telford.gov.uk](http://www.telford.gov.uk). An information sheet addressing a number of Frequently Asked Questions regarding the Planning Committee procedure is also available.

Meetings of the Committee are held in public. In accordance with the Council's Rules of Procedure, members of the public may be asked to leave the room if they cause disturbance to the process of the Committee. Please switch off or silence mobile phones.

At the start of each meeting, there are a number of standing items on the agenda that are normally dealt with first, but this should only take about 5 minutes. The meeting will then move on to the 'Planning Schedule', which is the part of the agenda when planning applications are determined. The order of business may differ from the published Schedule. The Chair will announce each item. The Planning Officer will introduce each application with a brief verbal presentation and the Chair will invite public speakers individually to the table to address the Committee. The Planning Officer will then be invited to give a more detailed overview of the application, which will usually include the display of plans, drawings and photographs of the application site. The Committee will then debate the merits of the application. During the debate, Committee Members may question or seek clarification from Planning Officers and/or the Legal Adviser but speakers and members of the public are not allowed to participate at this stage. At the end of the debate, a vote (by a show of hands) is taken on the recommendation in the Officer's report. In the event of a tie, the Chair has a second or casting vote. If a vote is taken to approve or refuse contrary to the Planning Officer's recommendation, the Committee must also give their planning reasons and these will be minuted. Once the application you are interested in has been heard and decided, you may leave the meeting room but please exit the venue considerately.

### **Public Facilities:**

Access is via the Conference entrance and not the main Hotel Reception. The meeting room is accessible for the disabled and can be reached by lift. WCs are located on the first floor.

Members of the public are welcome to attend and observe the proceedings of the meeting whilst in open session. The filming, recording or taking of photographs of proceedings is allowed, as well as the use of social networking and micro-blogging to communicate with people about what is happening at the meeting. These activities are subject to a protocol, which can be accessed from the following link [http://www.telford.gov.uk/info/354/council/minutes\\_agendas\\_and\\_reports/1596/filming\\_photography\\_recording\\_and\\_use\\_of\\_social\\_networking\\_at\\_meetings](http://www.telford.gov.uk/info/354/council/minutes_agendas_and_reports/1596/filming_photography_recording_and_use_of_social_networking_at_meetings)

### **Emergency Evacuation Procedure:**

On hearing the fire alarm, please calmly evacuate the building as quickly as possible by the nearest Fire Exit.

# PLANNING COMMITTEE

## AGENDA

**Meeting to be held on Wednesday, 17 December 2014**  
**in the Telford Suite, Shropshire College Hotel School Ltd**  
**(The Telford Whitehouse), Watling Street, Wellington, Telford at 5.00pm**

1. **Minutes** Appendix A  
To confirm the Minutes of the meeting of the Planning Committee held on 26 November 2014.
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Deferred/Withdrawn Applications**
5. **Site Visits**
6. **Planning Applications for Determination** Appendix B  
Please note that the order in which applications are heard may be changed at the meeting.

NB If Members have queries about any of the applications, they are requested to raise them with the relevant Planning Officer prior to the Committee meeting.

**PLANNING COMMITTEE**  
**LIST OF BACKGROUND PAPERS**

The Background Papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

1. **Application**: includes the application form, certificate under Section 65 of the Town and Country Planning Act, 1990, plans, and any further supporting information submitted with the application.
2. **Further correspondence with applicant**: includes any amendments to the application – including any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent, together with any revised details and/or plans.
3. **Letters from Statutory Bodies**: includes any relevant letters to and from the Parish Councils, Departments of Telford & Wrekin Council, Water Authorities and other public bodies and societies.
4. **Letters from Private Individuals**: includes any relevant letters to and from members of the public with respect to the application, unless the writers have asked that their views are not reported publicly.
5. **Statutory Plans and Informal Policy Documents**: some or all of the following documents will comprise general background papers taken into account in considering planning applications in the administrative area of Telford and Wrekin (“Telford and Wrekin”)
  - (a) The Telford and Wrekin LDF Core Strategy (adopted December 2007)
  - (b) Saved policies of Wrekin Local Plan (adopted February 2000)
  - (c) Saved policies of Shropshire and Telford and Wrekin Joint Structure Plan (adopted November 2002)
  - (d) Saved policies of Shropshire, Telford and Wrekin Minerals Local Plan (adopted April 2000)
  - (e) Government Planning Guidance – National Planning Policy Framework and Circulars
  - (f) Town and Country Planning legislation, case law and other planning decisions and articles
  - (g) Telford and Wrekin Supplementary Planning Documents: Design for Community Safety SPD (adopted June 2008) and Telecommunications Development SPD (adopted May 2009)
  - (h) LDF Central Telford Area Action Plan (adopted March 2011 )
6. Past decision notices and reports referred to in specific reports.
7. The following additional documents (if appropriate):-

**PLANNING COMMITTEE**

**Minutes of a meeting of the Planning Committee held on  
Wednesday, 26 November 2014 at 6.00pm in the Telford Suite at  
Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel),  
Watling Street, Wellington, Telford TF1 2NJ**

**PRESENT:** Councillors J C Minor (Chairman), E J Greenaway, A S Jhawar, R T Kiernan, J Loveridge, L A Murray, B J Thompson (as substitute for K R Guy) and C R Turley.

**ALSO PRESENT:** Councillor V A Fletcher (for Planning Application TWC/2014/0932).

**PC-050      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 5 November 2014 be confirmed and signed by the Chairman.

**PC-051      APOLOGIES FOR ABSENCE**

Councillors N A Dugmore and K R Guy.

**PC-052      DECLARATIONS OF INTEREST**

With regard to planning application TWC/2014/0932, Councillor J C Minor commented that he was a member of St Georges and Priorslee Parish Council but he had not been involved in any discussions and he would not be withdrawing from the meeting.

With regard to planning application TWC/2014/0940, Councillor C R Turley commented that he was one of the Borough Ward Members and a member of Hollinswood and Randlay Parish Council but had expressed no prior view on the application and would not withdraw from the meeting.

Cllr A S Jhawar stated that, with regard to planning application TWC/2014/0960, he was one of the Borough Ward Members and the applicant was a relative. However, he had not engaged in any prior discussions and had no pecuniary interest in the application and would not be withdrawing from the meeting for that item.

**PC-053      DEFERRED/WITHDRAWN APPLICATIONS**

None.

**PC-054      SITE VISITS**

**RESOLVED** – that site visits take place on Wednesday, 17 December 2014 in respect of the following applications (times to be determined):-

- (a) TWC/2014/0612 - Land at Muxton Lane, Muxton, Telford, Shropshire;
- (b) TWC/2014/0746 - Maxell Europe Ltd, Hortonwood, Telford, Shropshire, TF1 6DA; and
- (c) TWC/2014/0761 - Land east of Waters Upton, Telford, Shropshire.

**PC-055      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

- (a)            TWC/2014/0415 - Land adjacent The Knoll, Church Aston, Newport, Shropshire

This was an outline application for the erection of up to 17 dwellings with associated access, services and infrastructure. All other matters (appearance, landscaping, layout and scale) were reserved for consideration at a later stage via a separate application. An update report was tabled at the meeting which clarified the recommended Section 106 obligations substituting the open space contribution for a play/recreation contribution

Councillor A J Eade, Borough Ward Member, had registered to speak but was not present when the application fell to be considered.

The Applicant's Agent, Mr S Thomas of Berrys, addressed the Committee in support of the proposals, stating that the site was sustainable with good access to education, health services and road network. He accepted that the site was not identified in the emerging Shaping Places Local Plan but noted that windfall sites could provide much needed housing. Mr Thomas went on to say that the site was not suited to agriculture but was well-contained and could comfortably accommodate the housing development, although some hedgerow would be removed to create appropriate highway visibility splays. Appropriate drainage controls were proposed. He noted the Parish Council's preference for allotments at the site but stated that the site was not available for that purpose. Section 106 obligations were noted together with the time limit to sign the legal agreement in order to secure the grant of planning permission.

The Planning Officer drew attention to aspects of the report relating to five year housing land supply, access, design, ecology including loss of trees and hedgerow, sustainability, pressures on services and infrastructure, and Section 106 contributions. The Planning Officer explained that changes to legislation meant that planning application fees had to be refunded to applicants when no decision was issued within 26 weeks. Consequently the recommendation in the report included an option to refuse planning permission if the proposed Section 106 agreement remained unsigned. The reasons for refusal detailed in the recommendation were, therefore, only applicable if the proposed Section 106 agreement was not signed as the proposed contributions provided adequate mitigation against the impact of the development.

Numerous questions were raised with regard to affordable housing and the Planning Officer responded that there was no difference between rural and urban affordable housing; affordable housing would be provided on-site and the Section 106 agreement sought affordable housing in value or number in order to give flexibility at reserved matters stage in the event that alternative proposals were made (eg for Extracare facilities which were in demand but comparatively more expensive per unit). Some Members considered affordable housing would be better offered off-site within Newport but other Members expressed the view that young adults who had grown up in the borough's villages often wanted to remain in the village when they moved out of their family homes but were unable to do so due to a lack of affordable housing.

Concern was expressed regarding the number of proposed dwellings and the impact on trees subject to Tree Preservation Orders. The Planning Officer advised that the ambiguity about the number of dwellings resulted from pre-application advice and would enable Officers to negotiate an appropriate design and layout, thereby ensuring due diligence was paid to the protected trees.

The Planning Officer also confirmed that there was no update on ecology and the Habitat Regulation Assessment screening matrix did not present any reason for refusal.

Whilst some Members remained concerned that the site was Greenfield land and were unconvinced that the proposals were sustainable, on being put to the vote, the majority of Members:-

**RESOLVED** – that with respect to planning application TWC/2014/0415 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the following:-

- (a) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
  - (i) Affordable housing, to include:

Provision ensuring that 35% of the dwellings to be built shall be affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);
  - (ii) Highways works, to include:

Off site highway infrastructure improvements - up to a maximum of £14,577;
  - (iii) Education infrastructure funds up to maximum of £37,599 within the vicinity of the application site;

- (iv) A contribution towards off site play and recreation within the vicinity of the site by the council of £10,200; and
  - (vi) Provision of a Planning and Financial Monitoring contribution of £1,500;
- (b) the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager);
- (c) if the legal agreement associated with this application (refer to terms above) has not been signed by 3 January 2015, that planning application TWC/2014/0415 be refused for the following reasons:
- (i) The proposed development fails to make provision for affordable housing to the detriment of the housing need of the area contrary to the provisions of Policy H23 of the Wrekin Local Plan, Policy CS1 of the Telford & Wrekin Core Strategy and Government policy set out in the National Planning Policy Framework.
  - (ii) The proposed development will have an unacceptable impact on the provision of local infrastructure, most notably the provision of educational facilities and public open space contrary to Policy OL13 of the Wrekin Local Plan, Policy CS10 of the Telford & Wrekin Core Strategy and the Government policy set out in the National Planning Policy Framework.
  - (iii) The proposed development will have an unacceptable impact on the surrounding highway network contrary to Policy T22 of the Wrekin Local Plan and the provisions of the National Planning Policy Framework.
- (b) TWC/2014/0932 - 1 Cloisters Way, St. Georges, Telford, Shropshire, TF2 9FY

This was a full planning application seeking retrospective permission for the erection of black metal hooped railings to the front of the property and closed boarded timber gates to the rear of the property at Cloisters Way, St Georges. Councillor V A Fletcher, one of the Borough Ward Members for Priorslee, had requested that the application be determined by the Planning Committee.

An update report was tabled at the meeting which set out further consultation responses received since the main report was drafted.

Councillor V A Fletcher spoke to oppose the application in terms of highway safety due to the restriction of access and egress to a private shared drive and turning head, the proposals were not in keeping with the open plan aesthetic of the area and there had been a previous refusal of similar proposals at another comparable site.

Mr P Dyke, a neighbouring objector, had registered to speak but was not present when the application fell to be considered.

Mr D Harrison, a neighbouring resident, spoke in support of the application which he believed enhanced the gateway to the estate and improved safety for the applicant's children. He had not encountered any difficulties with manoeuvring his own vehicles from his property.

Mr E Davies, the applicant, addressed the Committee in support of the application, explaining the terms on which he purchased the property from the developer and the personal reasons for requiring the fencing. He had supplied evidence that a turning point did not exist to the Ward's second Borough Councillor, Councillor I T W Fletcher.

The Planning Officer accepted that the original scheme for the development was open plan, but that future phases had introduced railings at the pool and that the application should, therefore, be considered on its merits. Vehicle movements would not be impeded and the proposals were policy compliant.

Members referred to the site visit which had been made in the afternoon prior to the meeting, noting that residents had been observed egressing properties without difficulty and that other properties in the vicinity benefited from similar railings. It was considered that the railings were an attractive addition to the property and provided safety for young children living in the property. Following questioning, the Planning Officer advised that permitted development rights were removed at outline stage, but in subsequent phases of development this practice was not continued due to a changing ethos. She advised that show homes often benefitted from enclosed areas in order to create a sales trap. She further advised that there was no fundamental reason to refuse this application and granting planning permission would not create a precedent as applications were considered on their own merits and some sites would be more suited to railed fencing than others.

On being put to the vote, it was unanimously:-

**RESOLVED** – that with respect to planning application TWC/2014/0932 planning permission be granted subject to the conditions as set out in the report.

(c) TWC/2014/0940 - Site of Hollinswood Local Centre, Hollinswood, Telford, Shropshire

This was a Council proposal for the redevelopment of Hollinswood Local centre with the erection of an Activity Hub (Use Class D1), replacement retail units (Use Class A1 and A5), car parking and creation of new public square following demolition of existing shops and maisonettes.

An update report was tabled at the meeting which set out further comments received from Shropshire Fire Service, the Highways Officer and Severn Trent Water. The update report recommended additional conditions as a result of comments received.

Members welcomed investment in Hollinswood and the proposals to improve the aesthetics of the area. Clarification regarding the red line boundary was sought and provided. The loss of housing was lamented but viability issues were noted. Members supported the introduction of solar panels and requested that consideration be given to installation of solar panels at the Community Centre. The Planning Officer advised that the Community Centre did not form part of this application and any installation would require an amendment to be submitted, although it was possible to note the request in an Informative. The Assistant Director: Planning Specialist agreed to raise the issue with colleagues.

On being put to the vote, it was unanimously:-

**RESOLVED** – that with respect to planning application TWC/2014/0940 planning permission be granted subject to the conditions as set out in the update report tabled at the meeting.

(d) TWC/2014/0960 - 183 Woodside Road, Ketley, Telford, Shropshire, TF1 5WT

Councillor K S Sahota had submitted this application for the erection of a porch to the front of the property. The proposal would normally be regarded as permitted development and would not require determination by the Committee, however, when the property was originally given consent, permitted development rights were removed (planning application W96/0750).

An update report was tabled at the meeting which confirmed that Ketley Parish Council supported the application.

The Committee supported the proposal.

**RESOLVED** – that with respect to planning application TWC/2014/0960 planning permission be granted subject to the conditions as set out in the report.

The meeting ended at 6.57pm

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL****PLANNING COMMITTEE****17<sup>th</sup> December 2014**

Schedule 1 - Planning applications for determination by Planning Committee
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<b>TWC/2014/0612 Land at Muxton Lane, Muxton, Telford, Shropshire</b> Outline application for the erection of up to 110no. dwellings with associated access with all other matters reserved.....	<b>2</b>
<b>TWC/2014/0761 Land east of, Waters Upton, Telford, Shropshire</b> Erection of 130no. dwellings and associated garages, 8no. commercial units for use class A1 and B1 and a further commercial unit at use class D1 with associated highway infrastructure, pathways, multi-use games area and landscaping following the demolition of existing agricultural barns, silos and storage sheds *****AMENDED DESCRIPTION***** .....	<b>31</b>
<b>TWC/2014/0941 Land to the north west of existing MOD Donnington, Donnington, Telford, Shropshire</b> Variation of Condition 6 of planning permission TWC/2014/0042 to allow a revised access arrangement to serve the proposed MOD Donnington Option Site involving the construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1) with associated infrastructure and landscaping .....	<b>59</b>
<b>TWC/2014/0945 Land North West of existing MOD Donnington Site off, Hortonwood 50, Donnington, Telford, Shropshire</b> Creation of a new vehicular access off Hortonwood 50 .....	<b>67</b>

TWC/2014/0612 Land at Muxton Lane, Muxton, Telford, Shropshire  
Outline application for the erection of up to 110no. dwellings with associated access  
with all other matters reserved

**APPLICANT**

Gladman Developments Ltd, Gladman Developments

**RECEIVED**

08/07/2014

**PARISH**

Lilleshall, Donnington and Muxton

**WARD**

Muxton

**OFFICER**

Kate Stephens

OBJECTIONS RECEIVED: YES

**MAIN ISSUES:**

Principle of development and five year land supply; NPPF and sustainable development; Highways; Landscape and settlement coalescence; Ecology; Affordable housing, Design and s106 obligations.

**PROPOSAL:**

This is an outline application for residential development of up to 110 dwellings including affordable housing and to include access. Matters of layout, appearance, scale, landscaping are reserved for later consideration. There would be areas of public open space and almost half of the site would remain undeveloped and preserved as a managed nature conservation area.

The application site amounts to some four grass fields covering approximately 10.4 hectares, but only approx. 4.06 hectares will be developed with housing. One 1.19ha parcel for housing is land at the bottom of Granville Drive cul du sac (but no vehicular access will be gained to the new development off Granville Drive) and the second parcel is a larger swathe of land (2.87ha) fronting Muxton Lane.

The two eastern-most fields (4.10ha) of important species-rich grassland will not be built on and instead will become a nature conservation area to include areas of habitat creation. These fields will be separated from the proposed housing development by the existing mature hedgerows that run along the small brook that bisects the site. Within the smaller northern parcel of land (at the end of Granville Drive) there will be a further area of open space adjoining the stream which runs through the site as well as a balancing pond, that will be an amenity feature as well as helping with site drainage.

Access to the site will be via the formation of two access points onto Muxton Lane to provide a linked loop through the. Approximately 60m of the existing roadside hedgerow will be dug up and re-planted ("translocation") further back into the site to allow for the necessary widening of Muxton Lane and the necessary visibility splays, while at the same time seeking to retain the hedgerow. The applicant proposes to plant up any gaps in the hedge.

An Environmental Impact Assessment (EIA) Screening Opinion was undertaken by the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The proposal does not fall within Schedule 1 of the Regulations, but falls under Schedule 2 of the above Regulations as being an "urban development project" and the area of the proposed development exceeding 0.5 hectare. The Local Planning Authority has undertaken an assessment and concludes there is no need for the proposal to be subject to Environmental Impact Assessment (EIA).

Whilst the scheme constitutes a major development, officers consider that the scale and nature of the development is not one that will be more than of local significance - and any impacts of the development can be adequately addressed by supporting documentation and the imposition of conditions should planning permission be granted. The applicant has submitted an illustrative masterplan and the following supporting documentation:-

- Planning Statement
- Design and Access Statement
- Landscape & Visual Assessment
- Transport Assessment
- Travel Plan
- Ecological Report
- Additional Ecology Information
- Bio-diversity Management Plan
- Phase 1 Site Investigation Report
- Foul Drainage Analysis
- Flood Risk Assessment
- Air Quality Assessment
- Noise Screening Report
- Archaeological Desk Based Assessment
- Socio Economic Sustainability Statement
- Statement of Community Involvement
- Supplementary Transport Technical Note

#### THE SITE:

The site lies approx. 3 kms north east of the centre of Telford (as the crow flies) and approx. 1km south west of the nearest part of the village of Lilleshall with its landmark hill and monument.

The site lies outside but contiguous with the built up boundary of Telford, as defined on the Wrekin Local Plan Proposals Map, and so lies in the rural area. The site is in agricultural use and comprises pastoral grassland fields with mature hedgerows running long part of the road side elevation and within the site. These fields are species-rich unimproved neutral grassland, which are of ecological importance.

Muxton Lane leads off Wellington Road and continues to the Shropshire Golf Club. There is a mix of housing types and styles along Muxton Lane, including several listed buildings. Muxton Lane has housing and roads leading directly off it on both sides of the road, as far as the site. Then from the site to the Golf Club, housing is

only on the western side of Muxton Lane, but this housing is not directly accessed off Muxton Lane - instead it is accessed off Marshbrook Way and set behind a hedge. There are also hedgerows long the western side of Muxton Lane, so the character and feel of Muxton Lane does change from being suburban to more rural.

Muxton primary school on Marshbrook Way is approx. 230m away and is easily accessed on foot via a wide hard-surfaced but unlit footpath that links Muxton Lane and Marshbrook Way. The nearest secondary school is just over 3kms away. The site is not located on a bus route - the nearest bus route is the No. 33 Arriva service that does a one-way loop round Marshbrook Way and Fieldhouse Drive. The nearest bus stops for this service are approx. 500m away on Marshbrook Way, 630m on Saltwells Drive and 680m on Fieldhouse Drive and over 800m to Wellington Road for the 481 service between Telford and Stafford (via Newport). There are two small rows of local shops located at junctions of Fieldhouse Drive and Wellington Road with Wrekin Drive - both are approximately 1.4kms to the west. There is a doctor's surgery approx. 550m away on the corner of Muxton Lane and Saltwells Drive.

The site does not have any statutory landscape or wildlife designation. Muxton Marsh Site of Special Scientific Interest (SSSI) is situated approximately 0.5 km to the southwest and Shropshire Granville Country Park Local Nature Reserve (LNR) is situated approximately 0.3 km to the southwest and includes some of Muxton Marsh SSSI.

Two Public Rights of Way cross the site entering at two points off Muxton Lane before converging within the site and then crossing the smaller parcel of land (off Granville Drive) before crossing a stile and emerging into countryside further north east towards Lilleshall. There is evidence that people have forged other paths across the site, including into the fields proposed for the nature conservation area. All paths appear well used.

The northwest boundary of the site is partly bounded by residential development along Granville Drive. Where not bounded by development land north of the site consists of a number of fields before reaching residential development off Wellington Road. To the west the site boundary is marked by Muxton Lane and a roadside hedge extends along most of the site frontage. The other side of Muxton Lane is modern residential development behind a roadside hedge, most of which is accessed off Marshbrook Way. Muxton Lane is also part of the national cycle route 55.

## CONSULTATION RESPONSES:

Lilleshall, Donnington & Muxton Parish Council

Councillors discussed the proposal, noted the residents' strong objections to the development and resolved to strongly object to this proposal for the following reasons: -

- Highway unsuitability – Muxton Lane is unable to support the extra number of vehicles that this development would bring. There have been a number of traffic incidents along this road especially where there is a dangerously narrow bend by Muxton Cottage which is a listed building. Telford & Wrekin Council has

previously objected to planning applications within this area due to improper highway capabilities. The footpaths along the entire length of Muxton Lane are narrow and numerous children walk along the road on their way to school. Extra vehicles would increase the danger to them.

- It would remove a large percentage of the green corridor between Muxton and Lilleshall which is a historical “buffer” zone. Mr Eric Pickles MP has stated that greenfield sites should only be used in exceptional circumstances and Councillors were of the opinion that this cannot be classed as an exceptional circumstance.
- The extra traffic along this narrow road would also be a danger to horses and riders that use this route on a daily basis as well as cyclists as the road is a National Cycle Path (No. 55).
- If this proposal is allowed then the proposed conservation areas should be managed by the Borough Council with measures to prevent any further prospect of development on them in the future.
- Lack of infrastructure to support this development in that the local schools, doctors and dentists are all full to capacity.
- Loss of privacy and light to houses situated in Granville Drive
- The Coal Authority has stated that the proposed site is classed as a Development High Risk Area and recommends that site investigation works are required prior to commencement of any development. This work will affect and disrupt the daily quality of life currently being enjoyed by the local residents.
- Drainage – There would be an increased risk of flooding as gardens of houses near the proposed development site already get flooded. The drains and sewers are already struggling with the current number of houses despite what Severn Trent Water say and as such they would be incapable of supporting such a development.
- There is a Right of Way through the proposed site and there are concerns that this would disappear.
- There are wild orchids and newts in the proposed development site.
- Gladman Developments consultation documents states that this Parish Council refused to meet with them regarding this development. This is untrue as representatives were invited to attend a Council meeting to discuss their proposal but declined on the grounds that their representative had been advised not to attend on the grounds of personal safety.
- This shows that Gladman Developments are aware of the vast community opposition to their proposal yet they still insist on proceeding with it. This shows a total disregard to the opinions of the local residents and Parish Council and asks why bother with a consultation if they are not going to pay any attention to the opposition to the proposal.
- It is requested that the Borough Councillors for Muxton “Call in” this application so that it is considered by Telford & Wrekin Council’s Plans Board. Residents were also concerned about the political point scoring that occurs at Telford & Wrekin Council meetings when Councillors should be united in doing the best for the Borough.

#### Natural England - No objection

- This application is in close proximity to Muxton Marsh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development will

not damage or destroy the interest features for which the site has been notified and therefore this SSSI does not represent a constraint in determining this application.

- The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision, as multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.
- Note the submission of the outline Biodiversity Management Plan - support the aims to enhance biodiversity and welcome the intention to ensure there is no net loss to biodiversity.
- Not assessed this application and associated documents for impacts on protected species, as Natural England has published Standing Advice, which is a material consideration and should be applied.
- Note that Standing Advice should not be treated as giving any indication or providing any assurance in respect that the proposed development is unlikely to affect any European Protected Species present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.
- Expect the Local Planning Authority (LPA) to assess and consider other possible impacts on local sites (biodiversity and geodiversity); local landscape character; and local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application, in accordance with Paragraph 118 of the NPPF.

The Coal Authority - no objection subject to condition

- The application site falls within the defined Development High Risk Area and records indicate that the site is located in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth.
- Therefore recommend a condition requiring site investigation works are undertaken prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.
- The Coal Authority considers that the content and conclusions of the Ground Conditions Desk Study (July 2014) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
- No objection subject to the imposition of conditions to secure the above.

TWC Highways

Initial comments:-

- Whilst the Local Highway Authority (LHA) did not agree the scope of the Transport Assessment (TA) can confirm it follows the normal format for this type

of report - the accompanying traffic counts were carried out on 25 March 2014 and the volume of traffic is within the range one would expect to see on Muxton Lane so accept this as the basis for the TA.

- Other modes of travel are discussed (bus/peds/cycle) and various mitigation measures are discussed to enhance these - for the most part these measures are reasonable although the proposed new bus stop on Marshbrook Way will serve no purpose as the 33 bus route does not pass that point.
- The TA also provides a future year assessment at 2026 which is the end of the new plan period. Whilst the growth factor used is correct, no specific committed developments have been considered in the assessment with the assumption that the growth factor will cover additional traffic and there has been no consideration of any sites in the emerging Shaping Places document.
- The TA shows the impact of this development on the surrounding junctions and that the proposal can be accommodated on the local highway network. But they have not included an assessment for the Wellington Road/School Road junction - whilst the impact at this junction is low it is the one junction which will be sensitive to queues and delays.
- The current capacity assessments show so much spare capacity that with the required corrections it will not alter the conclusions of the TA.
- Various mitigation measures proposed.
- Widening Muxton Lane across the site frontage would be acceptable in principle, although would continue the widening across the whole frontage - these works would need to provide highway drainage and street lighting and the 30mph zone already covers this part of Muxton Lane.
- The Applicant proposes to illuminate the path that runs from Muxton Lane to Marshbrook Way and which gives the most direct link to the primary school - no objections in principle to this and would also look to improve the surface at the northern end and incorporate a safe crossing point in conjunction with the aforementioned highway works - in this instance a raised table junction would be appropriate.
- The applicant has offered to provide a new bus stop on Marshbrook Way. The 33 bus service does not reach this point - it enters Marshbrook Way at the western end then turns along Saltwells Drive and back down Fieldhouse Drive in a one way loop before returning to town. But to encourage the use of the 33 recommend that the nearest local stops are enhanced with bus boarder kerbs and possibly shelters - £15,000 would secure this.
- The applicant proposes improvements to the carriageway markings along Muxton Lane - no objections in principle but it should include some physical measures as well such as speed cushions and measures for Wellington Road. £25,000 would secure this.
- The proposed development site includes some public footpaths. At this stage the Applicant does not intend altering the alignment of these. Any future layout should accommodate those routes in the design so that they are overlooked and remain desirable to use.

A Supplementary Technical Note has now been submitted to address the Highway officer's concerns, who no longer has objections in principle, subject to conditions:-

- The supplementary Technical Note has corrected the various issues identified in my initial response and there are no capacity issues identified in the results.

- In terms of mitigation the Developer has agreed to all the measures discussed.
- Disagree with developer about how much of Muxton Lane is to be widened - to narrow down so quickly after the southern access would not be sensible and I have conditioned this out.
- Recommend the following conditions relating to design and construction of roads/footways/cycleways, parking, widening of Muxton Lane, street lighting and surface improvements to footway to Marshbrook Way, details of Public Rights of Way and submission of a Travel Plan.
- In addition would seek the following contributions through a S106:
  - £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site;
  - £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road, and
  - £5,000 for travel plan monitoring.

Note: Objectors have criticised the traffic survey used in the TA as being inaccurate. Residents have submitted their own passing count as evidence. The TA has carried out a turning count at the junction of Wellington Road and Muxton Lane - the residents' survey is a passing count at a point south of Saltwells Drive. As the two survey sites are different it is impossible to make a direct comparison between the two counts and draw any particular conclusions. Whilst there are differences in the level of flows it is not beyond what would be expected for this road and the higher of the two flows still does not exceed the capacity of the Wellington Road junction or the practical link capacity of Muxton Lane. Reading of TA79/99 would put the combined two way capacity below 1250 vehicles per hour. This is still well in excess of the total observed and development flows.

## TWC Ecology

### Initial comments - object

- Additional information and surveys are required relating to bats, reptiles, great crested newts, ongoing management of the retained grassland areas, site design and justification against National Planning Policy Framework.
- The site comprises 4 unimproved species rich neutral grassland fields, 3 of which are currently managed for hay and grazed afterwards and the fourth is grazed by horses and supports ridge and furrow features, according to FPCR.
- There are mature hedgerows and tree belts between the fields and around the boundaries associated with small stream features. Some of the trees are of sufficient age to be classed as veteran.
- The fields have all been assessed during the Grassland Survey by FPCR as being between MG5 and MG6 grassland. MG5 grassland (lowland meadow) is a priority for nature conservation and is a habitat of principal importance under the NERC Act 2006. The fields fall slightly short of being MG5 habitat, but could recover to that grassland type through appropriate management, and are assessed as being MG6b. All the fields meet the criteria for designation as a local wildlife site for neutral grassland and lowland meadow habitats.
- There are 16 individual hedgerows which are generally species rich according to FPCR. 60% of the hedgerows on the site meet the definition of being 'important' under the Hedgerow Regulations and most have high ecological value and diverse ground flora.

- 60 individual trees were identified on the site including ash, pedunculated oak, alder, crack willow and field maple. Some trees on the site have features suitable for use by roosting bats and several could meet the definition of veteran trees.
- In the absence of additional information, object to the proposed development since it is not possible to assess or conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and contrary to the National Planning Policy Framework.

Additional ecological information and surveys have been received.

Now SUPPORT with conditions and informatives for detailed Biodiversity Management Plan; Erection of artificial nesting/roosting boxes; Great crested newt Method Statement; Pre-commencement inspection for badgers; Lighting plan; and Informatives for nesting wilds and bats.

For information taken from applicant's ecology reports:-

#### Great crested newts (GCN)

- Initially fourteen potential off-site ponds were mapped as being within 500m of the site boundary. However, further investigation revealed some of these ponds were in fact further away to be relevant, some had been misinterpreted and were not ponds, some were severed from habitats by roads and housing and hence unlikely habitats. Ponds 2 & 7 had access issues.
- Pond 2 was located on the other side of Hedge 11 and it was possible to view enough of this pond to establish that it was a lined ornamental garden pond with a pumped water feature and surrounded by hard landscaping and was considered to be of poor suitability for GCN.
- Pond 7 appears to be heavily shaded and within an area of GCN-optimal terrestrial habitat (dense scrub/wooded areas). This habitat borders Field 1 which is to be retained as a nature conservation area. The presence of GCN within this pond cannot be discounted, but the stream represents a barrier to dispersal of GCN, if they are present.
- The applicant's ecologist considers that obtaining a Licence from Natural England to undertake trapping within Field 4 is unnecessary, and would most likely be unsuccessful. But to comply with best practise methodologies the ecological report recommends that works within Field 4 and Field 3 take place under an appropriate Method Statement and this can be conditioned.
- The proposed construction activities provide no risk of killing/injury to GCN with no subsequent loss of GCN terrestrial habitat
- As a result of the proposals the Favourable Conservation Status of any GCN population that may be present within the local area would be enhanced as a result of the proposals.

#### Bats

- All the trees on site have been assessed for their potential to support roosting bats - no evidence of bat roosting was found in any of the trees.
- However 'Caution during works' is recommended for trees T10, T22, T28, T29, T53 and T60 and if trees T1, T3, T13, T21, 27, T42 are to be removed, then further surveys will be required.
- Overall bat activity indicates small numbers of bats foraging within the site and a limited number of bats commuting through the site, with the majority of activity in

the north and eastern extents of the site and with fields 1, 2 and 3 supporting the highest levels of activity.

- The hedgerows within the site provide foraging and commuting habitat and these features provide connectivity into the wider landscape with bats utilising the hedgerows within the site to commute to foraging grounds further afield - most of the hedgerows and their associated mature trees are to be retained and will be managed sympathetically as outlined in the Biodiversity Management Plan which forms part of the submitted application.
- Proposals to translocate a length of hedge adjacent to Muxton Lane - losses are minor and will not have any impact on the integrity of the hedgerow network within the site and its value for bats.
- To reduce the potential impacts on foraging and commuting bats new lighting on the site should be placed away from foraging areas and commuting routes, be directional and low impact.
- To enhance the site for bats, the report recommends the inclusion of 'integrated bat boxes within some of the buildings and bat boxes on retained trees as indicated in the Outline Biodiversity Management Plan.'

#### Nesting birds

- Thirty-two species of birds have been recorded during the surveys, eleven of which have some conservation concern.
- The loss of nesting sites for swallows should be compensated for by the inclusion of artificial nest cups under the eaves of buildings, or inside outbuildings of some of the proposed new houses.
- The Ecology report advises that the design of the final development will incorporate green infrastructure features that will deliver enhancement for birds including: grassland management, creation of an attenuation pond connected by swales as part of the SuDS and maintenance and enhancement of existing hedgerows and trees.

#### Reptiles

- Ecological report advises that habitat suitable for reptile occupation was noted throughout the site margins and included hedgerows associated with the bisecting stream.
- Reptile surveys have been carried and reveal no evidence of reptiles, part from small numbers of common toad *Bufo bufo*,
- The Development Framework involves retention and buffering of these features; consequently, suitable reptile habitat will be retained as part of the development proposals.

#### Badgers

- Despite a potential badger track, no other field signs were observed. Should permission be approved, additional checks for the presence of badger should be undertaken prior to the commencement of any work.

#### Other species

- Small numbers of common toad were recorded during the reptile survey - but as the development proposals will retain the habitats where they were found they are unlikely to result in any adverse impacts to the population of this species.

- The stream habitats on the site were considered to be unsuitable to support water voles or white clawed crayfish.
- None of the reports consider the site's importance to hedgehogs (a Species of Principal Importance) or to invertebrate species. The Ecology report recommends hedgehog boxes and boxes suitable for a range of invertebrate species are included in the final design.

#### Biodiversity Management Plan

- The Ecology report comments that this plan will ensure that 4.1ha of one of our most vulnerable priority habitats will be secured from all forms of potential future loss and degradation. When considered collectively in relation to the area of grassland which will be lost, the report advises that the implementation of this management will result in a biodiversity gain.
- The Ecology Report comments that a detailed Biodiversity Management Plan would be expected to be a condition of any planning approval, with its final detailed content established at Reserved Matters stage, so at present there is only an outline framework approach.

#### Hedgerows

- The Ecology Report advises there is a need to undertake a long-term hedgerow restoration and maintenance programme to maintain and enhance the current biodiversity value of the hedges and retained grassland. To allow, the development design will be such that private drives and other access roads will border hedges to ensure that they can be easily accessed for management purposes and to prevent garden encroachment and anti-social rubbish dumping.

#### Waterbodies

- A balancing pond will be created in Field 3 (the north-west part of the site) to replace the depression adjacent to Muxton Lane.
- The Ecology report advises that the balancing pond will 'include features for biodiversity as much as possible ... within the constraints of the need for its design to be led by its principal function of water attenuation'.

#### TWC Drainage

While reasonably happy with the Flood Risk Assessment, the following should be submitted as part of the reserved matters application:

- a scheme of foul drainage, and surface water drainage
- surface water runoff shall be restricted to 10 litres per second and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change.
- the ownership of any proposed SuDS features.

#### TWC Arboriculture

- The main arboriculture impact of this proposed development will be the loss of the group of trees (TG2) adjacent to Muxton Lane.
- Within the tree report the author offers two options to either translocate the group (TG2) further east into the field or to fell and replace. Given the size of a number of the trees and their proximity to each other within the hedge, I do not feel that translocation would be viable option. Therefore a mitigation replacement scheme

will need to be established which should also include a replacement planting scheme for H1 and will need to include a number of semi-mature trees to make an instant impact.

- The housing layout at the detailed design stage should take into account the presence of the retained trees so as to avoid the usual conflicts of new homes and mature trees. This could be achieved on the northern boundary of the larger of the two field parcels by installing a path on the northern boundary.
- The smaller of the two parcels of land contains 3 of the largest Oak trees on the site - these have now been made the subject of Tree Preservation Orders to ensure that they paid due diligence throughout the planning process including their branch spread and potential growth, leaf drop and shade in summer.
- If consent is granted, impose conditions relating to landscape design, Arboricultural Method Statement, ducting services, tree replacements, soil levels, and tree & hedge protection.

#### TWC Parks & Open Spaces

- New residents to the area will increase demand upon the existing play / recreational resource.
- The proposed development may exceed the trigger level highlighted in WLP policy LR6 for a NEAP but with the outline process it is difficult to ascertain with any assurity.
- The development is partially within acceptable walking distance of some nearby play provision which is in need of upgrading - however, parts of the proposed development exceeds this accessibility standard.
- An offsite contribution of £600 per property (including affordable) towards upgrading existing nearby children's play areas - should this not be provided in full then the development should meet the need by providing onsite play provision (possibly a NEAP).
- There is a significant amount of Public Open Space (POS) proposed in this application and this would require management / maintenance - if adopted by the Council there would need to be a commuted sum for maintenance - but this is hard to calculate from an outline plan.
- The proposed Nature Conservation Area which appears to indicate grazing as part of the management proposal - would need clarification about the proposed management before we are able to ascertain if it is something the Council would wish to manage.
- There is incidental open space (around car parking bays / gable ends etc) within the development but no indication as to whether this is to be conveyed to individual property owners or how and who is to manage this - if the council are requested to adopt we would need a commuted sum for maintenance.
- It should also be noted that Highways request £350 per tree for maintenance in addition to any transfer / adoption agreement.
- If the POS areas are not to be adopted by the council there will be a requirement for a landscape management plan which not only identifies how the area is to be managed but also identifies how this is to be funded for the long term.

#### TWC affordable housing

- The development should provide 38% or 40% affordable housing (subject to wider viability considerations).

- The tenure of the affordable housing should be 80% affordable rent and 20% shared ownership (minimum 25% initial equity stake) – not *shared equity*. The shared ownership properties should be offered with a lease that restricts staircasing to no more than 80%, or, which obliges the landlord to repurchase the property where the leaseholder wishes to sell.
- The affordable homes should be a mix of family houses – mainly 2 bed 4 person and 3 bed 5 person. These should achieve the Level 1 Space Standard (as a minimum) as set out in the consultation stage of the National Housing Standards Review. N.B. The minimum Gross Internal Floor Areas are 77 square metres and 90 square metres respectively. There should be further discussion on the specification of the affordable homes as part of any Reserved Matters application (if appropriate).
- The affordable homes should be fully integrated within the overall development in clusters of no more than six to eight.
- The affordable homes should be transferred to a Private Registered Provider (PRP) – preferably one that is already active in the borough.
- The method of advertising/marketing the affordable homes should be agreed between the Council and the RRP at least six months prior to their completion. A comprehensive Local Lettings Plan should be agreed between the Council and the PRP at least six months prior to completion and before the allocation of any homes.
- There should be an appropriate mechanism to link the delivery of the affordable homes to the construction of the open market housing.

#### TWC Education

The Education department have not raised any objection subject to a financial contribution of £357,165.25 towards primary and secondary education.

#### TWC Urban Design

- The opening statement in the Design and Access Statement suggests that the vision for this site is *“to create a distinctive high quality sustainable development which enhances the quality and character”* of surrounding area - this is a very generic vision statement and the D & A statement fails to convince that this vision will be delivered.
- The impact of highways and access is particularly crucial to the creation and delivery of a development. The possible removal of the existing boundary treatments opens the site up and effectively changes the look and feel of it.
- The overall vision is commendable, but it needs to be backed up by more substantive work so there needs to be a condition which requires further work to be undertaken and agreed before any Reserved Matters scheme.

#### Shropshire Fire Service

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications> Watch Manager Pat Johnson.

#### Telford & Wrekin Local Access Forum

- Two Definitive Public Rights of Way pass through the site and as yet there is no

indication as to how these are to be managed should the development go ahead.

- The developer should engage with the Local Access Forum as well as the Telford & Wrekin Senior Rights of Way Officer concerning this issue.
- It would be unlawful for the development to go ahead without first legally diverting/extinguishing this route if it is to be moved.
- The surface of the original route cannot be changed without permission of the Highway Authority.
- Any diversion must be placed on the Definitive Map to preserve it for posterity.
- It is suggested that the developer should upgrade the route to minimum of bridleway status if possible as this allows a greater number of legal users to gain a safe off road route and allows for cycle use if required - this would be a suitable recompense for a route that was rural now having to pass a large development as well as improving/developing sustainable transport links.
- The route should, wherever possible, use least restrictive access design to enable those that are less mobile to access the route.
- The T+W Local Access Forum have a statutory duty to advise on the improvement of public access to land for the purposes of open-air recreation.
- Whilst the forum cannot directly oppose the development the above comments should be taken into consideration.

#### Neighbour representations

Some 170 letters/emails of objection have been received raising the following issues that are summarised below:-

#### Need and brownfield land

- No need for this rural greenfield development as there are lots of brownfield sites (900) in Telford not yet built on that could provide 31,000 houses - CPRE also say there is plenty of brownfield land.
- No need as there are lots of empty houses in Telford.
- The site doesn't even feature in Shaping Places, whose sites would be planned with associated infrastructure.
- Housing just being "dumped" on Muxton when there is no need - just a landowner wanting to make money

#### Traffic and access

- Muxton Lane is not suitable for extra traffic - it is already narrow and windy such that two cars can't always pass and drivers often speed.
- Access/egress will be created onto a dangerous narrow part of Muxton Lane.
- Extra traffic (200 extra cars a day) will make road safety and traffic speeds worse, especially as there is already Golf Club traffic (and they have consent for a hotel).
- Muxton Lane is national cycle Route 55 so lots of cyclists use it - extra traffic will be a danger.
- Construction traffic will make matters worse - for the Golf Club construction traffic was conditioned to NOT use Muxton Lane.
- Getting out of Muxton Lane onto Wellington Road is already difficult at peak times. Then exit on to the A518 at peak periods or weekends is impossible resulting in driving through Lilleshall Village and joining the A518 at the Red House roundabout or exiting the Wellington Road at the opposite end which is

equally as busy and dangerous with the Donnington junction almost opposite and the shops and pedestrians. This will get worse.

- No pavements along full length of Muxton Lane.
- Road widening will mean loss of roadside hedgerows.
- Extra traffic will affect the listed buildings along Muxton Lane, including the timber framed Crooked House which is on a bend.
- Muxton Lane is not a designated bus route, so this will mean people have to use their cars.
- Painting "slow" on the roads won't alleviate traffic problems.
- When Ryder Drive was built, there was no vehicular access onto Muxton Lane.

#### Wildlife and countryside

- Will destroy the green buffer between Lilleshall and Telford, destroy the semi-rural setting and character, extend the urban sprawl and make Muxton like Lawley or Priorslee.
- Loss of agricultural land.
- Loss of countryside and wildlife.
- There are some big oak trees that could be affected.
- Will spoil the rural and natural amenities of the area.
- Don't need new landscaping that takes years to develop as there are already mature trees and hedgerows.
- The fields have not been ploughed for 50 years and are permanent ley.

#### Impact on local services/facilities

- Local doctors and schools already stretched so won't be able to cope with extra population.
- Muxton has lost its pub and dedicated post office - so now further to walk to these facilities.
- Build more schools and expand existing facilities before build new houses.
- Lots of housing been built in Muxton, but not the facilities and services to match.
- Currently good mix and blend of old and young people and good community spirit - more houses will dilute this and result in breakdown of that community.
- Existing drainage system won't be able to cope, the water table is high and the land often floods during heavy rain.

#### Other

- Loss of privacy.
- Increased noise due to extra traffic
- Social/affordable housing - who will vet which people move in?
- Due to the Council's failure to prepare a Plan and lax planning laws developers/landowners are exploiting the system and submitting speculative applications everywhere just to make money.
- The applicant Gladman has not attended any consultation meetings with residents or the parish - they have done the bare minimum posting letters to some residents and a website that doesn't work properly.

PETITION containing 503 signatures has been received concerned about:-

- The site falls within a High Risk Area for coal mining and there are hazards which need to be considered.
- The proposed development will not necessarily deliver the developer's vision of a

“distinctive high quality sustainable development that enhances the quality and character of the surrounding area”.

- No development shall take place until scheme for foul and surface drainage has been submitted to the Council.
- Community has conducted its own traffic survey that captured 2574 vehicle movements in a single working day, but the development will increase housing density by 55%.
- There will be heavy construction traffic along Muxton Lane for three years, so there will be safety issues and damage to nearby listed Crooked House.
- Removal of important historical trees and hedgerows and road widening.
- The land is rural - if approved it will open up the Council to potential legal challenge from the community.
- Council's Ecologist objects as not possible to conclude the development will not cause an offence.
- The fields have been used as open space by the Muxton community for generations.
- Construction will ruin the urban setting of the area.
- Don't make a decision that Council or residents cannot be proud of.

#### PLANNING POLICY CONTEXT:

National Policy:

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Core Strategy DPD:

CS1 – Homes

CS3 - Telford

CS6 – Newport

CS5 - District and Local Centres in Telford

CS7 - Rural Area

CS9 – Accessibility and Social Inclusion

CS10 - Community Facilities

CS11 - Open Space

CS12 - Natural Environment

CS13 - Environmental Resources

CS14 - Cultural, Historic and Built Environment

CS15 –Urban Design

Wrekin Local Plan (saved policies):

UD2 – Design Criteria

UD3 - Urban Design Assessments

UD4 - Landscape Design

H9 - Location of New Housing

H23 - Affordable Housing

T22 - Planning Obligations

OL2 - Designated Areas

OL11 - Woodland and Trees

OL12 - Open Land and Landscape Contributions from New Development

OL13 - Maintenance of Open Space

LR6 - Developers Contributions to Outdoor Recreational Open Space Provision  
within New Residential Developments  
HE24 - Historic Parks and Gardens

## PLANNING CONSIDERATIONS

The planning application raises the following main issues:

- Principle of development and five year land supply
- Highways
- Landscape and settlement coalescence
- Ecology
- Affordable housing
- Sustainable development
- Drainage and other issues
- Planning obligations and s106 contributions

### Principle of development and five year land supply

The National Planning Policy Framework (NPPF) is the most up to date national policy guidance that all development needs to be assessed against, especially if the existing local development plan conflicts with the national advice. The presumption in favour of sustainable development is now to be regarded as the “golden thread running through both plan-making and decision-taking” (para 14) and the NPPF advises that “Housing applications should be considered in the context of the presumption in favour of sustainable development” (*para 49*).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise, and this is reiterated in paras 11 and 196-197 of the NPPF. The guidance contained in the NPPF is a material consideration in determining applications.

The NPPF also directs councils to boost significantly the supply of new housing at paragraph 47 and as part of this requires the council to demonstrate a five year plus 20% supply of deliverable housing sites. At the time of writing, the council cannot demonstrate such a supply. In the absence of a five year supply of deliverable sites, policies around housing supply cannot be considered up-to-date and cannot be relied upon alone to justify refusal and there will be a presumption in favour of sustainable development. Sustainable development comprises three mutually dependent dimensions - namely economic, social and environmental - and these should be mutually dependent and balanced out to ensure appropriate development. However other relevant policies in the development plan can still be relied upon if they accord with the NPPF. Officers consider there are material considerations that should be taken into account and these will be explored in the report below.

### Traffic and highways

This outline application includes access. The application includes the formation of two access points onto Muxton Lane to create a loop road through the proposed housing estate and provide vehicular access into the smaller parcel of land off Granville Drive - although there would be no vehicular access off Granville Drive cul-du-sac.

Muxton Lane runs from Wellington Road in the north to the Shropshire Golf Club in the south, after which the road becomes less well maintained, but does continue to Granville Country Park. Visitors to the Golf Club are encouraged to use the route from the Granville direction instead of Muxton Lane and the Golf Club are to improve

the route as part of the planning permission for expansion of facilities and will improve the route from Granville, which would then be eventually adopted by the Council.

There is pavement on both sides of Muxton Lane for most of its length from Wellington Road as far as the site, and then the pavement on the eastern side stops, but continues along the western side of Muxton Lane as far as the Golf Club. On reaching the application site Muxton Lane starts to take on a different feel as it narrows and hedgerows appear on both sides of Muxton Lane and housing no longer faces directly onto Muxton Lane (as it is set side-on and behind a hedge that runs along the back edge of the existing pavement).

As part of the development proposals the applicant intends to widen the carriageway of Muxton Lane to a width of 5.5m along the frontage of the site; provide a new footway on the eastern boundary of Muxton Lane and traffic calming measures. The applicant also proposed a new bus stop on Marshbrook Way but the bus doesn't travel along that part of Marshbrook Way and instead the Council's Highway engineer proposes improvements to existing stops. And in order to enhance pedestrian/cycle access the footpath between Muxton Lane and Marshbrook Way would be improved with lighting.

From the many letters and emails of objection that have been received, local residents are concerned that the additional housing will increase traffic along Muxton Lane resulting in an adverse impact on highway safety, danger to road users including children and road junctions in the area.

In order to assess the suitability of the local highway network and its capacity to accommodate the proposed development, the applicant submitted a Transport Assessment (TA) for the Council's Highway Engineer to consider. The NPPF advises at para 32 that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*". The scope of the TA had not been agreed with the Council's Highways department beforehand, but after requesting additional information and clarification of trips rates and various assumptions, the Council's Highways officer is now satisfied that the local highway network and junctions have the capacity to accommodate the increase in traffic and the traffic movements that would result from a development of 110 dwellings.

Local residents have undertaken their own traffic survey, which they carried out on Wednesday 10<sup>th</sup> September 2014 for a continuous 12 hour period outside the Linden Hall doctors' surgery. During this time they counted 2574 vehicles plus 58 cyclists and 8 horse riders passing the survey point in either direction with the busiest times between 8-10am, 2-3pm and 4-7pm. The residents who undertook the survey estimated that about a third of the traffic they surveyed exceeded the 30mph speed limit. The residents' survey provides a snap-shot of traffic movements on a particular day, but as the survey is different from the TA surveys it is not possible to make direct comparisons or draw any particular conclusions. However, the applicant's TA offers a more comprehensive and professionally informed assessment of traffic impacts arising from the proposed development and more weight has to be attached to it.

The applicant's TA proposes highway mitigating measures and the Council's Highway engineer has agreed to the widening of Muxton Lane on the development side of Muxton Lane across the site frontage, with the provision of pavements. These works are necessary to make a safe and suitable access to the site. In addition he recommends planning conditions and has requested s106 financial

contributions for £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site, £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road and £5,000 for travel plan monitoring.

As part of the necessary highway works the developer will be required to also install street lighting along the footpath linking Muxton Lane to Marshbrook Way, which gives the most direct link to the primary school, and highways officers would like to see the surface at the northern end improved and incorporate a safe crossing point in conjunction with the aforementioned highway works - in this instance a raised table junction would be appropriate.

There are two definitive public rights of way that cross the site from Muxton Lane and converge to provide a link between Lilleshall and Muxton Lane, although there is evidence on site that people have forged other footpath routes across other parts of the fields. The illustrative layout plans indicate that the designated routes and alignments will be retained as green links. Officers would expect any detailed Reserved Matters applications to retain and integrate these routes so that they continue to link into the existing footpath network and for the developer to contact the Telford & Wrekin Access Forum.

In conclusion the Council's Highways Engineer does not object to the proposed development and there are no technical reasons on highway capacity or safety grounds against which to substantiate a refusal reason.

#### Landscape and settlement coalescence

The application site lies outside the built up boundary of Telford in the rural area, as defined on the Wrekin Local Plan proposals map, where new development in the countryside is to be limited. In the rural area, Wrekin Local Plan policy H9 and Core Strategy policy CS7 focus new housing in named rural settlements.

WLP policies UD4 and OL12 expect new development, amongst other things, to be appropriately landscaped into its setting; replace any footpath/cycle way links that may be lost; identify any positive features that should be included into the scheme. WLP policy OL11 seeks to resist development that will result in the loss of trees that make a valuable contribution to the character of the landscape, a settlement or its setting. Core Strategy policy CS10 seeks to protect and enhance areas of open space and recognises that "Open spaces and countryside underpin the quality of life in the Borough... and protect them from unnecessary development."

The applicant has submitted a Landscape and Visual Appraisal and carried out an Arboricultural survey. The site does not have any statutory landscape designation. However, it lies within Natural England's 'Mid Severn Sandstone Plateau' National Character Area 66, close to the border with the 'Shropshire, Staffordshire and Cheshire Plain' National Character Area 61. Under the Shropshire County Council Landscape Typology (2006) the site lies within the Landscape Type 'Estate Farmlands', the key characteristics of which are Mixed farming land use; clustered settlement pattern; large country houses with associated parklands; planned woodland character; and medium to large scale landscapes with framed views. The site also lies close to the "Upstanding Enclosed Commons" landscape type.

The applicant's landscape consultant concludes that views of the site and its impact will be limited mainly to properties that currently adjoin or overlook the site and those using public footpaths, and that long distant views of the site are limited, even from Lilleshall hill due to the intervening topography and matrix of fields and hedges. The consultants conclude that the development will relate well to the residential edge of Muxton and the new development will be on the least visually sensitive parcels of land, with the most visually sensitive parcels being retained for the proposed nature

conservation area. The applicant's landscape consultant considers that the proposed development will respond well to the character of the site and that the illustrative layout has responded to opportunities to retain views of Lilleshall hill and provide enhanced areas of public open space and landscaped routes and vistas across the site.

In assessing the site, the applicant has also used the Telford & Wrekin Landscape Sensitivity and Capacity Study (the Study) published in May 2009. This Study was undertaken to determine the capacity of the landscape to accommodate housing development sites identified as part of the 2008 SHLAA and to identify those landscapes that should be protected from development, in order to inform the plan-making process. The study was updated in February 2014 as a "Landscape Sensitivity Study" to update the assessment of the previously assessed sites that are brought forward in the 2012 SHLAA and also applied an assessment to additional sites in the SHLAA. The main change in the 2014 Study was that the sites were only assessed on their sensitivity to housing development and no longer involved a judgement on their capacity as to whether a site should or should not be permitted. Sites have been rated from low to high taking into account a variety of factors. High/medium sensitivity is defined as "Landscape and/or visual characteristics of the site/zone are vulnerable to change and/or its values are medium through to high and the zone can accommodate the relevant type of development only in defined limited situations without significant character change. Thresholds for significant change are low".

Whilst the Study has been undertaken to inform the plan-making process and planning applications cannot be determined solely on its findings, officers consider that the findings can assist in the determination of the application - indeed the applicant's landscape consultant has used the Study to inform their own assessment of the site's impact. The Council does not currently have a specific "buffer" policy that protects the land between Lilleshall and Muxton from development and the Core Strategy did not advance sufficiently to include a spatial plan before the decision was made to prepare a Local Plan. However, officers consider that the site has an important role to play as a separation buffer to prevent the coalescence between the edge of Telford here at Muxton and the village of Lilleshall which sits prominently on a hill approximately 1km to the east as the crow flies and the site contributes significantly to the general openness of this area.

The application site is not included in the SHLAA and therefore has not been assessed in either the 2009 Study or its 2014 update. However two sites immediately adjacent to the application site, to the east and to the south, have been assessed in the Study and both are regarded as being of "high/medium" sensitivity and vulnerable to change due their rare ecological value or the openness of the site and role as a buffer between Telford and Lilleshall. The SHLAA also deemed these sites unsuitable. Officers consider that the application site shares some of the same features and characteristics as the assessed adjacent sites and should be similarly considered as being of "high/medium" sensitivity.

Officers acknowledge that most development will have an impact on its surroundings, but in this instance officers consider that development of the site would result in a significant impact as it would result in undesirable encroachment into the countryside and into the land that acts as "buffer" that separates the built up edge of Telford from the village of Lilleshall. There are mature boundary hedgerows around the site that serve to lessen views of the site and the two fields proposed as the nature conservation area are well screened. However, when viewing the site

from the public footpath from Lilleshall, the smaller parcel of the application site at the end of Granville Drive is more prominent and built development will be more visible even when the hedges are in summer leaf. Furthermore, built development along Muxton Lane does not appear as a unduly visible, even in winter, and the nearest built form of Granville Drive and properties further north along Muxton Lane appear as loose and undefined built form. As a result, the impression from this public vantage point is one of still being in the countryside and of not yet meeting the urban edge of Telford. Consequently built development will reduce that sense of openness and separation between Telford and Lilleshall and would be a visible and physical encroachment into the countryside. This impact cannot be adequately mitigated against.

Similarly when on Muxton Lane, the application site provides an openness and a rural feel. Again these fields provide a strong visual buffer and physical separation between the edge of Telford and the village of Lilleshall. This openness and separation is further endorsed by the enticing view one gets of Lilleshall hill and its monument from various parts of the application site. Whilst the applicant endeavours to retain these views, as shown on the illustrative layout, these views would lose their openness and instead be framed and contained by built development.

The openness and physical separation between the edge of Telford and the village of Lilleshall along this part of Muxton Lane will be further eroded by the translocation of the roadside hedge for the proposed road widening, as the rural feel will be lost. Apart from the hedge's ecological value, which is admittedly less than some of the other hedges around and within the site, it creates a strong countryside edge and rural feel to this part of Muxton Lane, especially as the lane tends to narrow and built development does not face directly onto Muxton Lane. Usually translocation involves heavily cutting back the hedge and reducing it in height and planting it on a new line further back into the site with heavy plant and machinery. The Council's tree officer doubts that this will be successful, especially for the mature hedgerow trees, and has requested the planting of semi-mature species to provide some instant visual compensation. The success of the translocation is not guaranteed and would require careful implementation and aftercare. Whilst translocation has some ecological benefits, there will be an immediate loss of visual screening that will lessen the site's ability to be assimilated into the surrounding countryside and will erode that sense of openness and separation between Muxton and Lilleshall. Even when the hedge has matured to its existing height over time, the separation and loss of openness will still persist by the presence of built development.

Officers consider that the application site serves an important function as a significant visual and physical separation between Telford and the village of Lilleshall. To allow development on this site will extend built development out into this countryside location in an uncontrolled and undesirable way, resulting in the loss of openness and an undesirable coalescence of Lilleshall with Telford. This would be further compounded by the precedent that development of this site would have on other land along Muxton Lane or adjacent to the application site that may come forward for speculative development. The site lies outside the built up boundary of Telford in the rural area, as defined on the Wrekin Local Plan proposals map, and the development would be contrary to Wrekin Local Plan policies OL11, H9 and Core Strategy policies CS7 and CS11.

Ecology and Nature Conservation

The NPPF expects the planning system to conserve and enhance the natural and local environment by, amongst other things, “minimising the impacts on biodiversity and providing net gains in biodiversity where possible ...” (para 109). When determining planning applications the NPPF asks local planning authorities to apply various principles in order to conserve and enhance biodiversity, which include refusing planning permission if there is significant harm that cannot be mitigated against or compensated for, or where irreplaceable habitats are lost or destroyed, but encouraging opportunities to incorporate biodiversity in and around developments (para 118). Core Strategy policy CS12 is already in conformity with the NPPF on this and Wrekin Local Plan Policy OL2 seeks to prevent development that will adversely affect certain protected landscape/wildlife designations, unless the benefits outweigh the importance of the area and the loss of any habitat is fully compensated for by the creation or enhancement of other habitats of equal or greater value in the local area.

The site itself does not have any statutory wildlife or nature conservation designation. However, the site does possess a rare biodiversity asset that is of high ecological value as it comprises four unimproved species-rich neutral grassland fields, one of which supports ridge and furrow features. Whilst these fields do not have enough species to qualify as a national “Lowland Meadow Habitat of Principal Importance”, they would meet selection criteria to be of sufficient ecological interest as a Local Wildlife Site for Shropshire with county importance. Species rich neutral grassland is also a Priority Habitat within the Shropshire Biodiversity Action Plan (BAP). Building on this land would result in the loss of an environmental asset of county importance that just misses out on being of national importance) and potentially conflicts with the NPPF and policy CS12, which seeks to protect valued landscapes and minimise impacts on biodiversity and advises that development that results in the loss or deterioration of irreplaceable habitats should be refused. At a local level there is a need to demonstrate how the benefits of development of this land outweigh its current ecological importance.

In recognition of the importance of these species-rich pastoral grasslands, the applicant is proposing to only develop on the two least species-rich fields closest to Muxton Lane and retain the remaining two eastern-most fields as a nature conservation area that can be properly managed to enhance its biodiversity. Without management or sympathetic care by the landowner, these fields can degrade and lose their ecological importance at any time. The applicant intends that the nature conservation area would be specifically managed to ensure the retention of and enhancement of the grassland (either via a management company or adoption by the Council). Successful achievement of this will be reliant on the development and implementation of a detailed Biodiversity Management Plan. The applicant has submitted an outline Biodiversity Management Plan to indicate the broad management principles - should outline consent be granted a conditioned can be imposed requiring a detailed Biodiversity Management Plan with any subsequent Reserved Matters application, which should cover both the construction and post development stages of the proposed development.

The applicant considers that granting planning permission to create a nature conservation area on half of this ecological asset would secure the permanent retention and even enhancement of two of the species-rich grassland fields, despite the loss of two of the fields. The applicant considers that this will be an overall biodiversity gain and the Council’s ecologist has accepted this stance.

With regards the impact on statutorily protected sites Muxton Marsh is the nearest SSSI and is located approximately 0.5km from the site and is separated from the application site by existing residential development. Both Natural England and the Council's Ecologist consider that the proposed development will not have a direct impact on the SSSI, although some indirect impact might arise from increased visitor pressure to the SSSI as it forms part of the Granville Country Park Local Nature Reserve. Hence there is no conflict with policy OL2 and CS12 on this matter. The applicant has submitted an Ecological Appraisal of the site. The Council's ecologist initially raised objections due to the lack of supporting ecological information and surveys relating to bats, reptiles, great crested newts and ongoing management of the retained grassland areas. However, the additional information has now been submitted and overall the Council's Ecologist no longer has an objection, but recommends various conditions and infromatives. In addition, Natural England has no objection to the loss of this undesignated pastoral grassland and the Council's ecologist is willing to accept the scenario of granting planning permission in order to secure the permanent retention and management of part of this rich habitat. There are no protected species or sites that can't be dealt with by an ecological mitigation strategy or planning conditions and there is no requirements for licenses to be sought. As such there is no conflict with the NPPF, policy OL2 and CS12 with regards the protection of statutorily designated sites or species.

The hedgerows are dominated by native species and are classified as a Habitat of Principal Importance under Section 41 of the NERC Act 2006 and are a Priority Habitat within the Shropshire BAP. A high percentage of the hedges were found to be of high ecological value, although the roadside hedge has the least value. The existing network of hedgerows within the site provides suitable habitat for many species, but is likely to be of particular importance to farmland birds and commuting and/or foraging bats and also provides a strong connectivity through the site and with the wider adjacent landscape. The applicant recognises the importance of the hedgerows and intends to retain hedgerows within the development, as shown on their Development Framework plan, apart from the roadside hedge which they plan to move back. Detailed landscaping schemes would be required to be submitted under condition and subsequent Reserved Matters applications will require detailing landscaping proposals to be drawn up.

#### Design

This is an outline application that seeks to only establish the principle of development and broad design parameters. Matters relating to the detailed design of dwellings, their exact location, position of windows, boundary treatments, landscaping etc. will need to be submitted and considered in any subsequent Reserved Matters applications in due course, should outline planning permission be granted.

The NPPF has as one of its 12 core planning principles to "secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Another principle is for development to "take account of the different roles and character of different areas promoting the vitality of our main urban areas." The NPPF goes on to advise at para 59 that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." WLP policies UD2, UD3 and UD4 and Core Strategy policy CS15 all seek to promote good design and good concepts of "place making" to create "Attractive, responsive and adaptable environments in

which to live, work and play and are essential to creating sustainable local communities.”

The applicant has prepared a Design & Access Statement and an indicative masterplan layout has been produced that demonstrates that a mixed development, including affordable housing, together with roads, footpaths, connectively, green spaces and a nature conservation area can be accommodated on the site. Properties would be of a traditional brick and pitched roof construction, and most would be 2 storeys in height but with some two and a half storey units at appropriate locations. The illustrative layout shows it is possible to site dwellings that should avoid direct overlooking/loss of privacy of existing properties and with adequate separation and orientation of properties. The designers have integrated existing landscape features into the scheme by the retention of trees and hedgerows and views to Lilleshall where possible, which is in general accordance with WLP policy UD4 which expects landscape to be integrated into any design layout from the outset.

Officers are satisfied that the proposed indicative layout in itself demonstrates theoretically a suitable design layout, with a form of lower density development similar to that around Muxton, can be accommodated on the site and the proposed illustrative layout could be worked up into a detailed scheme in any subsequent Reserved Matters application, should outline planning permission be granted. However, while the developer has shown how the site could be laid out, officers consider that the loss of the roadside hedge that is necessary for the widening of Muxton Lane will have a detrimental effect on the assimilation of the site into this rural edge location.

#### Affordable housing

The applicant initially proposed 23% then 25% affordable housing. This amount of affordable housing falls short of the council's target for the area of between 38-40% as set out in WLP policy H23 and Core Strategy CS7. In order to justify this reduction, the applicant has been required to submit a viability assessment. Further information has been requested and the committee will receive an update on this matter.

#### Historic environment

The NPPF seeks to conserve heritage assets. Wrekin Local Plan Policy HE24 and seeks to ensure that historic parks and gardens and their settings are protected or enhanced. Core Strategy policy CS14 seeks to protect and enhance the borough's unique built and cultural assets.

There are two scheduled monuments within 1km of the site - Muxton Bridge Colliery and Lilleshall Abbey. There is also a Registered Park and Garden located at Lilleshall Hall adjacent to the eastern edge of the Lilleshall Abbey scheduled monument. Officers concur with the applicant's findings that the type and location of the proposed development will have no significant effect upon these historic assets. There are a number of listed buildings and structures recorded in Lilleshall village including the Sutherland Monument on top of Lilleshall Hill. The applicant's submitted Landscape & Visual Appraisal includes photographs of views from the monument. Views are expansive and due to the local topography and matrix of fields and hedges development of the site would not adversely affect the setting of the monument.

The nearest listed buildings are located on Muxton Lane are within 500m of the site's boundary - namely 45 Muxton Lane (known locally as The Crooked House), Muxton House and Muxton Manor. Due to the distance of separation between these

properties and the site and the intervening existing residential development along Muxton Lane and Granville Drive, officers concur with the applicant's appraisal that there will be no adverse effect on their character or setting. Officers are therefore satisfied that there is no conflict with the NPPF, Wrekin Local Plan Policy HE24 and Core Strategy policy CS14 with regards historic environment.

It is noted that residents of listed building Crooked House are concerned that construction traffic will cause vibrations and damage the property, particularly as there is no pavement along their property frontage. This issue is a civil one between the property owners and the applicant/developer and cannot be used to influence the outcome of this application. Indeed, there are plenty of instances where new development is constructed near to listed buildings or historic places, or even within the grounds of such heritage assets and planning permission is not refused because of this. Residents of the property should contact the developer or the eventual builder, should planning permission be granted, and get their property surveyed before building works commence, so that the cause of any damage, if it occurs, can be monitored.

#### NPPF and sustainable development

Para 6 of the NPPF advises that the policies in paras 18-219 of the NPPF taken as whole sets out the government's view of what sustainable development is for the planning system and para 7 identifies three mutually dependent dimensions to sustainable development - namely economic, social and environmental - and that these should be mutually dependent and balanced out to ensure appropriate development.

The applicant has submitted a sustainability matrix that seeks to show how far facilities and services are located from the site and concludes that the site is sustainable. The development would bring some socio-economic benefits. More housing in the borough, including affordable housing where there is currently a lack of a five-year supply of deliverable housing, should bring associated spending and employment and help create a mixed community. The new development would place some burden on education and local recreation/play facilities, but these impacts can be mitigated against to some degree by financial contributions to the Council towards improving facilities.

In terms of the site's location it is not on a bus route and the nearest railway station in Telford town centre is over 4kms away, as the crow flies. The nearest bus stops are at least 500m away on Marshbrook Way and 630m away on Saltwells Drive. The bus does a one-way loop along Marshbrook Way, Saltwells Drive and then back down Fieldhouse Drive. Bus stops for the half-hourly Arriva 481 service between Telford & Stafford (via Newport) lie over 600m away on Wellington Road. It is debatable whether these distances would actually encourage bus patronage. Muxton Lane currently forms part of the Sustrans National Cycle Network route 55 that runs from Ironbridge to Stafford via Muxton Lane and the Golf Club. However, route 55 is to be re-routed as part of future planned route realignments and will no longer pass along Wellington Road or Muxton Lane. Whilst this route downgrade won't prevent people cycling along Muxton Lane, it means there isn't a strategic cycle route in the immediate vicinity of the site.

The site is adequately located for the Primary School on Marshbrook Way as it is located some 250m away on foot taking the nearest route via the currently unlit footpath between Muxton Lane and Marshbrook Way. The nearest secondary school lies almost 2kms away and furthermore the nearest shops on Wellington Road/Donnington Way are approximately 1.4kms away - a distance that is likely to

be undertaken by car. Despite financial contributions towards highway and bus stop improvements, essentially the site is located along a quiet rural lane without direct access to public transport, education and other social and community facilities and as a consequence does not meet with the social inclusion objectives set out in the Core Strategy and policy CS9.

In the wider sustainability context, one of the NPPF's twelve core planning principles requires Local Planning Authorities to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". Paragraph 52 the NPPF recommends that the "*The supply of new homes can sometimes be best achieved through planning for larger scale new development, such as new settlements or extensions to existing villages and towns that follows the principles of Garden Cities*". To this end the Council is working towards producing the Shaping Places Local Plan that will eventually replace the existing Core Strategy (2007-2016) and saved policies in the Wrekin Local Plan (1995-2006), and which will allocate sites for employment and housing.

As part of that preparation, the Shaping Places Local Plan "Strategy & Options Document" was published for informal consultation in the summer of 2013 and set out various growth options. Following and developing on from this the Shaping Places "Proposed Housing and Employment Sites" (PHES) document was produced in June 2014 for public consultation in order to help guide and manage development options, ahead of production of a Draft Local Plan in the summer of 2015 together with the allocation of housing and employment sites. The overriding aim of the Local Plan is to strengthen and protect the identity of Telford as a "green town" and establish the borough as a place characterised by extensive areas of open land and prominent landscape features. The PHES sites are those that the Council has identified as having the "*greatest potential to meet the borough's development needs in the most sustainable way. They promote a balance between urban and rural development and support an arc of employment around the east of Telford to take advantage of the town's accessibility to national transport networks.*" Housing sites selected for the PHES have been drawn from sites included in the 2012 Strategic Housing Land Availability Assessment (2012 SHLAA) and have been subject to an assessment against their performance against the Shaping Places Local Plan strategic aims and objectives. The application site has not featured in the 2012 SHLAA nor has it been included as one of the sites in the PHES for the Muxton area as part of the sustainable urban extension.

The strategy the Council has decided to promote "good planning" is a cluster of PHES sites as a sustainable urban extension on the north eastern edge of Telford in the Muxton area, located close to an arc of strategic employment around the east of Telford and located either side of the A518, which is a strategic highway route through the Borough that links to Stafford via Newport. This cluster of sites would amount to some 83 hectares with a possible yield of some 2,538 dwellings and would represent a planned urban extension to Telford. It would also necessitate and include provision of a school and a local centre (comprising shops, health and other community services) and facilitate opportunities for high degrees of connectivity with public transport and pedestrian and cycle routes. This "*integrated approach to considering the location of housing, economic uses and community facilities and services*" (NPPF para 70) brings benefits of allowing for planned infrastructure with more efficient and equitable use of resources and finances, economies of scale and helps manage and mitigate against the cumulative impact of development including

controlling visual impact. Furthermore such an approach can increase opportunities for people to have greater accessibility to services and facilities and this engenders the Council's social inclusion objectives outlined in Core Strategy policy CS9.

With regards what weight should be attached to the PHES document, the NPPF advises at para 216 *"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The PHES document does not have development plan status. However, the PHES has been the subject of wider public consultation including with statutory consultees and directly follows on from the Shaping Local Places Local Plan Strategy & Options document released and consulted on during 2013. PHES has also been prepared to demonstrate a five year-plus housing land supply consistent with the NPPF and the selected sites have been through an assessment. Accordingly some weight should be attached to it.

Granting planning permission for this site would also set a precedent for other speculative development sites that may come forward on other parcels of land adjacent to Muxton or along Muxton Lane. Even though any such applications would have to be judged on their individual merits, the presence of built development on the application site, if approved, would undoubtedly be an influencing factor on future applications. This would serve to further undermine and compromise the delivery of preferred strategic development and infrastructure and the sustainable urban extension at Muxton and could lead to uncontrolled and inappropriate patterns of development.

Drainage and other issues

a) Drainage

The applicant has undertaken a Flood Risk Assessment and the area is not deemed to be at risk from flooding. The Council's drainage engineer has not raised any objection subject to the imposition of condition relating to the submission of a scheme of foul drainage and surface water drainage; that there be a reduction in surface water runoff and that the ownership of any proposed SuDS features is supplied. Any detailed reserved matters applications will require more detailed drainage calculations. The maintenance and/or adoption of any SuDS features will need to be determined in due course, and a clause can be written into the s106 requiring the necessary commuted sums should the council agree to adopt them.

b) Mining

There is evidence of historic unrecorded underground coal mining activity in the area. The Coal Authority has not raised any objection, but recommends that site investigation works are undertaken prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary. The Coal Authority consider that the supporting ground investigation information is sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

c) Loss of agricultural land

The proposed development will result in some loss of Grade 3 agricultural land (as defined on the Agricultural Land Classification (ALC) map held by Natural England). The ALC system classifies land into five grades and it is acknowledged that Grades 1, 2 and 3a offer the most flexible, productive and efficient land that can best deliver future crops for food and non-food uses. Paragraph 112 of the NPPF requires LPAs to take into account the economic and other benefits of the best and most versatile agricultural land, particular attention is required to be devoted to proposals for significant development. Often the loss of agricultural land is an inevitable consequence of growth, especially on the urban/rural fringes. However, loss of this land presents another marginal concern with the proposal.

Planning obligations and S106 contributions

The development will have a number of impacts on the local community and infrastructure. The developer has proposed heads of terms for a s106 agreement covering affordable housing (25%), open space (informal open spaces and equipped children play areas and commuted sums for maintenance), highways and public transport improvements, education provision and any other necessary identified contributions. The heads of terms for this legal agreement are generally consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Following consultation on the application, the following infrastructure contributions have been identified:-

- i. £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site.
- ii. £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road.
- iii. £5,000 for travel plan monitoring.
- iv. £357,165.25 towards primary and secondary education.
- v. £600 per dwelling towards upgrading existing nearby off-site equipped play areas.
- vi. Affordable housing - to be confirmed.
- vii. Clause to secure a commuted sum for maintenance of the open space and nature conservation area if there is no management company
- viii. Clause to secure a commuted sum for maintenance of the SuDs features if deemed necessary and not operated by a management company.
- ix. Section 106 monitoring fees at 5% of total contributions.

The provision of affordable housing is necessary in order to be consistent with Core Strategy Policies CS1 and CS7, Local Plan Policy H23 and the NPPF. The contributions towards highway improvements reflect the features of the site, the necessity for road widening and its location relative to public transport and the negotiation of these contributions is consistent with Local Plan Policy T22. The provision of a financial contribution towards educational improvements is necessary because of the link between the development and the impact on local school rolls and contribution to off-site play provision in the vicinity of the site will help mitigate against the increased population pressure on these facilities in accordance with CS10, OL13 and LR6. The developer has submitted a viability assessment to justify an affordable housing provision of 25% - further information is awaited and the committee will be updated.

**CONCLUSION:**

The Council is currently unable to demonstrate a borough-wide five year supply of

deliverable land. This means that under the NPPF, development plan policies relating to housing supply can be regarded as out-of-date and cannot be relied upon alone to justify refusal and there will be a presumption in favour of sustainable development. However other relevant policies in the development plan can still be relied upon if they accord with the NPPF.

There will be no adverse effect on any historic assets in the vicinity of the site. There are no technical reasons on grounds of drainage, highways or ground conditions to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions and necessary s106 financial contributions. The site is not a designated or protected landscape or wildlife site and the development will not have an adverse impact on the nearby SSSI site at Muxton Marsh or Local Nature Reserve at Granville. There is no protected flora or fauna on the site that that would prevent development, and which cannot be dealt with by proposed mitigation measures or planning conditions. Officers are generally satisfied that the proposed indicative layout in itself theoretically demonstrates that a suitable design layout, with a form of lower density development similar to that around Muxton, can be accommodated on the site and the proposed illustrative layout could be worked up into a detailed scheme in any subsequent Reserved Matters application, should outline planning permission be granted.

The site does, however, comprise a significant ecological asset as species-rich pastoral grassland fields, which is of County importance. The proposal involves developing on two of the species-rich fields and retaining the eastern-most two fields as a managed conservation area in order to secure their permanent retention and enhancement. Whilst there would be some biodiversity loss in this regard, there would be a gain in permanent retention and enhancement, coupled with the retention of most of the hedgerows on site, the stream and incidental open space enhancements. On balance there will be some overall biodiversity gain.

The site lies outside the built up area of Telford in countryside contrary to Wrekin local Plan policy H9 and Core Strategy policy CS7, where new housing development is to be limited. As the Council currently does not have a five year housing land supply, policies H9 and CS7 have less weight and the NPPF requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole and planning balance applied.

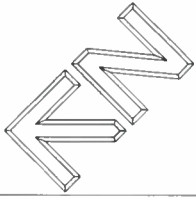
The development represents an extension to the built up area of Telford and an undesirable encroachment into the countryside that would serve to reduce the visual and physical separation and openness between the urban area of Telford and the village of Lilleshall and result in their undesirable coalescence. This cannot be adequately mitigated against, and officers consider this to be a significant and demonstrable adverse impact. This coalescence would be further exacerbated by the effective loss of the roadside hedge and trees that would be translocated to facilitate the necessary widening of Muxton Lane and which would have an immediate detrimental impact on the visual amenity and openness of the area. Even when the hedge has matured and thickened to its existing height over time, the separation and loss of openness will still persist due to the presence of built development. The potential for coalescence would be further increased by the precedent the development of this site would set for other sites in the immediate area that may come forward for speculative development resulting in uncontrolled and inappropriate development patterns.

Therefore officers consider the development of the site and the resulting encroachment and coalescence will destroy the visual and physical separation and openness between the two settlements and the surrounding countryside and cause irreversible significant and demonstrable harm. Hence the development would be contrary to the NPPF, Wrekin Local Plan policy OL11, and Core Strategy policies CS7 and CS11. The loss of agricultural land reinforces the site's unacceptability. Furthermore, officers do not consider that the development represents sustainable development, despite some environmental, social and economic gains and despite financial s106 contributions. Essentially the site is located along a quiet rural lane without direct access to public transport and other social and community facilities and this further reinforces the site's unacceptability. Locating development here would further serve to undermine the Council's intentions for a sustainable urban extension to Telford in the Muxton area, as shown in the Shaping Places PHES document which officers consider should be afforded some weight. As such the development would not be in accordance with social inclusion objectives of Core Strategy policy CS9 and would be contrary to.

Taking all relevant matters into account officers are of the view that there will be significant and demonstrable harm resulting from the development such that the development proposal would not meet the sustainable development objectives of the NPPF.

**RECOMMENDATION:** Refuse for the following reasons:-

1. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9 and OL11 and Core Strategy policies CS7 and CS11.
2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a sustainable urban extension with integrated infrastructure as indicated in Shaping Places Proposed Housing and Employment Sites document. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.



KEY:



Boundary

Rev	Date	Prepared notes	By

Scale  
DO NOT SCALE

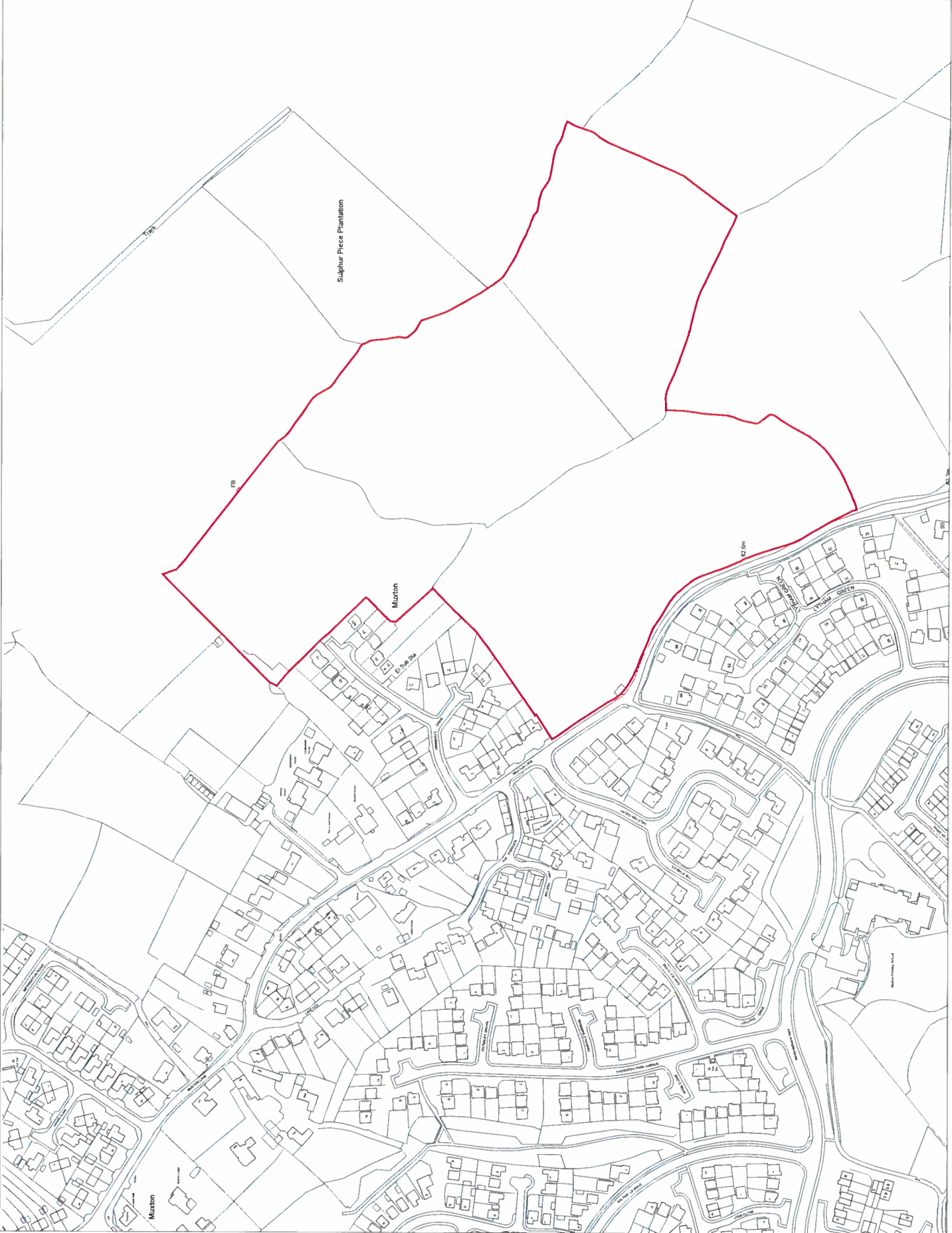
Information

Project  
Muxton Lane, Muxton,  
Telford

Title  
Location Plan

**GLADMAN**  
Planning & Design  
100, 101, 102, 103  
The Quadrant, Telford, Shropshire, TF1 1JG  
Tel: 01827 522222  
www.gladman.co.uk

Drawn By	Public Date	Scale	Revision
R. Black	17/08/13	1:1,250 @ A1	
Project No.	Drawing No.		
2013055	201305/101		



### Access and Layout / Street Hierarchy

Application Site Boundary

Proposed Main Street

Proposed Secondary Street

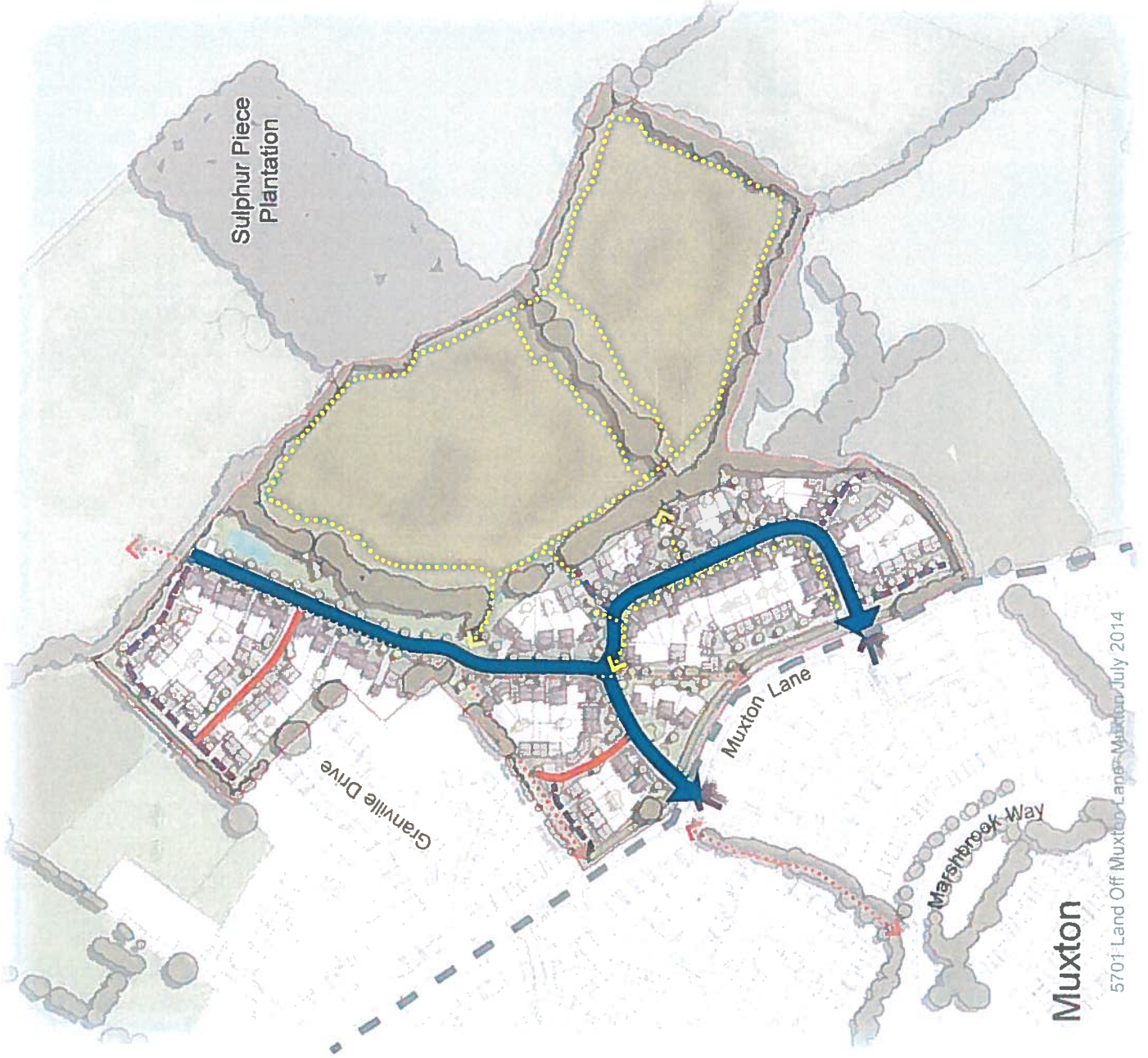
Proposed Lanes

Existing Main Vehicular Road ( National Cycle Route 55)

Potential Vehicular Access Location

Proposed Footpath and Cycleway

Existing Right of Way



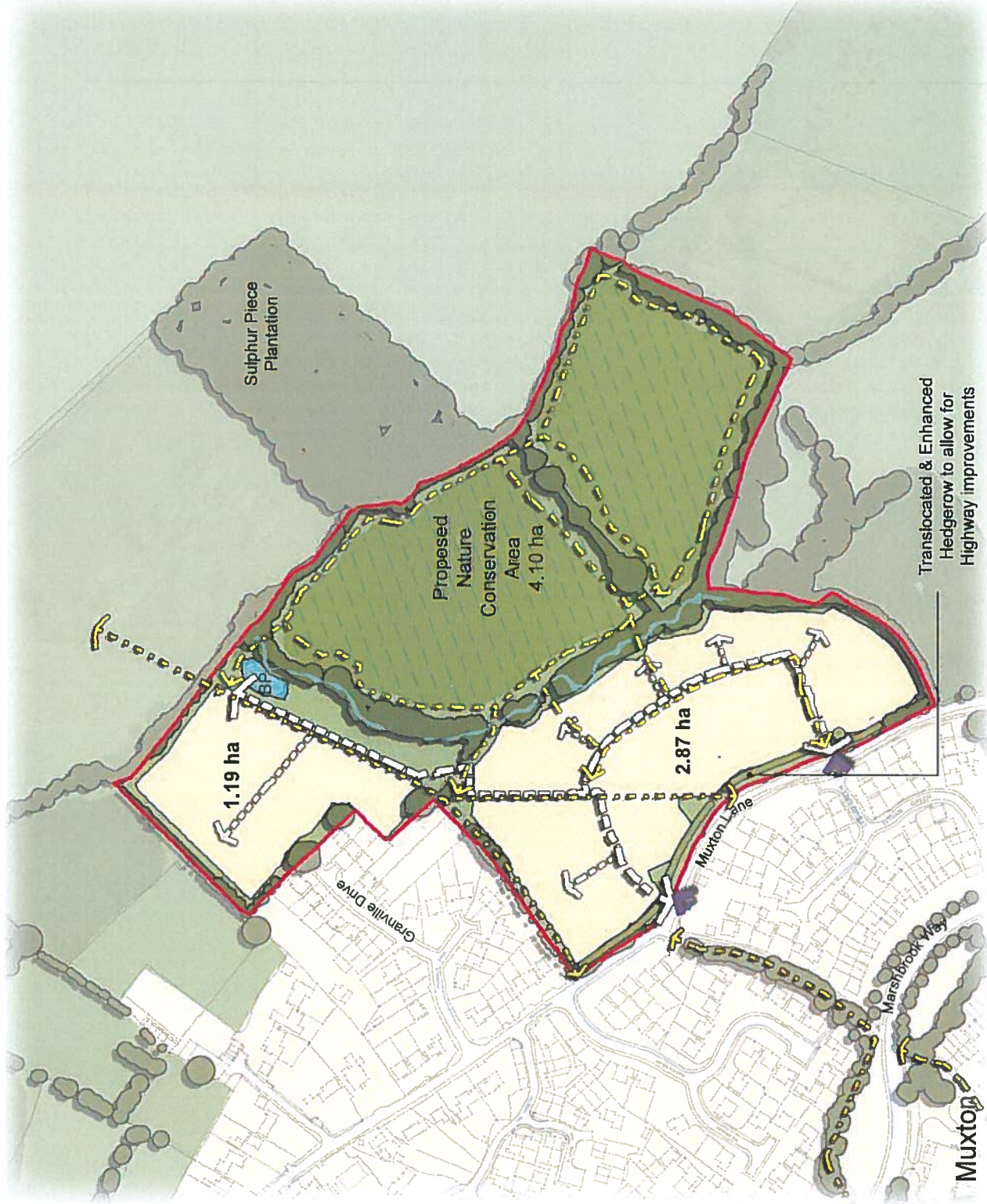
Muxton

5701 Land Off Muxton Lane Muxton July 2014

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-  Application boundary 10.44 ha
-  Potential residential 4.06 ha
-  Main Vehicular Access Route
-  Existing & Proposed Green Infrastructure 6.38 ha
-  Retained structural landscape
-  Proposed balancing pond
-  Proposed Nature Conservation Area
-  Existing Rights of Way
-  Proposed footway
-  Proposed main vehicular access points



J:\5701\LANDSP\Plan5701-L-02 Rev1 Framework

Gladman Developments Ltd  
Muxton Lane  
Muxton

## FRAMEWORK PLAN

1:2500 (A3)  
June 2014  
5701-L-02 L

fpcr

FPCR Environment and Design Ltd  
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01188 82774  
01188 82775



TWC/2014/0761 Land east of, Waters Upton, Telford, Shropshire  
Erection of 130no. dwellings and associated garages, 8no. commercial units for use class A1 and B1 and a further commercial unit at use class D1 with associated highway infrastructure, pathways, multi-use games area and landscaping following the demolition of existing agricultural barns, silos and storage sheds \*\*\*\*\*AMENDED DESCRIPTION\*\*\*\*\*

**APPLICANT**

Mr J Brown and Mr M Hockenhill

**RECEIVED**

28/08/2014

**PARISH**

Waters Upton

**WARD**

Ercall Magna

**OFFICER**

Vincent Maher

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: The future of the site as rural land including the loss of agricultural land; design issues and impacts on neighbouring residents, including on rights to privacy and rights to enjoy use of a dwelling; impacts on landscape; ecological assessment and impacts on a protected species; highway impacts; drainage and flood risk; heritage and archaeology; and impacts on local infrastructure.

**THE PROPOSAL:**

This is a full planning application covering a site of 11.9 hectares along the length of the eastern boundary of the settlement of Waters Upton, extending from Catsbitch Lane in the north to the A442 in the south.

The development comprises the following elements:

- 130 new houses comprising: 13 x five bedroom houses; 29 x four bedroom houses; 79 x three bedroom houses, and nine x two bedroom houses;
- A new shopping area (423 sqm within Use Class A1) and office accommodation (241 sqm within Use Class B1). The supporting documentation stated that one option for this space would be as a doctor's surgery too (although this would be a Use Class D1 activity), depending on NHS funding and an assessment of local requirements. The applicant has subsequently confirmed that there is currently no need for this facility;
- A new unit within Use Class D1 (non-residential institution) with a floorspace of 214 sqm, which is intended to be used as a childcare centre; and an
- Extensive play area (1.3ha) including a multi use games area (MUGA).

This new development would be built along one estate round that runs broadly parallel to the existing spine road through Waters Upton village.

One new vehicular access is proposed onto the A442 with three other access points for pedestrians, cyclists and residents using an existing bridleway.

The estate layout comprises a mix of terrace, semi-detached and detached houses with garage parking and uses 29 different house types varying in heights and forms from 1.5 storey, to two storey and three storey forms. The style of the built form can be described as traditional because reviewed it has borrowed heavily from the characteristics of the surrounding housing. It is fair also to classify this development is a low density housing form, again because of its as distinguished by the amount of detached housing with an estimated

The development would be built over three phases over an extended period up to 10 years with Phase 1 delivering 75 homes and the retail and community uses, Phase 2 delivering 38 homes and Phase 3 delivering 17 units.

In addition to the submitted plans, the following documents have been provided as part of the application:

Design and Access Statement

Planning Statement

Draft Heads of Terms s106 document

Schedule of Accommodation – being revised at the time of writing to accommodate a revised heads of terms of a legal agreement

Daytime Bat Survey

Preliminary Ecological Assessment

Great Crested Newts Habitat Suitability Index Assessment

Air Quality Report

Breeding Bird Survey

Letter from Strutt and Parker regarding market demand

Noise Impact Assessment

Schedule of Accommodation and phasing

Socio-economic Impact Assessment

Statement of Community Involvement

Tree Survey - Tree Protection Plan

Flood Risk Assessment

Bat Activity Surveys

Transport Assessment

Landscape and Visual Appraisal -

Land Maintenance Plan

Lighting Assessment

Suitability Appraisal

House and Garage types  
Stability Report Declaration Form  
Sewer Capacity Assessment  
Heritage Assessment  
Archaeological Desk Based Assessment  
Road Lighting Specification Sheets  
Initial Drainage  
Trial Pit Logs  
Soakaway Records  
Landscape Strategy

A confidential viability statement has also been submitted.

The local planning authority has determined that this development does not need to be accompanied by an Environmental Impact Assessment.

#### PLANNING HISTORY:

TWC/2011/0575 –Land to the south of St Michaels Church. Outline permission for the erection of 8 no dwellings with associated access, amenity space and church parking provision. Outline granted 15/08/13

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework (the NPPF) – the NPPF 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.

#### Saved Wrekin Local Plan policies

UD2 – Design Criteria  
UD3 - Urban Design Assessments  
UD4 – Landscape Design  
H9 – Location of new housing  
H10 – Scale of new development  
H22 – Community facilities  
H23 – Affordable Housing  
H24 Affordable housing in the rural area  
T22 – Planning Obligations  
OL2 Designated Areas  
OL6 – Open Land  
OL12 – Open Land and Landscape – contributions from new development  
OL13 – Maintenance of Open Space  
LR4 - Outdoor recreational Open Space

LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

CS1- Homes

CS7 – Rural Area

CS9 – Accessibility and Social Inclusion

CS10 – Community Facilities

CS11 – Open Space

CS12 – Natural Environment

CS13 – Environmental Resources

CS15 – Urban Design

A draft “pre-submission” version of the Waters Upton Neighbourhood Plan has been prepared and was publicised during April, May and June 2014 by Waters Upton Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. An Examination Version of the Plan was submitted to the Council on 30 June 2014 together with certain other documents with a view to the Council as local planning authority publicising the draft Plan for another six week period and inviting representations. The Council as local planning authority has a duty to assist the Parish Council in its preparation of the Plan and the six week publication period has not yet commenced because the Parish Council are finalising their responses to a number of local planning authority suggestions.

A Neighbourhood Development Plan (NDP) which has been fully processed and finally made by a local planning authority is part of the development plan and has significant weight in the determination of planning applications for land within the area of the NDP. A number of recent appeal decisions have considered the weight to be given to policies which are set out in draft NDPs which have not reached the end of the NDP making process. It is clear that where, for example, an NDP area has been successfully designated but there has been no progress beyond that, this mere area-designation will be of no weight in determination of a planning application. The Waters Upton Neighbourhood Plan has been drafted and has progressed beyond the area designation stage, through the Parish Council publication stage and it is likely that it will soon begin the local planning authority publication stage. However, the public have not yet had their six week opportunity to object or make representations, neither the Parish Council nor the local planning authority have had chance to consider any objections, the draft has not been subjected to an independent examination, the local planning authority has not had opportunity to consider the recommendations of an independent examiner and no decision has been made as to whether it should go to a referendum. Appeal decisions suggest that, in certain circumstances, a NDP which has been submitted for examination can be given significant weight in the determination of planning applications. On balance, because it has not yet progressed beyond the local planning authority publication

stage, it is not considered that the Waters Upton Neighbourhood Plan has reached a point where it can be regarded as having any significant weight in the determination of this planning application.

If the Waters Upton Neighbourhood Plan does continue to progress, it may attain significant weight. If this happens before planning permission for this development has been granted or before any appeal against refusal has been determined, the application will be brought back to Planning Committee for reconsideration.

The application site has also been identified in the council's Shaping Places Local Plan Proposed Housing and Employment Sites 2014 (PHES) as a housing site (reference 43, 404, 406 and 404). This document does not have development plan status. However, it has been the subject of wider public consultation including with statutory consultees and directly follows on from the Shaping Local Places Local Plan Strategy & Options document released and consulted on during 2013. PHES has also been prepared to demonstrate a five year-plus housing land supply consistent with the NPPF.

#### SUMMARY OF CONSULTATION RESPONSES:

Parish Councils and Local MP  
Waters Upton Parish: Object

A number of letters and emails have been received sent which, in summary, raise the following issues:

- No proven need for the development. Enough houses in the village and approved in other villages.
  - Not in accordance with the Waters Upton Neighbourhood Plan.
  - Proposal not consistent with Telford & Wrekin's planning policies.
- Development outside village boundaries.
- Scale and size of the development unacceptable and would expand village by over 175%. A bolt-on community would harm character of area with listed buildings. NPPF supports brownfield sites such as Dairy Crest. Cumulative effect of developing Dairy Crest and application site unacceptable.
  - Much of supporting documentation incomplete. Strutt and Parker letter was a "cut and paste" construction. A number of surveys require additional work (e.g., newt survey).
  - Site performs poorly in sustainability terms.
  - Fields are prime agricultural land and should be left for nature/ habitats; evidence of agricultural use. Agent's information incorrect.
  - The Council 2009 landscape sensitivity states that site is unsuitable for housing.

- Pre-application consultation flawed. No option for residents to oppose development. Close working relationship between T&WC officers and applicant raises question of where “pre-application” ends and “supporting application” starts.
- Employment units won't work. Has been tried in other villages. Recent grant of planning permission by T&WC for a dwelling in the Quarry area. Already empty commercial units in the village. Swan Public House allowed change of use and car park has permission for five dwellings.
- Highway impacts on A442 – chaos during 10 year construction period. Other local traffic blackspots in area (Catsbitch Lane) and impacts between pedestrian and farm machinery route. Transport surveys inaccurate and incomplete. Arriva running down bus services.
- Community gain offered questionable- serious harm to Waters Upton Village Hall. No consultation on whether existing shop on A442 could relocate. Don't need commercial units.
- Don't need a a multi use games area (MUGA) – it was a car park for the church – and will not be used by local children.

#### Ercall Magna Parish: Object

Traffic impact; bus provision; impact on Crudgington School; loss of agricultural land; existing doctor surgery does not support outreach so need for doctor surgery questionable; scheme does not integrate with existing village.

#### Edgmond Parish: Object

Loss of Grade One and Two agricultural land; changing rural areas into small urban estates; loss of wildlife habitat; use of rural lanes for additional, unnecessary traffic; effect on Crudgington Crossroads; opens up other areas for inappropriate development; land unsuitable for development; drainage and flooding will affect other local residents; bats, birds, newts will all be disturbed; commercial units will mean more vehicles, especially for deliveries / collections through a housing estate; if this greenfield site approved, so will others and Dairy Crest brownfield site too; borough should protect its rural areas.

#### Tibberton & Cherrington Parish: Object

Development on scale envisaged would have an impact on rural community beyond immediate location of new buildings. Were told the Key Settlement Policy was to be dropped and not included in the forthcoming Shaping Places. It was recognised that restrictions on development in many small hamlets and villages were impractical and it was desirable to allow widespread, small scale, natural growth, in the rural areas, with preference being given to brownfield sites. Massive development proposed in Waters Upton will destroy character of this small, distinctive, well-loved village. Tragedy if development on this scale is approved and bad planning by Telford & Wrekin Council.

#### Kynnersley Parish: Object

Concerns about the road system and lack of public transport; the need for a much larger school; the loss of green space and prime agricultural land; the loss of the village character.

Mark Pritchard MP: Object

Development will completely alter the environment of Waters Upton; need to have regard to Neighbourhood Plan currently before the council which identifies other sites more suitable for development; primary school could not accommodate extra families; traffic impacts (A442/ B5062); loss of farmland; a major flood risk - Environment Agency believes insufficient work done on flood risk locally.

Council and external technical consultees

Urban design officer: Comment

Detailed observations made. The thrust of her advice is to seek confirmation on how elements of the estate will be serviced. She also suggests a number of improvements to the layout of the site and individual dwellings modified to increase surveillance and add features of interest. Thinks the road layout could be adjusted to be more closely aligned with "Manual for Streets". The applicant has addressed some of these concerns since in a revised plan and clarified matters such as refuse/ recycling servicing.

Arboriculture: No objection subject to conditions for landscape design, tree protection plan, trees and services/ no dig areas; protection on soil impactment and tree protection areas. Offer additional comments: Landscape strategy vague, some trees proposed under canopy of existing trees, some tree choice proposed (e.g., horse chestnut and ash) inappropriate.

Built heritage conservation: No objection.

Parks and open space: Comment

Content with revised proposal including layout of Multi Use Games Area (MUGA). Have identified maintenance sums of adoption of play areas.

Highways: Support subject to conditions

Generally acceptable layout but have identified a number of matters that can be addressed via planning conditions. Set out requirement for £250,000 contributions towards bus stop infrastructure improvements; traffic regulation order to make access onto Catsbritch Lane one way; and contribution for implementation of a traffic signal junction improvement scheme.

Drainage: Support subject to conditions

Concerns about management of infiltration but does not consider that the application should be resisted on these grounds. Has suggested a raft of conditions to address

his concerns Other drainage matters (foul sewerage) could be handled via a planning conditions.

#### Ecology: Object

Advises that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on a European protected species (great crested newt). Without such information, all relevant material considerations may not have been addressed in making the decision. Under The Conservation of Habitats and Species Regulations 9(5), all competent authorities in the exercise of their functions must have regard to the requirements of the Habitats Directive. Therefore local authorities considering a planning application affecting a European protected species are required to apply the requirements of Article 12 and Article 16 of the Habitats Directive before issuing permission. This can only be done with adequate survey effort and ecological information.

Turning to other ecological matters, recommends conditions including pre commencement bat and badger surveys, an updated bat and breeding bird survey if works do not start by April 2016; control of vegetation clearance and demolition; lighting strategy; habitat management plan; and the provision of bird/ bat, hedgehog and invertebrate boxes/ refuges.

#### Affordable housing: Comment

Continuing shortfall of affordable homes in the rural part of the borough. Joint Parish Housing Needs Survey (2011) identified need for affordable housing to meet local needs, including family homes of appropriate sizes and bungalows. Council policy for 40% affordable housing in rural areas of which 80% for rent and 20% for shared ownership (25% minimum initial equity). Dwelling types, sizes, tenures, specification and location are to be agreed with the Council but should include a mix of family and specialist housing e.g. accessible bungalows with wet room. Internal space standards of affordable homes should reflect HCA design standards. Affordable homes should be located integrated within overall development and transferred to an appropriate Registered Provider. Mechanism required to ensure these homes remain affordable in perpetuity. Preference for Registered Provider to repurchase any shared ownership homes in order to preserve them as affordable for local people. Methods of advertising/marketing these homes should be agreed between the Council, Parish Council and Registered Provider and allocated through an agreed Local Lettings Plan, which prioritises lettings for local residents or those with a strong local connection to the Parish.

Had concerns about the mix, type, phasing, location and distribution of the affordable housing units, especially the shared ownership elements, based on an earlier heads of terms of a legal agreement.

Education: No objection subject to s106 contributions of £301,212 for primary education and £110,200 for secondary school education transport. They have also confirmed their approval of an offer of land to expand Crudgington Primary School.

Environmental Health: Comment

Suitable internal noise levels for housing fronting the A442 could be achieved with partially open windows for background ventilation on most of the site. Mitigation measures in the form of appropriate glazing with a weighted sound reduction for houses facing the A442.

Commercial units should be controlled with a planning condition requiring a noise assessment of the plant and equipment used at any commercial premises ensuring that nearby residents are protected from noise.

Environment Agency: Comment

Site located in Flood Zone 1 (area least at risk of flooding). Have provided flood risk standing advice and recommend informatives around flood risk, potential contaminated land, foul drainage and pollution prevention.

National Grid: Comment

Has apparatus in vicinity and asks applicant to inform them of any decision.

Natural England: Comment

Has not assessed proposal for impacts on protected species but requires developer to take account of its standing advice on these species. Development of a scale that would benefit from the provision of green infrastructure.

An additional advice note on 5 December covers its agricultural land classification. Most of the site appears to be Grade 2 agricultural land but there may be a small area of Grade 3 land along part of the western boundary of the site.

A further advice note was received on 9 December. It confirms the following:

From the information provided, the habitat suitability index assessment has shown that there are suitable habitat features on or near to the proposal site. There are five ponds located within 500m, one of which has a HSI rating good for great crested newts habitat. There are also hedgerows and some suitable features located at the nearby farm. Natural England supports the views of the council's ecologist, that further survey effort is required at the correct time of year to establish their presence/absence. This is in line with Natural England's standing advice: <https://www.gov.uk/great-crested-newts-protection-surveys-and-licences>. Ultimately it is for the local authority to decide if planning permission should be granted.

The advice also suggests how a survey should be conducted. This ecologist appointed should :

- use three methods per visit (preferably netting, torch survey, bottle trapping and egg searching);
- make at least four visits;
- visit between mid-March and mid-June with at least 2 visits between mid-April and mid-May.

Natural England is unable to advise if a licence would be granted at this time. The council is asked to refer to its guidance on this matter.

Natural England also confirm that it is not responsible for identifying the need for a licence. This decision is the responsibility of the ecological consultant or individual developer concerned. A licence should be applied for if, on the basis of survey information and specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an offence. No licence is required if, on balance, the proposed activity is unlikely to result in an offence.

Archaeology: Comment

The site is in an area with a number of cropmarks representing possible prehistoric/ Roman archaeological features. Site has low to medium potential for archaeological remains from this era. Recommend archaeological evaluation of site be undertaken before decision made.

Severn Trent Water (STW): Comment

There are public sewers on the site which have statutory protection and may not be built over or close to without consent. Applicant should contact STW to discuss this matter. STW state they can direct at Building Control stage that the building control officer refuse Building Regulations approval if any of the proposals are located over or within three metres of a public sewer.

Later confirmed (20 November) no objection subject to foul and surface water drainage condition.

West Mercia Police: Comment.

Identify opportunities to design out crime and promote community safety.

Recommend a condition requiring development to achieve Secured by Design award status.

Shropshire Fire Service: Comment:

Recommend that the applicant have regard to the service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" note.

Neighbours and local groups :

138 representations from local residents objecting to the application and which raise the following main grounds of objection:

- Site not needed in Core Strategy to meet council current housing target;
- Council already has five year housing supply, no shortage of housing, enough rural housing, has misinterpreted five year housing land supply equation;
- Contrary to national policy/ localism and Local Plan because located in a rural area;
- Ignores principles of Waters Upton Neighbourhood Plan (advice from a QC has been attached which provides a legal opinion on this matter);
- Will spoil/ blight/ trash/abuse the village and change area beyond recognition forever – too many houses “plonked in”, disproportionate to the village;
- Will harm historic/ quiet character of village that has attracted residents to the area;
- Development out of character with existing village, bland housing estate – does not reflect design of village;
- Don't want to live next to “Water Upton New Village” – it's a separate village;
- Impact on landscape – contrary to findings of Landscape Sensitivity and Capacity Study;
- Prime agricultural land – information provided by applicant is incorrect.
- Other sites with permission in area have not been built on – will this one? No demand locally for new homes;
- Extra traffic movements in area with road traffic accidents/ speeding problems/ conflict with agricultural vehicles – will harm children who walk to school along A442, will harm existing village lane, affect A442 and Catsbitch Lane more generally;
- Not appropriate site for so much housing – not near employment land or commercial facilities – should look at brownfield sites in Telford first or other sites (e.g., Donnington MoD site, Dairy Crest site), shouldn't lose countryside;
- Large housing estate will encourage undesirables from out of the area to move in causing extra crime;
- Loss of prime agricultural land, and contrary to sustainable development – clear guidelines in NPPF to refuse the scheme;
- Don't need the facilities being offered by the developer (affordable housing, community facilities, shops – local schools perform well enough already);
- Crudgington School a small village school popular with parents for that reason – won't cope with extra housing/ school character would change;
- Insufficient open space being provided;
- Impacts on wildlife (bats and birds, including owls, foxes, badgers);
- Site home for crested newts and rare red kite birds;
- Pollution and noise impacts;
- Unclear impacts on existing infrastructure including drainage and sewerage – bus services could not cope with expected increase in school numbers;
- Area doesn't have fast broadband or gas connections – not a suitable site for new residents;
- People on new estate won't integrate into existing community;
- Construction traffic during building of project;

- Impact on house prices – planning gain should be paid to compensate for loss of property prices;
- Locals bought their house knowing that no new development proposed;
- Developer not from the village and has no respect for the village;
- Development driven by greed;
- Pre-application consultation and survey by architects flawed and did not give community option to oppose the development;
- Council complicit with developer in promoting site, not honest in intentions for the village; have authorised felling of five x 100 year old oak trees; should not have accepted current application until all information ready – archaeological study should have been undertaken.

One resident has stated that the development would result in overlooking, harming fundamental rights to privacy and the right to use/ enjoy his own property.

Another resident has suggested that some development should be considered but for fewer houses with bike/walking access to the village facilities.

A number of other local groups have also written in with objections or comments:

Waters Upton Neighbourhood Plan (WUNP) Steering Group: Object  
 Incorrect of council to say that the Neighbourhood Plan carries little weight. Secretary of State written ministerial statement in September 2014 and appeal decision in Wiltshire APP/Y3940/A/13/2200503 suggest otherwise. WUNP should be given significant weight as it has been worked on since April 2012 and the Plan delivered to council in August 2014. WUNP based on detailed exercise to determine most suitable sites in the parish. Dairy Crest site clear choice of local residents. 2009 landscape study prepared showing current site not acceptable - application sites identified in PHES (sites 43, 404, 406, & 635) all classed as having no capacity for development with detailed reasons listed against each. Approving this application conflicts with Government's intentions when introducing Neighbourhood Planning and the September 2014 decision of Secretary of State.

Telford & Wrekin Sustrans Rangers: Comment

Ask that cycle routes connecting development to Telford (Wellington in particular) are created / upgraded, ideally adjacent to the A442, unless some other safe cycling route can be created. Want cycle parking in houses and commercial units.

Waters Upton Village Hall Management Committee: Object

Concerned for future of Waters Upton Village Hall if this application is approved. Village Hall picturesque building used by local groups and organisations. Provision of another community centre would adversely affect Village Hall sustainability. No requirement for a Child Care Centre as village hall is home to the Apple Trees Nursery. Income from nursery keeps village hall in acceptable financial situation.

Group has recently entered into negotiations regarding permanent provision of village green adjacent to village hall in the village. Main sewer close by and an intended treatment works - this too could have a serious effect on our facility.

#### Crudgington Primary School: Comment

The governors have taken a neutral position on the proposal. School has 110 pupils and near to capacity owing to physical constraints. Ask that the council/ developers take into account impact of development on schooling in Waters Upton and Crudgington. Want to make clear the following matters:

- Existing community ethos integral and cherished part of the school which governors would like to protect. Wider development of Waters Upton and Crudgington may impact upon this ethos;
- Governing body has no knowledge of any land allocation offer for the school so cannot comment on its fitness for purpose;
- Uncertainty and lack of clarity with proposal as to how it may affect the school and that the effect of that is to limit school's ability to plan for future, especially cumulative effects of numerous proposals;
- School would need to build following infrastructure if substantial development went ahead:
  - o New classroom for Key Stage 1;
  - o New classroom for Key Stage 2 (7-11) [likely to be needed], depending on ages of new children wanting to come to school;
  - o School hall large enough to act as an indoor sports area;
  - o Four of the five current classrooms are demountable, increasing running costs and depriving the children of funding that could go on other aspects of their education. Increased pupil numbers per classroom will exacerbate this situation;
- Parking currently problematic. Increase in numbers likely to make current arrangements unsustainable. May affect traffic on A442 (particularly in morning rush hour);
- Current sewage system discharges under surrounding fields, unsure of its suitability to deal with increased pupil numbers;
- Kitchen facilities limited and little room for expansion, particularly relevant given requirement to offer hot food for all Key Stage 1 children;
- No room on-site for pre-school provision. Preferable if provided. Current provision in Waters Upton limited to four days per week due to limited facilities. Ideal to incorporate five day week pre-school provision on site;
- Difficult to continue to run Breakfast and After School Club if expansion in school numbers;
- Safety implications for travel to and from the school including the effect on the Walking Bus; in place because of the limited parking facilities;
- Internal furnishings and IT will also need considerable updating to accommodate increased pupil numbers;
- No relationship between applicant funding offer and council funding formula;
- Increased staffing an unknown factor in future planning.

The agent representing Dairy Crest Limited has written in to challenge suggestions that this nearby site is unsuitable for development.

#### PLANNING CONSIDERATIONS:

This planning application raises the following main issues:

- The future of the site as rural land including the loss of agricultural land;
- Design issues and impacts on neighbouring residents, including on rights to privacy and rights to enjoy use of a dwelling;
- Impacts on landscape;
- Ecological assessment and impacts on a protected species;
- Highway impacts;
- Drainage and flood risk;
- Heritage and archaeology;
- Impacts on local infrastructure; and
- Responses to other consultation responses received.

The future of the site as rural land:

The bulk of the site is located outside the current settlement of Waters Upton and therefore defined as a rural area in both the Local Plan and the Core Strategy. Outside of urban areas, Local Plan Policy H9 states that new development will be permitted within 12 rural settlements (including Waters Upton) and not elsewhere except if it provides agricultural accommodation or delivers essential rural affordable housing. Core Strategy Policy CS7 states that development should be limited to that necessary to meet the needs of the area but focused on the settlements of High Ercall, Tibberton and Waters Upton. This is a broader definition than that set out in the Local Plan. The more recently adopted Core Strategy anticipates a different role for Waters Upton.

The NPPF directs councils to boost significantly the supply of new housing at paragraph 47. It further requires the council to demonstrate a five year plus 20% housing supply. At the time of writing, the council cannot demonstrate such a supply. The NPPF states at paragraph 49 that relevant policies around housing supply cannot be considered up-to-date in the absence of a five year supply of deliverable sites.

At paragraph 52 of the NPPF, the Government recommends that the boost in housing set out in national policy can sometimes be best achieved through planning for larger scale development such as extensions to existing villages that follow the principles of Garden Cities. Paragraph 55 of the NPPF recommends that new development in rural areas should be located where it will enhance or maintain the vitality of rural communities or support services in a nearby village. The amount of new retail, community uses and public open space associated with a housing development of the scale proposed and the spacious design that provides a

significant quantity of well-designed public open space demonstrates a strong alignment with national planning policy.

The NPPF also states at paragraph 112 that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

DEFRA have confirmed that most of the site is Grade 2 agricultural land and, further, that there may be a small area of Grade 3 land along part of the western boundary of the site. Theoretically, the development would result in the loss of potentially productive agricultural land. However, it is substantially lower than the 20 hectares threshold at which DEFRA have to be formally notified.

On the other hand, the applicant has stated that the development would only result in the loss of 2.5% of the farming land owned by the two landowners and a capital receipt from the development would be reinvested into the existing agricultural businesses.

Overall, while the extent of new development may conflict with the current intentions of Core Strategy Policy CS7, this site could perform a useful role as housing land and help deliver the significant boost of housing supply which the Government – since the release of the NPPF - now directs the council to provide. The provision of new employment and community meeting space also has the potential to promote the rural economy. However, the desirability of a new land use, especially one for housing and other uses that will serve the needs of the village and the wider rural area, is dependent on it passing the other policy requirements set out below.

Design issues:

The design and layout of the scheme has been carefully thought through. It displays considerable merit as a sensitive way of facilitating an extension to the settlement. The proposals were reviewed under the MADE process, that is, they have been peer reviewed by other urban designers and architects in the West Midlands prior to being lodged with the council and it is understood that the application was modified to take account of comments received in the review process.

The reliance on one linear road with a number of cul-de-sacs acknowledges the ribbon development of the existing village. This road does not connect to the existing village so that it is fair to say that there is likely to be little additional vehicular traffic along the existing village spine road. This is singularly the most sensitive element of the proposal. Nonetheless, the proposal recognises the village will grow significantly if the development is approved and, in order to accommodate this growth and the increase in the scale of the village, the design has incorporated a

cluster of facilities including a small retail area community facility, village green, and multi-use games area (MUGA) that will perform the role of a traditional village core and, in association with other institutions in the village such as the church, will effectively become the heart of the village. These facilities will be easily accessible to all village residents by foot and cycle and it is appropriate that these be located in this position shown on the plan rather than, for example, close to the existing services that front the A442. Nonetheless, the expanded settlement will still remain compact enough so that all existing and new residents could still access these existing retail and community premises. It is a matter of speculation if the provision of a new childcare facility will adversely harm the existing Waters Upton village hall. Other new development in the area that may be expected to come on stream in time, for example, the Dairy Crest site and other sites in Waters Upton that have planning permission but which have not yet been implemented, will potentially bring additional custom into the area that could benefit both the existing and proposed retail and community facilities. It is not a legitimate planning concern to restrict competition in childcare or other commercial operations.

The mix of housing within the proposal - especially the concentration of larger family housing - the siting of shared facilities and good pedestrian and cyclist links between the old and new parts of the village are sensitive design responses which will assist community integration. The provision of a shared MUGA at the core of the village open to all residents will provide opportunities for informal interaction among existing parents with children and newcomers as well as between existing and new children and thereby help foster new community ties.

The scale and density of development, variety of house types and articulation of the proposed housing stock has paid close attention to and then interpreted the form and detailing of much of the traditional, pre 1980s house forms in the existing village. The proposal also addresses its relationship with the A442 sensitively through setbacks and landscaping such that new residents would not be adversely impacted by noise from road traffic. The urban design officer has suggested some additional minor revisions that the applicant could respond to through the imposition of planning conditions.

The distances between existing houses and the new houses vary from between 12m and 15m at their closest points; these are appropriate. Direct overlooking between habitable rooms has been avoided by careful orientation of individual houses and community facilities located close to existing houses on South View and Upton Stones, Field View and Hanford Terrace as well as the church and the police house. The relationship between different uses in the existing and new development allows for a level of informal surveillance consistent with defensible space principles. Adequate car parking provision has been provided in a range of garage and off street parking with some communal provision that can be used, for example, as an overspill for the church.

Overall, the proposal displays a high level of compliance with the NPPF (refer paragraph 58) in that it functions well, establishes a strong sense of place, responds well to the local context by reason of its density, street pattern and architectural detail and provides a better landscaped buffer to the edge of the village especially through the use of landscape and setback than currently exists. The proposal also accords with Local Plan Policies UD2 and UD3. If appropriate measures suggested by the urban design officer and Police were implemented, it would also comply with Core Strategy Policy CS15.

Many residents have stated that the development would harm the existing village by reason of the scale of the amount of new housing proposed. Clearly, the proposal will expand the village considerably and the level of facilities provided will give further credit to the hierarchy of settlements as identified by policy. However, the analysis above clarifies why an expansion in Waters Upton in the form proposed is acceptable and demonstrates how it has been carefully executed. Indeed, one of the many other merits of this proposal is that this proposal has been submitted as a full, rather than an outline, application. Access and other matters related to the detail design of homes and other infrastructure would be fixed if planning permission were to be granted. There is no sound reason for withholding permission on the grounds of the expansion of the village, given the form of the current proposal and the emphasis in the NPPF on providing housing solutions.

One respondent has stated that the development would affect residents' fundamental rights to privacy and family life. Article 8 of the European Convention on Human Rights states that everyone has the right to respect for a private and family life, his home and correspondence. There should be no interference by a public authority with the exercise of this right unless in accordance with the law and necessary in a democratic society. The right to privacy and enjoyment of private life is a qualified human right.

The foregoing analysis of the relationship between the new housing and existing homes has shown the setbacks to be reasonable. It can be concluded that there would be no interference with any resident's human rights. Notwithstanding this, the promotion of new housing on this site is consistent with national planning policy and the site's designation in PHES would appear to demonstrate that its indicative allocation by the local planning authority for housing is reasonable.

Impacts on landscape:

The application site can be described broadly as forming part of an arable landscape that is fairly open and gently undulating. It is not located in an Area of Outstanding Beauty nor does it have other landscape designation in either Core Strategy Policy CS12 or the Local Plan OL2. Local Plan Policy OL6 states that the council will protect locally important and incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area.

The council conducted a Landscape Sensitivity and Capacity study in 2009 which some local residents have referred to. The study identified that a number of parcels of land that comprise the application site were of a high to medium landscape sensitivity. It also stated that their housing capacity was low. A later study was prepared in 2014 (the Landscape Sensitivity Study).

A number of residents have stated that the current scheme is inconsistent with the findings of the 2009 landscape study. In this respect, the following advice is offered:

- The purpose of both the 2009 Landscape Sensitivity and Capacity Study and the 2014 Landscape Sensitivity Study is to inform the planning process. The documents do not have any policy status by themselves, nor should they be used to determine planning applications. Accordingly it is not reasonable to determine an application based solely on the findings of the 2009 study. Rather, it is critical only to consider the design merits of the scheme that is before the Committee. The findings of the 2009 study also need to be understood in the context of the later NPPF which now requires councils to boost significantly the supply of housing;
- The 2009 study includes the word 'capacity' and its content could be interpreted to imply the latter (which is incorrect for the reasons set out above). The 2014 study deliberately removed the word 'capacity' and the descriptions were scrutinised to make sure that the study addressed the subject of sensitivity and not imply a judgement on what should or should not be permitted;
- The 2009 study supported the Core Strategy and addressed the most potentially relevant landscape sensitive parts of the borough – which in simple terms were those areas around the fringes of the existing urban areas and around the suitable settlements as identified by policy CS7.

Notwithstanding this, it is fair to state that the current application recognises the results of the 2009 study and has proposed a scheme which attempts to respond to and address the issues of landscape sensitivity principally by building a bespoke housing scheme with a low density and substantial amounts of open space rather than a standard suburban scheme at 25 to 35 dwellings per hectare (dph). In other words, the applicant has used the study as it was intended to inform, but not to determine, the application.

The development will extend the built form some distance to the east but it is fair to say that the proposal presents a much more sensitive interface with the open countryside relative to the existing southern boundary by reason of the proposed boundary treatment and screening, setback of houses and location of amenity space towards the eastern edge of the site. By only having one vehicular access point, the scheme will retain the attractive hedgerow along Catsbitch Lane. Officers conclude that the proposal does not conflict with Local Plan Policy OL6 or the parts of Core Strategy Policy CS12 concerned with protecting designated landscapes.

Ecological assessment and impacts on a protected species:

From the outset of the pre-application process, officers have made clear that the developer should survey ponds and then provide information on the presence of the

great crested newt (a European protected species) before the council would consider an application. No such survey has been carried out with the application. The applicant is aware of the need to conduct a survey during the appropriate season in 2015.

Instead, the applicant has supplied a preliminary ecological assessment and two studies around the Great Crested Newt; a habitat suitability index assessment (prepared in July 2014) and a protection strategy (prepared in September 2014) after the application was submitted.

The habitat suitability index assessment has identified five ponds within 500m of the application site. The applicant's consultants were unable to access one of them. Two others (Ponds 2 and 3) provide either a good or average suitability for the great crested newt. The habitat suitability index assessment makes the following recommendations in connection with Ponds 2 and 3:

Great crested newts presence/absence surveys require four each site visits to each pond, during which the presence or likely absence of great crested newts is assessed using a variety of survey techniques, e.g. torchlight surveying, bottle trapping and egg searching. The surveys may be undertaken between March and June, weather dependent, with at least two site visits timed to occur between mid-April and mid-May. Should great crested newts be recorded in any of the ponds during these visits, a further two visits will be required to inform a population assessment.

The data acquired during this survey will allow an assessment of whether site works need to be undertaken in accordance with a Natural England Development Licence and/or mitigation strategy to be made.

The applicant's protection strategy acknowledges that great crested newts and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act 1981, as amended. This protection means that great crested newts, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

The protection strategy estimates that the proposed development will result in the permanent loss of:

- No immediate terrestrial habitat (<50 m from breeding ponds).
- 3.00 hectares of intermediate terrestrial habitat (50-250 m from breeding ponds).
- 5.52 hectares of distant terrestrial habitat (250-500 m from breeding ponds).

- 0.68 hectares of terrestrial habitat over 500 m from breeding ponds.

It suggests that the application site is subject to frequent cultivation and is therefore of limited value to great crested newts.

The thrust of the applicant's ecologist advice is that a survey of great crested newts should be carried out in 2015. If there are great crested newts, it would then be necessary to carry out the following measures.

- Ensure that the fields within the development site continue to be managed in the same way up until the start of the development, to avoid any increase in habitat suitability for great crested newts prior to works commencing.
- Supervised dismantling of any potential amphibian refugia within the site footprint during the active period for great crested newts.
- Undertaking supervised management of vegetation and topsoil stripping within 250 m of great crested newt breeding ponds during the active period for great crested newts.
- Storage of materials within areas of negligible risk to great crested newts.
- Creation of new waterbodies, designed to be of value to breeding amphibian species.
- Retention and enhancement of existing hedgerow network to maximise habitat connectivity around and through the site.
- Creation of native wildflower grassland, native tree planting and native shrub planting to increase the value of terrestrial habitat above that currently offered by the dominant arable habitat.
- Provision of artificial hibernacula to provide shelter and hibernation features for amphibians on site.
- Appropriate design of site drainage to minimise risk to amphibians from the new development.

Should the 2015 great crested newt presence absence surveys comprehensively identify that no great crested newts occur in proximity to the site, the elements listed above in italics would not be required. However, all habitat retention, creation and enhancement proposals would be implemented regardless of the outcome of these surveys.

The council's ecological expert has reviewed both studies and objects to the application because, given the protection afforded to this protected species, it is inappropriate to plan for protection measures without actually having done a survey to assess the presence of the great crested newt. She states that such a position is supported by the ODPM Circular 06/2005 which, at paragraph 99, reads as follows:

"99. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before

the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”

The applicants have argued that recent case law establishes that the council cannot simply refuse permission on the basis of an absence of a full report. However, the provisions of paragraph 99 of the Circular are clear. In one of the recent cases, the decision maker formed the view that he had enough information to decide whether or not there were protected species on site. In another, the decision maker had the benefit of confirmation from Natural England that the proposed development would be compliant with Article 12 of the Habitats Directive and the Regulations. In this application, officers do not know whether great crested newts are on site and do not have the reassurance from Natural England that there will be no contravention of Article 12/the Regulations.

In these circumstances, the terms of paragraph 99 of the Circular apply. The council needs to decide whether the proposed development could offend Article 12/the Regulations and, without the survey information, it considers that it is not in a position to properly make this decision.

It is not considered that any exceptional circumstances exist to allow the surveys to be left to coverage under planning conditions.

Based on the advice of the ecologist and the position outlined above, the proposed application is inconsistent with national policy and Core Strategy Policy CS12 which seeks to protect and enhance the borough’s natural environment and protect biodiversity, including habitats, from development.

The applicant has submitted other studies covering bat, bird and trees. These appear satisfactory and matters to safeguard and protect these wildlife habitats could theoretically be addressed by conditions to cover pre-commencement surveys; an appropriate lighting strategy; the provision of bird, bat, invertebrate and hedgehog boxes; and the negotiation and implementation of a detailed soft landscaping scheme.

Highways issues:

The council’s highways officer has assessed the proposal including its impact on the A442 and surrounding roads including in Crudgington with reference to the crossroads providing a link between Shrewsbury and Newport along the B5062.

He has not objected to the scheme subject to the provision of a financial contribution towards appropriate off site highway works. A new junction will have to be provided

onto the A442 with appropriate sightlines. This matter can be addressed by means of an agreement under the Highways Act.

The highways officer also advises that the pedestrian crossing proposed across the new junction would be via a diverted footway to the rear tangent point of the bellmouth. This is standard highways practice to negate the need for pedestrians to cross the full bellmouth width and therefore this does not give rise to any safety concerns. The council's highway officer has consulted the officer responsible for walking buses in the borough who concurs with the highways officer's views. A supervised walking bus crossing just two simple junctions as proposed here is considerably less arduous than the majority of walking buses in the borough.

A further merit of having a development with only one route in and out is that no construction traffic will need to come through the village. In any case, potential concerns about construction traffic movements could be addressed via a planning condition.

Drainage and flood risk:

The Environment Agency (EA) state that the site is located in Flood Zone 1, that is, an area at the lowest risk of inundation. The EA has given an informative on how to manage the development to ensure that no adjoining site is affected by water runoff.

The masterplan for the site shows two indicative infiltration basins and one attenuation basin to deal with the surface water produced by the site. The council's drainage officer has some serious concerns about the level of information provided with regard to the rates of infiltration for both of the infiltration basins, and also the lack of information relating to the detailed design of the attenuation basin.

It may be possible to address these issues by either relocating these basins to areas where infiltration rates are more favourable, or enlarging each feature to cater for slower rates. This however may result in changes to the site layout, the loss of a/several units, or require additional land outside the red line boundary.

Theoretically, water infiltration can therefore be managed on this site. The applicant has confirmed that all of these options can be pursued.

The council's drainage officer does not consider there is merit in resisting the proposal for this reason but has recommended a number of detailed conditions that the developer must comply with to address his concerns. These include the provision of an alternative method of surface water disposal if infiltration drainage cannot be achieved. He is of the view that this may have implications on the viability of this development.

Other (foul) drainage details could be handled via a planning condition.

#### Heritage and archaeology matters:

The proposed development is not located within a designated Conservation Area, however it is necessary to consider the impact of the development on the setting of nearby listed buildings on the site – these include a cluster of buildings around St Michael's Church including the Coach House, White House, The Firs and Crescent House towards the north western edge of the site. The most critical relationship to consider is the one between the new development and the listed church and churchyard wall as these structures are important features in the existing streetscape.

The developer's design and access statement and heritage assessment have identified this as a sensitive context for any new development too. The design response at this interface is modest and respectful of these features. The scale of the new development close to these buildings and the siting of other elements of the scheme such as the location of an overspill car park for the church immediately to the south serve to provide appropriate setbacks relative to these listed buildings. Sensitive use of boundary treatment would present an appropriate design response. The council's built heritage conservation officer supports the proposal for this reason.

The Archaeologist has identified the possibility of the site having some prehistoric/Roman features but has indicated that an evaluation of the site be undertaken before a decision is made. The applicant has already conducted an archaeological desk based assessment. It is considered that any concerns about archaeological remains could be addressed via a planning condition to protect in situ any archaeological remains that are found. An appropriate supervised dig management regime would have to be arranged at the developer's expense if there is evidence of archaeological heritage on the site.

#### Impacts on local community and social infrastructure:

The development will have a number of impacts on local infrastructure.

The developer has therefore proposed heads of terms for a s106 agreement. The following statement reflects the state of negotiation at the time of writing following receipt of internal council consultee comments. Officers are seeking a clarification on individual elements and any relevant additional information will be reported to the Committee.

- Affordable housing of up to 24 units (or 18%) over the three phases of construction;
- A contribution of £321,755 for primary education and £110,200 for transporting secondary age school children;
- The donation of a parcel of land (approx. 0.8ha) to facilitate the growth of Crudgington Primary School;
- Alterations to the public highway during Phase 1 (A442) to allow an improved right turn from the site;

- A payment of £250,000 for the improvement of local highway infrastructure;
- The creation of public open space, including the provision of a village green and the construction of a MUGA play area, the maintenance of which will be responsibility of the developer until the start of Phase 2;
- A payment of £200,693.12 for the ongoing maintenance of the public open space;
- A sum of £225,000 towards the ongoing maintenance of a Sustainable Urban Drainage System;
- A payment of £50,000 to help delivery of broadband internet connection to Waters Upton; and
- £5,000 payment for financial management and monitoring of the legal agreement.

The heads of terms for this legal agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The provision of affordable housing is necessary and consistent with Core Strategy Policies CS1 and CS7, Local Plan Policies H23 and H24 and the NPPF. The contributions towards highway improvements reflect the features of the site and its location relative to public transport. The negotiation of these contributions is also consistent with Local Plan Policy T22. The provision of a financial contribution and land transfer towards educational improvements is necessary because of the link between the development and larger local school rolls.

The contribution towards broadband at this site is an important support for modern day living and could contribute to reduced car journeys by providing residents with the ability to conduct their business via the internet. It also supports the council's digital inclusion strategy which seeks to allow residents to access more public services online. No specific project is identified at this stage to apply the funds. However, there is currently an investment programme valued at £4m to deliver a superfast broadband programme for Telford & Wrekin. The Waters Upton area is likely to be eligible for some of this spending but the applicant site would not as it is a newbuild development and the funding is for existing residences and businesses only. If planning permission were to be granted, the council might be expected to work with the developer to identify how best to use this additional funding of £50,000 to support connecting this site to superfast broadband.

The amount of affordable housing proposed falls short of the council's expectation for the rural area to provide 40% as set out in Core Strategy CS7 and Local Plan Policy H24. The offer by the developer has been appraised financially and it has been shown that more affordable housing could not be provided.

There are two reasons why the site cannot deliver a higher proportion of affordable housing. First, it is delivering a significant amount of new estate roads and community infrastructure such as extensive public open space while only be built at

a low density (11 dph across the whole of the site), and, secondly, the s106 contribution also includes the provision of land off site. A housing estate built at higher suburban densities of 25 to 35 dph typical for much of the urban parts of the borough would deliver more affordable housing but it would be likely to be out of context with the sensitive setting of the village and unacceptable for other reasons.

A second potential shortcoming in the offer is that the form and layout of the dwellings offered for shared ownership is not ideal. This is not a fundamental flaw to the whole scheme as a more suitable form for the affordable units could, theoretically, be resolved via a planning condition associated with individual dwellings or the negotiation of revised plans.

In all respects, the sums set out in the draft heads of terms appear to be fairly and reasonably related to this scheme. As has been stated above, officers are seeking clarification on some matters and will report any additional information in a supplementary report.

Many residents have objected to this development having regard to its impact on Crudgington Primary School. They have stated their attachment to the school because of its small scale. The school governors have confirmed that the community ethos is a cherished part of school life. The local education authority estimates this development could potentially generate 33 additional primary school places. However, it does not object to this element of the scheme subject to a s106 contribution towards extra spaces and the provision of land for this school to accommodate growth as well as a subsidy for public transport for children on secondary school age. The school's infrastructure can therefore cope with this development. It would be unreasonable to withhold approval based on some public attitudes about the nearest school as such an approach would be incompatible with a commitment to support growth across the borough and, indeed, the country.

Addressing other submissions received:

The following additional comments are offered on the key, planning-related objections received:

- The council has not been complicit with the developer. It has identified in PHES the potential of this site for housing. This does not in any way imply that it has prejudged the merits of this application;
- While some residents have voiced concern about pre-application activity conducted by the developer, the council has conducted the consultation on this application appropriately and consistent with its legal obligations;
- It is unreasonable to suggest the new development will not integrate with the existing village for the reasons set out above;
- The Dairy Crest site in Crudgington may be an appropriate site for more housing development. Any application submitted on that site will be considered on

its own merits, in the light of existing and emerging development plan policy and the NPPF which, among other things, directs councils to boost significantly the supply of new housing;

- The proposal will have no obvious noise or pollution impacts;
- Some residents point out the village is not connected to natural gas supplies and the development should not be promoted for housing for this reason. The applicant has confirmed that the houses will be heated by electricity;
- The desire or belief that residents should not expect further expansion when they move to a village is not a relevant planning consideration. In assessing any planning application, it is necessary to have regard to the development plan and other material considerations including the NPPF and emerging planning policy;
- It is not a planning consideration either to question if the new houses will be sold or not. It is anticipated that the scheme will be built over an extended period and the applicant has sought commercial advice on the desirability of building at this location.

All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

#### Conclusions and other matters for consideration

This report acknowledges there is planning merit in promoting a development of this scale at this location. While the development is not strictly in compliance with Core Strategy Policy CS7 because of its scale, new national planning policy identifies other material considerations that must be taken into account in the decision-making process. Architecturally it represents a very high quality design solution and has cleverly identified mechanisms to integrate it with the existing village while, at the same time, minimising its impacts on the living conditions of existing residents. It will provide new facilities that will enhance the village consistent with the NPPF. The matters raised by statutory and council consultees (barring those raised by the ecologist) could be resolved via minor revisions to the scheme, planning conditions or s106 contributions. The development will result in the loss of some agricultural land but this comprises a small part of existing large landholdings. It is considered that the proposal could not reasonably be withheld on this ground given the other substantial merits of the scheme.

However, its fundamental flaw is that it has been submitted with insufficient information on the protection of a European protected species and the council's ecologist has recommended that it should be refused permission. In that sense, the scheme fails on a technicality and, for this reason and with reference to the points made earlier in this report, it is recommended that the scheme be refused.

Waters Upton Parish Council have asked the National Planning Casework Unit (NPCU) - part of the Department of Communities and Local Government - to "call in" this application and ask the Secretary of State to determine it. An NPCU official has

advised that if the Committee is minded to grant planning permission, the NPCU will determine whether the application should be called in for the Secretary of State to make a final decision on after the Committee meeting.

The Secretary of State has indicated in a Ministerial Statement that he will, in general, only consider the use of "call in" powers if planning issues of more than local importance are involved. Examples include cases which:

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.

Typically, the decision to call in (or not) a case can take two to three weeks but it may be longer in this case as Parliament goes into recess on 16 December. The NPCU have also advised that if the Committee refuses this application, the Secretary of State will have no further involvement in the case unless the applicant appeals. Officers have forwarded a copy of this report to the NPCU for information.

It will be necessary to refer this case to the NPCU in the event of the Committee resolving to grant planning permission.

#### Recommendation

Based on the conclusions above, it is recommended that the Committee **REFUSE PLANNING PERMISSION** for the following reason:

The proposals do not accord with paragraph 99 of ODPM Circular 06/2005, nor Standing Advice from Natural England nor do they provide necessary survey information including for nearby ponds 1, 2 and 3 (which have clear potential for presence of Great Crested Newts). The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the presence or otherwise of Great Crested Newts has not been established nor the extent to which any Great Crested Newt population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in

Policy CS12 of the Telford & Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.

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PROPOSED STREET ELEVATION VILLAGE CENTRE (D)



PROPOSED STREET ELEVATION PHASE TWO (F)



**KEY**

- A1 B1 & D1 Units
- 5B House
- 4B House
- 3B House
- 2B House
- 3B Dormer
- 2B House
- Phase One
- Phase Two
- Phase Three
- Designated Village Green

H	06.11.14	Amendments further to High speed comments	HR	CH
G	04.11.14	Designated Village Green indicated	HR	CH
F	24.10.14	Amendments further to planners comments	TS	HR
E	24.09.14	D1 unit amended to child care facility	HR	CH
D	15.09.14	MUCA amended	HR	CH
C	15.09.14	MUCA amended	HR	CH
B	05.02.14	Key updated to show 2B House	JS	CH
A	01.06.14	2B properties added		

PROPOSED STREET ELEVATION A442 (B)



**SCHEDULE OF ACCOMMODATION RESIDENTIAL**

PHASE ONE			PHASE TWO			PHASE THREE		
No. beds	Type	No.	No. beds	Type	No.	No. beds	Type	No.
2B	Terrace	9	2B	Terrace	0	2B	Terrace	0
3B	Terrace	9	3B	Terrace	0	3B	Terrace	0
	Semi-detached	14		Semi-detached	6		Semi-detached	3
	Detached	23		Detached	7		Detached	0
	Detached (Dormer)	10		Detached (Dormer)	4		Detached (Dormer)	0
4B	Detached	9	4B	Detached	12	4B	Detached	8
5B	Detached	1	5B	Detached	8	5B	Detached	4
<b>Total = 75 Units</b>			<b>Total = 37 Units</b>			<b>Total = 18 Units</b>		

**SCHEDULE OF ACCOMMODATION NON-RESIDENTIAL**

Unit	Use Class	GIA
A	A1	90
B	A1	90
C	A1	81
D	A1	81
E	A1	91
F	B1	90
G	B1	61
H	B1	60
GP	D1	214

TOTAL UNITS PHASES 1-3 = 130

**PLANNING**

Scale:	1:2000 @ A1	Date:	JULY 18	Drawn by:	HR	Chk:	CH
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**base ARCHITECTS**

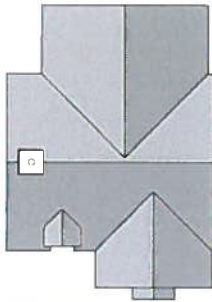
Project Title: **LAND AT WATERS UPTON**

Client: **MR BROWN / MR HOCKENHULL**

Drawing Title: **PROPOSED MASTERPLAN**

Project No.:	BA1104	Drawing No.:	PL-102	Revision:	H
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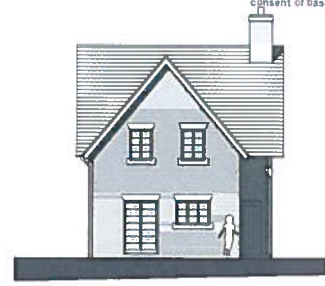
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ROOF PLAN



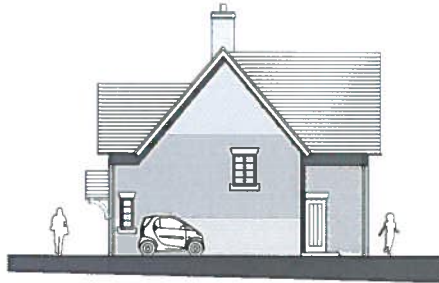
FRONT ELEVATION



REAR ELEVATION



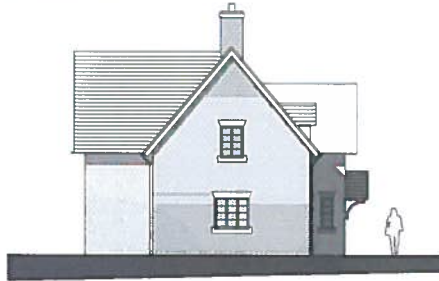
FIRST FLOOR PLAN



SIDE ELEVATION



GROUND FLOOR PLAN



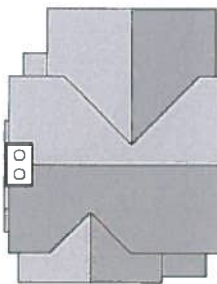
SIDE ELEVATION

UNITS 1,84

Ground Floor GIA: 53m<sup>2</sup>  
First Floor GIA: 50m<sup>2</sup>

**Total GIA: 103m<sup>2</sup>**

**3 BEDROOM DETACHED OPTION 2 - HOUSE TYPE 10**



ROOF PLAN



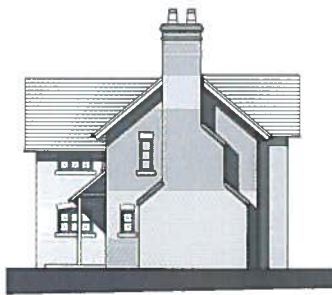
FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



SIDE ELEVATION

UNITS 41,74,75,83,90

Ground Floor GIA: 52m<sup>2</sup>  
First Floor GIA: 49m<sup>2</sup>

**Total GIA: 101m<sup>2</sup>**



GROUND FLOOR PLAN

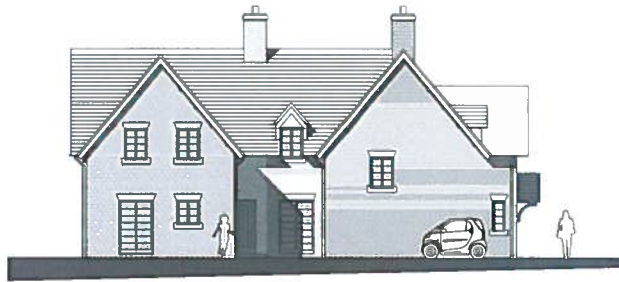


SIDE ELEVATION

**3 BEDROOM DETACHED OPTION 3 - HOUSE TYPE 11**

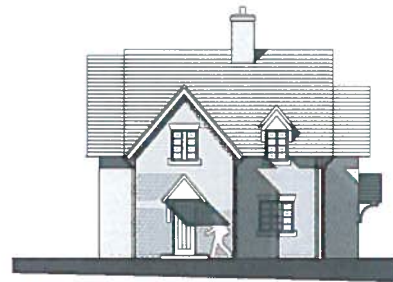


Rev No.	Date	Rev.	By	Chk.			
<b>PLANNING</b>							
Scale:	1:100 (A1)	Date:	April 14	Drawn by:	CG	Chk.:	HR
<b>base</b> ARCHITECTS							
Project Title: LAND AT WATERS UPTON							
Client: MR BROWN / MR HOCKENHULL							
Drawing Title: HOUSE TYPES 10 & 11							
Project No.:	BA1104	Drawing No.:	PL-20B	Revision:	-		
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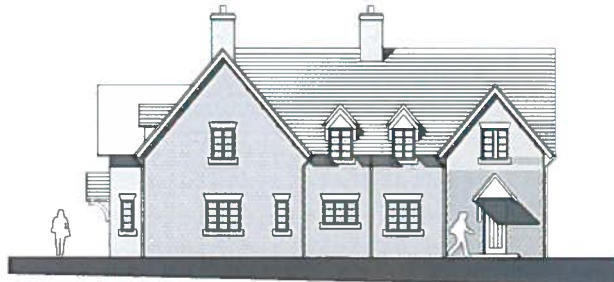


REAR ELEVATION

SIDE ELEVATION

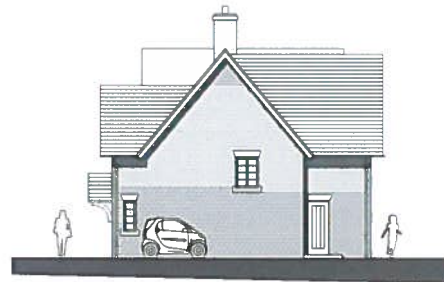


FRONT ELEVATION

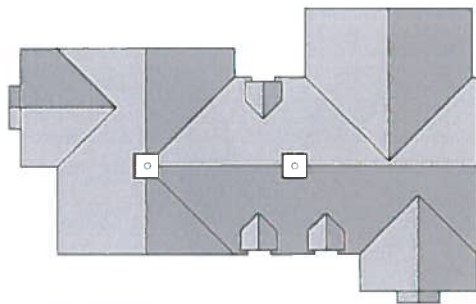


SIDE ELEVATION

FRONT ELEVATION



SIDE ELEVATION



ROOF PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

UNITS 5,6,15,16,19,20

Ground Floor GIA: 53m<sup>2</sup>

First Floor GIA: 50m<sup>2</sup>

**Total GIA: 103m<sup>2</sup>**

Rev No.	Date	Rev.	By	CHK
A	15/12/14	ISSUE FOR PERMITTING	CHL	CHL

PLANNING

Scale	Date	Drawn by	CHK
1:100 @ A1	14/12/14	JZ	CHL

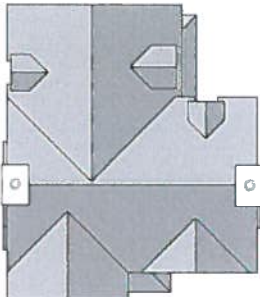


Project Title:	LAND AT WATERS UPTON		
Client:	MR BROWN / MR HOCKENHULL		
Drawing Title:	HOUSE TYPE 7		
Project No.	BA1104	Drawing No.	PL-206
		Revised:	A

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**3 BEDROOM SEMI-DETACHED CORNER OPTION 2 - HOUSE TYPE 7**





ROOF PLAN



FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



SIDE ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION

UNITS 4,17,103

Ground Floor GIA: 65m<sup>2</sup>  
 First Floor GIA: 65m<sup>2</sup>

**Total GIA: 130m<sup>2</sup>**

**4 BEDROOM DETACHED OPTION 6 - HOUSE TYPE 18**

Rev. No.	Date	Rev.	By	CHK.
A	16.12.14	1	CH	CH

**PLANNING**

Sheet:	1 OF 2	Date:	16.12.14	Drawn by:	CH	CHK:	CH
<b>base.</b> ARCHITECTS							
Project Title: LAND AT WATERS UPTON							
Client: MR BROWN / MR HOCKENHULL							
Drawing Title: HOUSE TYPE 18							
Project No.	BA1104	Drawing No.	PL-212	Revision:	A		

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Rev	Date	By	Check

<b>PLANNING</b>		Date:	JUL-14	Drawn by:	CH
<b>base</b>		ARCHITECTS			
Project Title: LAND AT WATERS UPTON					
Client: BROWN / HOCKENHULL					
Drawing Title: PROPOSED VILLAGE CENTRE					
Project No:	BA1104	Issued No:	PL-601	Revised:	

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Rev	Date	By	Check

**PLANNING**

Trade:	R/S	Date:	23.03.19	Drawn by:	DL	Chk:	CH
<b>base</b> ARCHITECTS							
Project Title:	LAND AT WATERS UPTON						
Client:	BROWN / HOCKENHULL						
Drawing Title:	PROPOSED VIEW FROM A442						
Project No.:	BA1104	Drawing No.:	PL-002	Scale:			

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No.	Date	By	Check

**PLANNING**  
 Date: JUL 14  
 Drawn by: LL  
 Check: DH

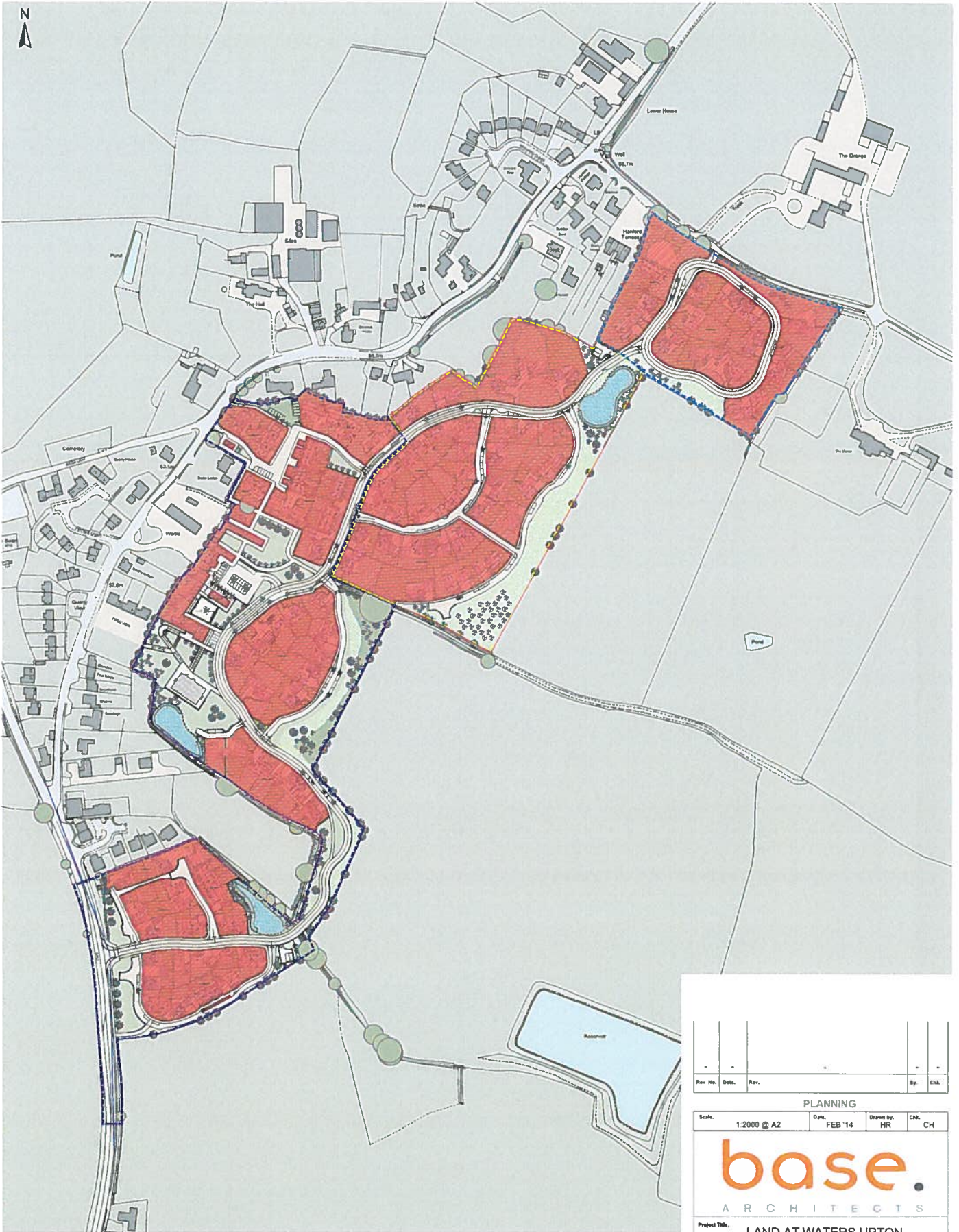
**base.**  
 ARCHITECTS

Project Title: **LAND AT WATERS UPTON**

Client: **BROWN / HOCKENHULL**

Location: **PROPOSED COURTYARD BEHIND ST MICHAEL'S CHURCH**

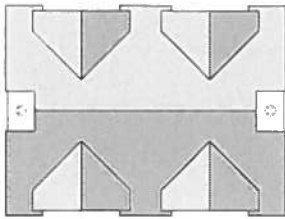
Project No.: BA 1104  
 Drawing No.: PL-003  
 Revision: 01



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Rev. No.	Date	Rev.	By	CHK.			
<b>PLANNING</b>							
Scale:	1:2000 @ A2	Date:	FEB '14	Drawn By:	HR	CHK.	CH
<b>base.</b>							
ARCHITECTS							
Project Title:		LAND AT WATERS UPTON					
Client:		MR BROWN / MR HOCKENHULL					
Drawing Title:		DEVELOPABLE AREA					
Project No.:		BA1104		Drawing No.:		PL 110	
Revisions:		-					
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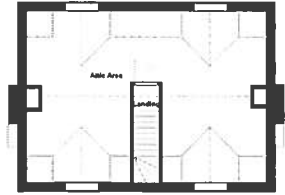
ROOF PLAN



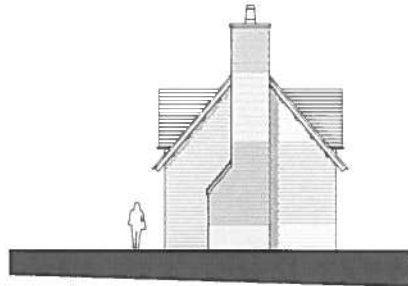
FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



SIDE ELEVATION

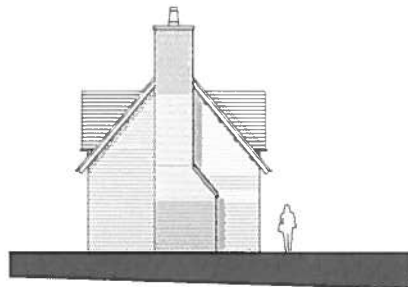
UNITS 43,67,96,97

Ground Floor GIA: 62m<sup>2</sup>  
First Floor GIA: 48m<sup>2</sup>

Total GIA: 110m<sup>2</sup>

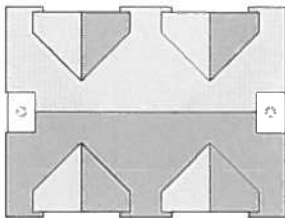


GROUND FLOOR PLAN



SIDE ELEVATION

**3 BEDROOM DETACHED ALMSHOUSE 1 - HOUSE TYPE 1**



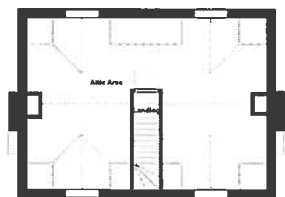
ROOF PLAN



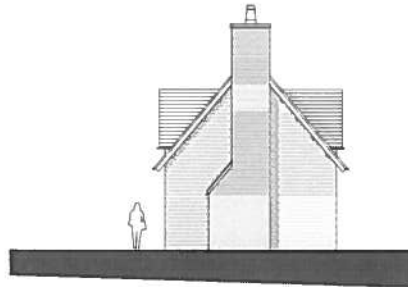
FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



SIDE ELEVATION

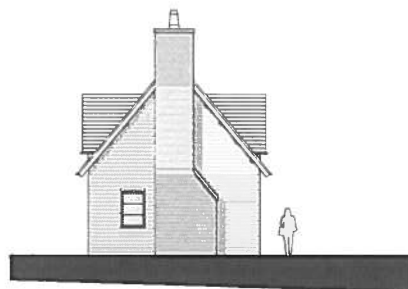
UNITS 44,66,68,69,70

Ground Floor GIA: 62m<sup>2</sup>  
First Floor GIA: 48m<sup>2</sup>

Total GIA: 110m<sup>2</sup>



GROUND FLOOR PLAN



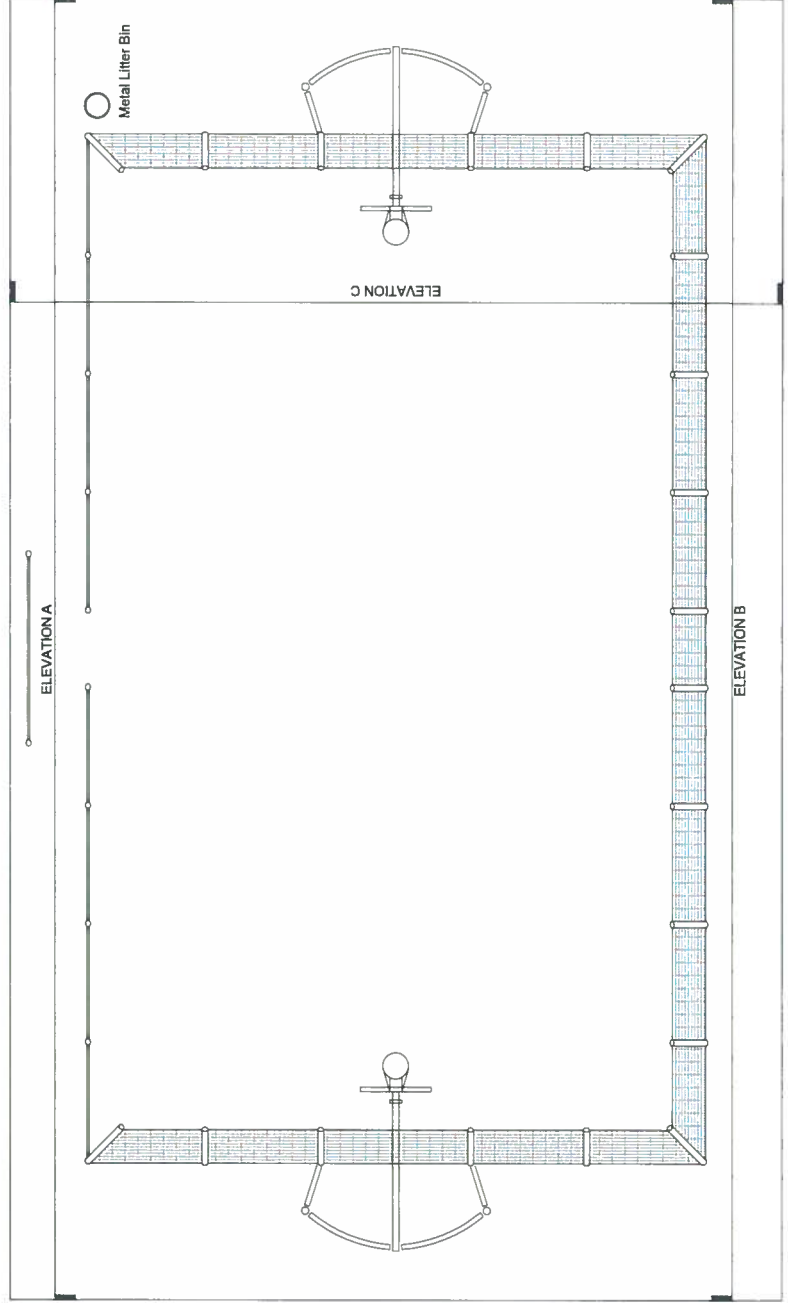
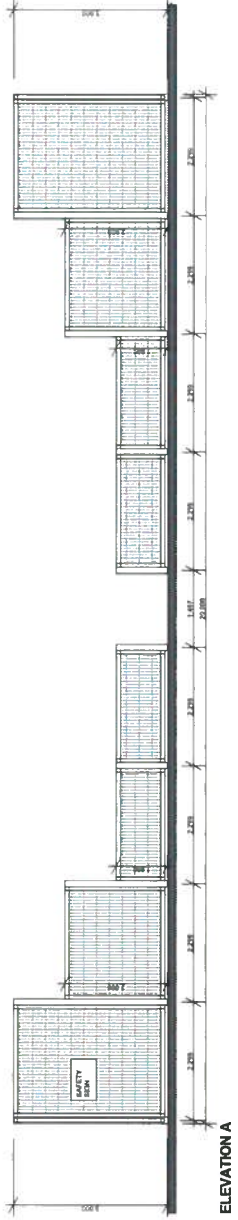
SIDE ELEVATION

**3 BEDROOM DETACHED ALMSHOUSE 2 - HOUSE TYPE 2**



Rev. No.	Date	Rev.	By	Chk.	
<b>PLANNING</b>					
Scale:	1:100 (2:1)	Date:	11/06/14	Drawn by:	CHL
<b>base.</b>					
ARCHITECTS					
Project Title: LAND AT WATERS UPTON					
Client: MR BROWN / MR HOCKENHULL					
Drawing Title: HOUSE TYPES 1 & 2					
Project No.:	BA1104	Drawing No.:	PL-201	Revision:	A

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SCALE BAR 1:100



Rev	Date	By	Check
1	11/05/17	base	base
2	12/05/17	base	base

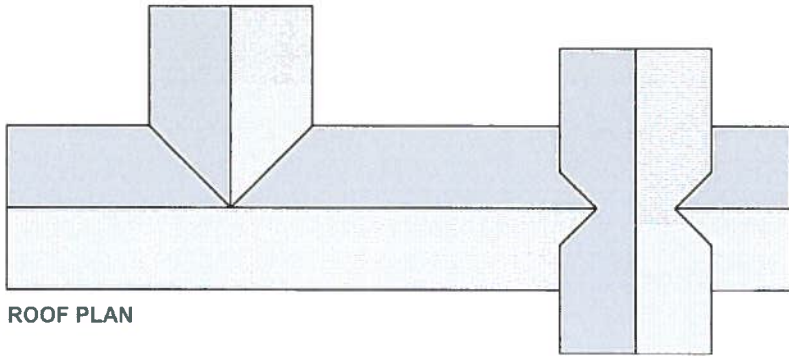
**base**  
ARCHITECTS

Project Title: Land at Waters Upton  
Client: BROWN / HOCKENHULL  
Drawing Title: MUGA

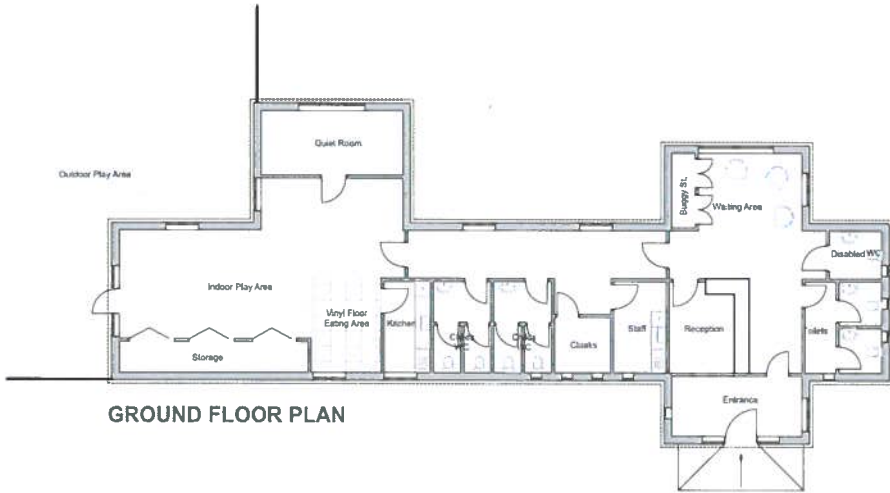
Project No: BA1104  
Drawing No: PL 305

Scale: 1:100 (S.A.)  
Date: 11/05/17  
Drawn by: base  
Checked: base

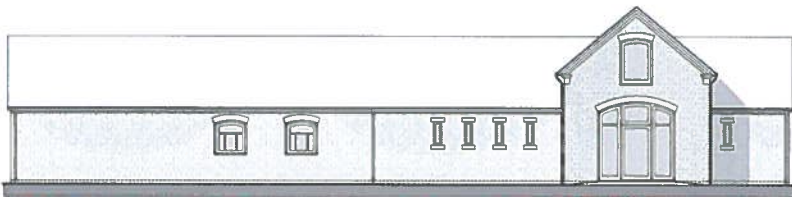
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ROOF PLAN



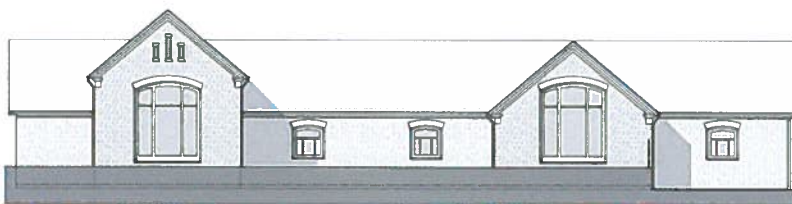
GROUND FLOOR PLAN



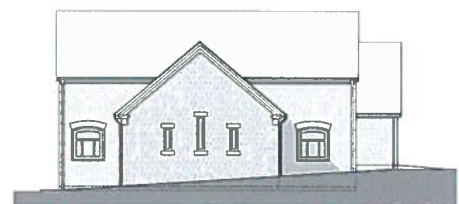
FRONT ELEVATION



SIDE ELEVATION



REAR (COURTYARD) ELEVATION



SIDE ELEVATION

CHILD CARE FACILITY GIA 218m<sup>2</sup>

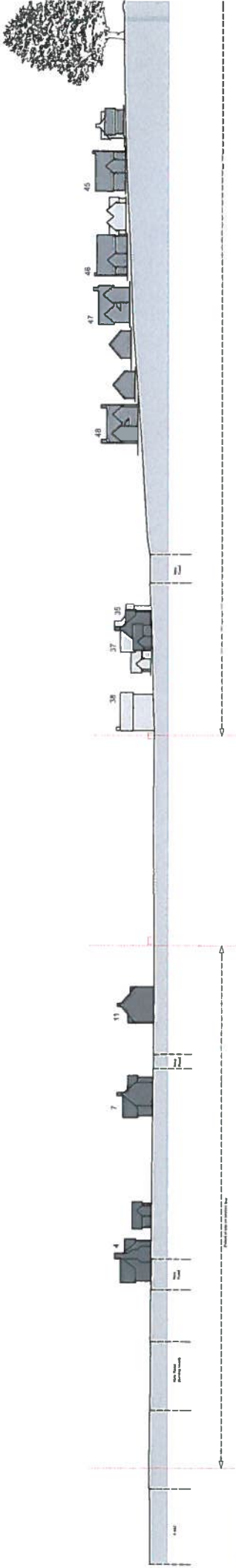


Rev. No.	Date	Rev.	By	Chk.
A	C2 10 14	Amended to child care facility		

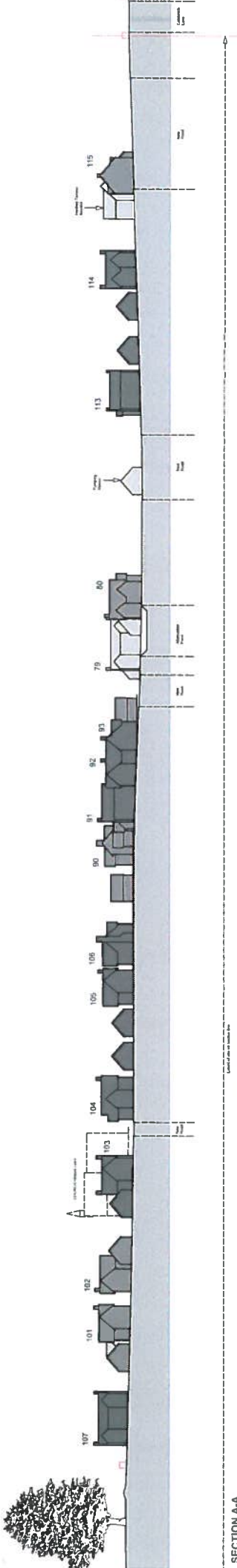
PLANNING

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Project Title: Land at Waters Upton							
Client: BROWN / HOCKENHULL							
Drawing Title: Proposed Child Care Facility							
Project No.:	BA1104	Drawing No.:	PL-304	Revision:	A		

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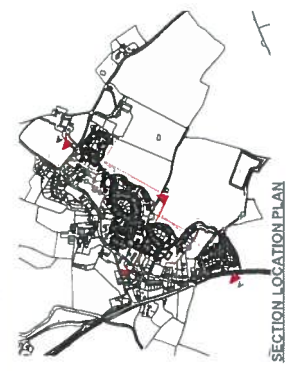
SECTION A-A



SECTION A-A



SECTION B-B



SECTION LOCATION PLAN



base Architecture & Design Limited : Unit 1 : NEXUS : Roushill : Shrewsbury : Shropshire : SY1 1PT : T: 01743 236400 : F: 01743 236405 E: office@basearchitecture.co.uk

Drawn By:	Checked:	Rev:	By:	Chk:
<b>PLANNING</b>				
Title:	1:500 B.A.1	Date:	20/07/14	Drawn By:
<b>base</b>		Chk:	HR	
ARCHITECTS				
Project Title: LAND AT WATERS UPTON				
Client: MR BROWN / MR HOCKENHULL				
Drawing Title: PROPOSED SITE SECTIONS				
Project No:	BA1104	Drawing No:	PL-401	Revision:
base Architecture and Design is a registered Limited Company				

TWC/2014/0941 Land to the north west of existing MOD Donnington, Donnington, Telford, Shropshire  
Variation of Condition 6 of planning permission TWC/2014/0042 to allow a revised access arrangement to serve the proposed MOD Donnington Option Site involving the construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1) with associated infrastructure and landscaping

**APPLICANT**

Telford & Wrekin Council

**RECEIVED**

24/10/2014

**PARISH**

Hadley and Leegomery, Preston upon the Weald Moors, Lilleshall, Donnington and Muxton

**WARD**

Church Aston and Lilleshall, Donnington, Hadley and Leegomery

**OFFICER**

Gareth Thomas

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES**

Economic growth, exploring expanding business sectors, drainage, visual and landscape impact, layout and design, pollution control, highways and impact on neighbouring properties; Environmental Impact Assessment.

**THE PROPOSAL**

This application should be read in conjunction with application reference TWC/2014/0945 which is being considered at the same meeting of this Committee. This application seeks Full Planning Permission for the variation of a planning condition attached to the outline planning permission Reference TWC/2014/0042 granted on 25th June 2014 for the Construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1) with associated infrastructure and landscaping on land to the north west of existing MOD Donnington, Donnington, Telford. The variation is sought under section 73 of the Planning Act. Where s73 applications are permitted, a new planning permission is effectively issued. The applicant then has the right to implement either planning permission. It is open to the local planning authority to reconsider planning conditions in the light of updated information or if circumstances have changed since the earlier grant of permission. The condition reads as follows:  
'Before any buildings are occupied, details shall be submitted for the approval of the Local Planning Authority indicating access/egress to site only via the MOD gates off Hortonwood 30 (HGVs) and Wellington Road/Garrison (employees) including the intended routes to those gates. Any access to Hortonwood 50 shall be retained solely as emergency access and shall not be used for any other purpose. No other access/egress which links the development site with the highway network directly or indirectly will be permitted. Those details so approved shall be available before any

of the proposed buildings are occupied unless otherwise agreed in writing by the Local Planning Authority.'

This application is intended to provide an alternative access solution to serve the development approved under the outline planning permission detailed above.

Simply, the outline permission proposed that access by HGVs be taken through the existing MOD West Gate access off Hortonwood 30. Cars and pedestrian access was proposed from the South Gate off Wellington Road/Wrekin Drive roundabout junction. An emergency access was approved from Hortonwood 50.

The proposed alternative access arrangement that will be brought about if planning permission is granted for the variation of Condition 6 will result in all traffic movements being taken from Hortonwood 50. This application is submitted in parallel with a second application for the construction of an access off the existing turning head of Hortonwood 50.

As Members will recall, the Telford Defence Gateway project has involved the review of the existing MOD Donnington base at Telford and highlighted an opportunity to consolidate the MOD logistics operations with the intentions of making Telford a Defence Gateway and a centre of logistics excellence. The warehouse facility proposed in the outline permission was described as a 'Fulfilment Centre', providing a national logistics centre for the MOD. It aimed to benefit from the presence of the rail freight terminal which lies to the south-east of the MOD site. The approved development proposed three elements, as follows:

- 62,710 sq m (675,000 sq ft) warehouse and distribution facility (up to 20- 35m high) located on the western part of the site
- 18,581 sq m (200,000 sq ft) warehouse and distribution facility (up to 20m high) located on the eastern part of the site
- 2,787 sq m (30,000 sq ft) office building (3 storeys) located on the southern part of the site.

Car parking was shown to be provided at three separate locations within the outline site – 91 spaces to the south of the main office building at the south-eastern part of the site; 215 spaces to the south of the warehousing/offices at the eastern part of the site and 500 car parking spaces provided to the south of the building. Lorry parking would be provided at two areas within the site, one to the west of the warehouse at the eastern part of the site and the other to the west of the building at the western part of the site.

The original application for outline permission was the subject of Environmental Impact Assessment. This Section 73 application has implications in terms of EIA and the latest proposal includes an Addendum to the Environmental Statement previously submitted.

The following environmental information under the EIA Regulations is submitted as part of this application:

- Traffic and Transport
- Air Quality
- Noise

## SITE DESCRIPTION

The existing MOD base in Donnington is located immediately north east of the Site. In addition to the logistics operation, this MOD base also accommodates three Regular Army Signal Regiments, Unified Systems Support Organisation (USSO), Defence Support Group (DSG) and military housing.

A key issue in this application and in terms of the wider surrounding environment to the south of the Site is the road infrastructure. Currently, the A518 New Trench Road, Hortonwood 37 and Hortonwood 30 provide the western access to the existing MOD Donnington base. The A518 also separates the industrial areas of Hortonwood and the MOD operations from Trench and Donnington. The A518 also links to the A41 to the north east and to the A442 to the west. The proposed access route from the proposed alternative access point leads southwards through the Crow Brook Roundabout and Hortonwood 37 and on to Hortonwood Roundabout and New Trench Road (A518).

It is recognised that localised upgrades will be necessary along Hortonwood 50 at its junction with Hortonwood 60 and along the west side of Hortonwood 60. These additions are material to this application in particular. Should this application be supported, it will then mean that the originally proposed access through MOD Donnington will now be used as an emergency access route.

## PLANNING HISTORY

TWC/2014/0042 - Construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1) with associated infrastructure and landscaping – Outline planning permission granted 25th June 2014.

## PLANNING POLICY CONTEXT

### NATIONAL POLICIES

National Planning Policy Framework (2012)

The NPPF requires submission of Transport Assessments where significant amounts of traffic movement are generated. Developments should provide safe and suitable access and should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. They should promote sustainable transport opportunities.

In this case, the proposed development will be located adjacent to an existing industrial estate and a large MOD site that currently serve large-scale industrial developments. Given the staff levels forecasted for the site and its location on an established industrial estate, the traffic impact is expected to be within the designed capacity of the network and not the “severe” impact identified in the NPPF.

### LOCAL PLANNING POLICIES

Telford and Wrekin Core Strategy (2007)

The Local Development Framework aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. Development will:

- Promote sustainable forms of transport, by providing public transport, cycling and pedestrian routes to improve accessibility
- Locate in existing centres to minimise the distance people travel so that they are accessible by public transport, walking and cycling
- Increase the safety of travel, by addressing crime and fear of crime through implementing urban design policy
- Include measures that minimise the negative environmental impacts of travel including congestion, air pollution and noise

Policy CS2 (Jobs) states that in order to create sustainable communities, the Borough needs to deliver new jobs, sufficient to create a dynamic and widely based economy and to meet the employment needs of the growing population.

Policy CS9 (Accessibility and Social Inclusion) aims to ensure that everyone is reasonably able to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services.

The Core Strategy identifies Hortonwood as an existing employment area in Telford, located approximately 2km from the residential areas of Leegomery, Donnington and Trench. An extensive cycle lane network currently links Hortonwood to these residential areas and other areas of Telford, providing a sustainable alternative to the private car.

The Wrekin Local Plan (saved policies)

Policy OL11 (Woodland and Trees) - will seek to retain and enhance the contribution that trees and woodland make to landscape character.

#### CONSULTATION RESPONSES

Lilleshall & Donnington Parish Council – No Objections

Hadley & Leegomery Parish Council – No objections

TWC Highways: Comment: The original Transport Assessment was carried out using specific trip rates based on the MOD related use of the proposed buildings. Accepts that the trips associated with the shift of traffic onto Hortonwood 50 can be accommodated. The Applicant proposes to adjust the existing priority junction between Hortonwood 50 and 60 to accommodate the swept path of articulated lorries. A splitter island should be placed in the junction bellmouth, which will require readjustment to kerb lines. There are some on-street parking; this may require Traffic Order to curtail on-street parking and a contribution of £5000 should be made available to carry out regulatory procedures. In addition existing footpath should be widened to 3m to form cycleway. Recommendation: Conditions for improvements to Hortonwood 50 and 60 to allow articulated traffic to manoeuvre in an acceptable manner together with TRO financial contribution £5k.

TWC Drainage Engineer – Surface Water Condition

Shropshire Fire Service – No Objection

Local Access Forum - Whilst the forum does not propose to directly oppose development, the following comments should be taken into serious consideration. It appears that part of this application is to provide an eastern link to the public right of way running to the south of the site (Restricted Byway 14). On this note only, the improvement to this public right of way is supported. It is clear that the application

has dual purpose as it is also to create a lorry access to the site from the south. I would like to see some clarity on how public access to the right of way (RB14) is to be made safe and users are to be protected from close vehicular use. I do not see how this is to be well managed from the application attachments. It is to be noted that an RB allows for the lawful use of not only walkers but cyclists, equestrians, and carriage drivers too who could all be considered 'vulnerable' to vehicular traffic. The correct Public Path Orders need to be confirmed and the new PRow connection placed on the Definitive Map for Telford and Wrekin should this go ahead.

#### THIRD PARTY REPRESENTATIONS

Veolia – Point out that they have received planning consent for a Community Recycling Centre at Hortonwood with development to commence in 2015. They point out that this facility forms an essential part of Telford's integrated waste management facility; the TA for the application must demonstrate that the use can take place without detriment to the existing and proposed businesses at Hortonwood 50 and 60.

A local resident of The Hoo has written explaining her experience of local traffic conditions at Hortonwood 60 which is often reduced to single lane due to cars parked on the roadside. Other permissions have been granted including Dale Bros Furniture UK and Veolia's development – have these developments been included in the applicant's assessment? Previous permission restricted access to an emergency access – what has changed?

#### PLANNING CONSIDERATIONS

The Principle of the Proposed Alternative Access Proposal

The proposed variation to Condition 6 of the outline permission will provide an alternative access solution to that approved in the outline planning permission Reference TWC/2014/0042, which was subject to EIA. Members are asked to note that there is a parallel application before the Council, which includes the bulk of the technical information required in order to justify that the proposed alternative access solution can be provided to full highway standards – see Application TWC/2014/0945.

It is recognised that the access arrangement leading directly from Hortonwood 50 will offer a more flexible solution for the project bidders and avoid the need to bring HGV and staff vehicles through the existing MOD Donnington security gate. This flexibility will in principle provide the most optimum solution which, in turn, will enable development to provide new jobs in a sustainable location, diversify the local economy, facilitate long term economic regeneration and reduce out-commuting in accordance with Core Strategy policy ambitions. In principle, therefore, provided the proposal meets sustainable development principles of the NPPF and provided proposals accord with the Development Plan, planning permission should be granted without delay. Sustainable development crosses the three strands of environmental, economic and social considerations. Clearly this proposal helps meet economic and social strands and the remaining considerations are largely environmental.

Traffic and Transport

The application is accompanied by a Transport Assessment update to the previous TA. It considers the implications of the new access arrangements for both highways and transport matters. The Council has at its disposal the Telford Strategic Transport Model. The TSTM is able to be used in order to illustrate and quantify the changes to junctions along the local highway network arising from developments. An objection has been received from Veolia who will operate the new waste community recycling centre off Hortonwood 50 once it is built in 2015/16. The basis of this representation is a concern that the scale of development that would result from the use of the access as the principal means of access to the Options site might prejudice highway safety and convenience to others operating from Hortonwood 50. This representation is echoed by a local resident. The company seek assurances from the local highway authority and LPA that the TA must demonstrate that traffic movements associated with the MOD and committed traffic will be catered for without detriment to highway safety and convenience.

The TA has considered the capacity of three junctions that could be affected by this development, namely the Hortonwood Roundabout (A518 New Trench Road/Hortonwood 30), the Crow Brook Roundabout (Hortonwood 37/Hortonwood 40) and the Garrison Roundabout (A518 New Trench Road/Wrekin Drive). The conclusions reached that the percentage traffic flow impact arising from the development is not considered significant and the three junctions have sufficient capacity to accommodate the development despite the Hortonwood 37 approach onto the Hortonwood Roundabout nearing capacity in the PM peak period. The Garrison Roundabout and Crow Brook Roundabout are considered sufficient even in the worse-case scenario tabled in the TA.

A public footpath leads from Hortonwood 50 into the development site (Option Site) to the north. Proposals to divert this footpath are currently underway. The proposals do not directly affect this footpath but rather links into the proposed diverted PRow.

#### Arboricultural and Ecological Issues

The original outline planning permission conceded that trees would be removed as part of the development. The Addendum to the report previously approved highlights the area the subject of the red line application site boundary, which is tightly drawn to the north of the existing cul de sac turning head at Hortonwood 50. Within the red line are 9 individual trees within two groups together with two hedgerows. The area takes on the character of a dense thicket with a small number of semi-mature and mature trees – these comprise a leylandii hedgerow, goat willow and hawthorn. With careful planning, the arboriculturalist acting for the applicants maintain that the proposed access could be built without loss of any “significant” semi-mature or mature trees. Of the nine trees, five are to be removed – but these are all Category C trees of low quality. The arboriculturalist advises that careful placement of barriers during construction would lead to the protection of any higher order trees. These requirements can be accommodated in the conditions. Unfortunately, the scheme acknowledges that an over mature common oak is to be removed as a result of structural defects rather than to accommodate the proposed access. This was acknowledged in any event in the outline application that was approved.

In addition, a technical note on ecological implications is provided. This notes that the land is a suitable terrestrial habitat for Great Crested Newts and is within 250 m of a pond which contains a small population of GCNs. It is accepted that an EPS Licence from Natural England will be necessary in due course as part of the wider outline site. This is no different than what was envisaged in the outline planning conditions and will be dealt with accordingly. The outline permission proposes significant enhancement of GCN habitats and this enhancement will be the subject of the EPS Development Licence described above. This is a proportionate response and is consistent with the terms of the outline permission. As noted above, there is a requirement to fell the common oak for structural reasons. This tree has the potential to support roosting bats. But this application does not in itself result in the need to fell this tree (as this is due to the tree's structural condition).

Members will recall that the previous outline permission included the provision of a £50,000 fund for off-site planting; this is again recommended.

#### CONCLUSIONS

The planning application seeks to provide flexibility in terms of access solutions. The proposal if approved would require a new planning permission to be granted in outline for the whole site, which also enables the LPA to review the conditions that were previously attached to the outline consent. In addition there was a requirement for the applicant to enter into an agreement (in the form of an internal memorandum requiring a financial contribution to be made to provide off-site landscaping/planting opportunities at residential properties to the north of the application site). A new memorandum signed by the Director would again be necessary. The application has been considered and assessed against the Environmental Statement that accompanied the original application and against the Supplementary Environmental Information accompanying this application. In the view of your Officers, the proposal to vary Condition 6 satisfies the following:

- That an in principle acceptance of the site as an access has already been established, albeit originally proposed as an emergency access.
- The updated TA concludes and the Local Highway Authority and Highways Agency agree that the use of this access route as a primary route into the site would not impinge on highway safety and convenience subject to modest improvements at Hortonwood 50 and 60
- The site is capable of development without detriment to the landscape quality of the area or its ecological significance.
- The proposal will introduce greater flexibility and will contribute to achieving the economic and regeneration objectives of the Council

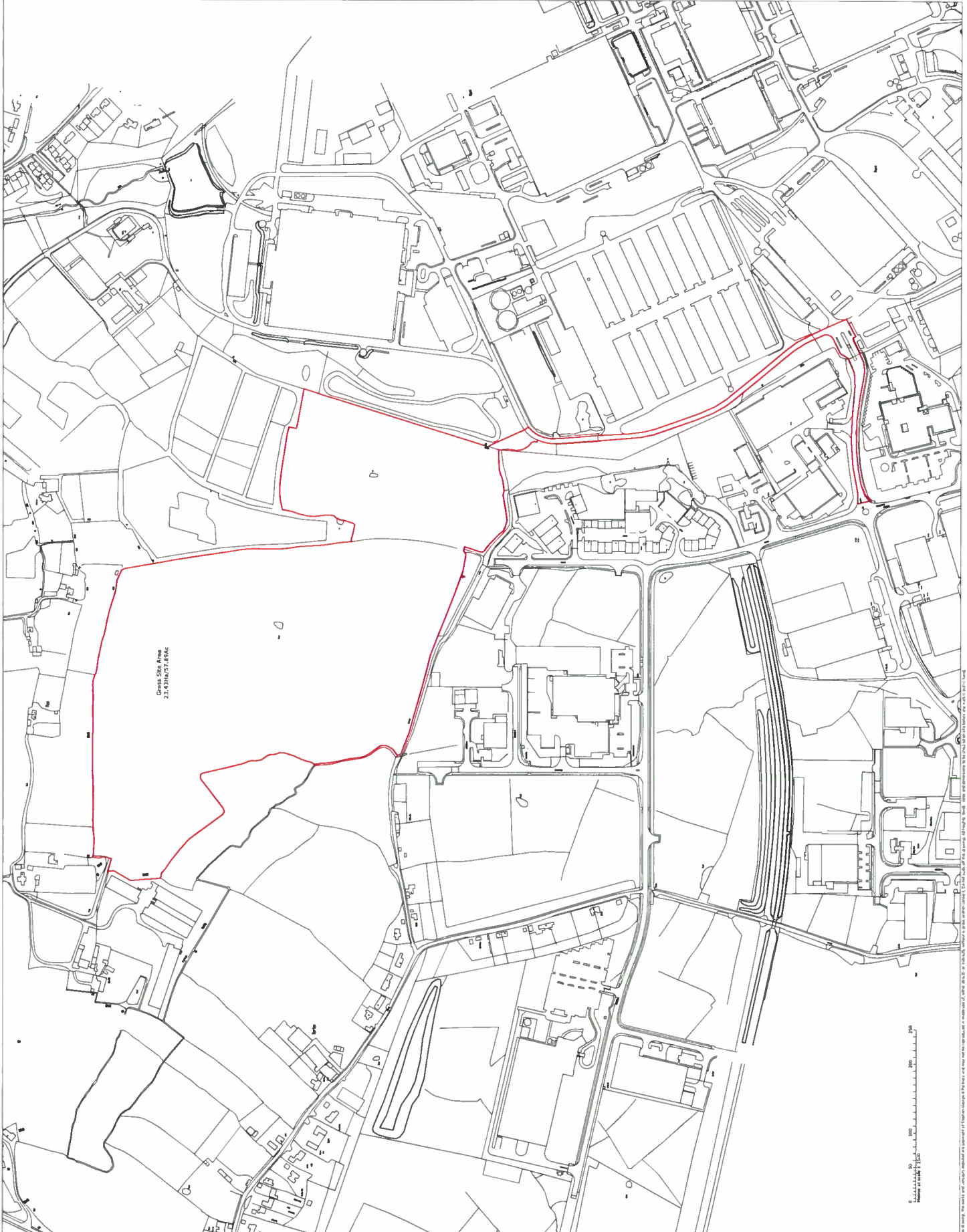
#### RECOMMENDATION

That upon the Director of Development, Business & Customer Services signing a Memorandum in lieu of section 106 Obligation setting aside a sum of money of £50,000 to be administered as a grant for the planting of trees and hedges at selected off-site locations within 2 km of the site together with £10,000 to cover costs of monitoring of Travel Plan, £5,000 for TROs and £10,000 for planning monitoring,

and subject to the following conditions, the final details of which to be delegated to the Development Management Manager, outline planning permission be GRANTED. Conditions to include:

1. Time limit conditions
2. Reserved Matters
3. Highway conditions as recommended by the LHA and Directed by the HA, including conditions relating to means of access, car parking, vehicle turning and cycle facilities
4. Travel Plan requirements
5. Drainage conditions recommended by the Environment Agency
6. Drainage conditions recommended by the Drainage Engineer
7. Drainage conditions recommended by the IDB
8. Ecology conditions recommended by the Planning Ecologist and Natural England Standing Advice
9. Noise Conditions
10. Lighting conditions to prevent light pollution
11. Maximum parameters
12. Landscaping and landscaping management conditions
13. Tree protection
14. Site Environmental Management conditions (CEMP)
15. Land contamination conditions
16. BREEAM standards
17. Conditions as deemed necessary by the Development Management Manager

This decision has been taken in accordance with the Town & Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), and this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the Report to this application. The application has considered the additional Environmental Information and has taken this into account in reaching a decision to grant permission subject to conditions including mitigation of significant environmental impacts to an acceptable level.



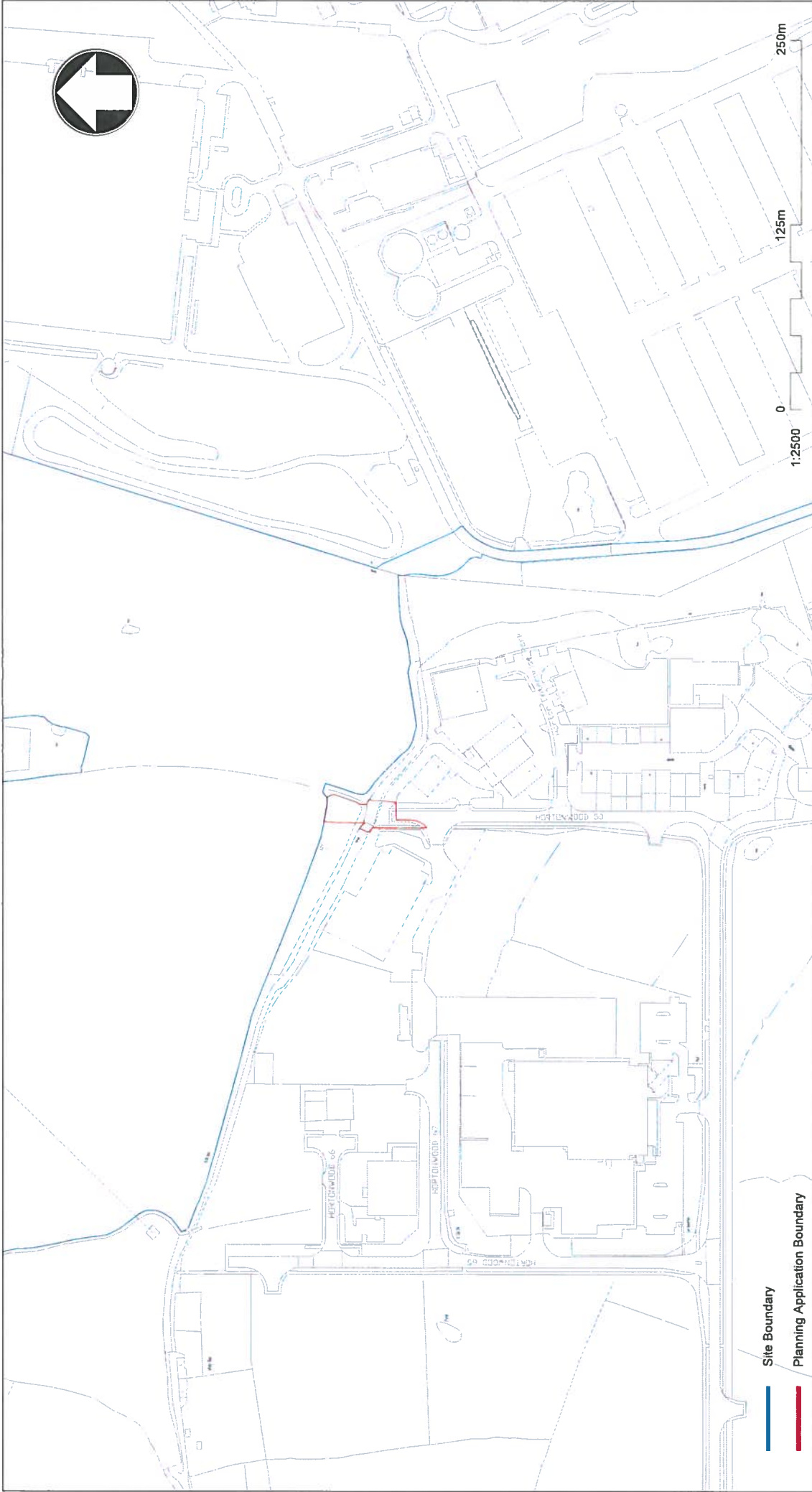
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Telford, MOD Donnington  
 Site 1 - Option Land  
 Location Plan



Drawing status:	Preliminary
CD reference:	13-189-0011
Team:	MKS
Date:	11/05/13
Scale:	1:2000(A1)

Project no:	Dwg no:	Rev:
13-189	AN01	C

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 <b>Mott MacDonald</b> Canterbury House 85 Newhall Street Birmingham, B3 1LZ United Kingdom		 <b>Telford &amp; Wrekin</b> <b>COUNCIL</b>		Client	
Rev	Date	Drawn	Description	Ch'kd	App'd
P1	13.10.14	SW	Preliminary Issue	GS	RC
Title <b>HVA MOD Donnington          Site Location Plan</b>					
Scale at A3 <b>1:2500</b>					
Drawing Number <b>MMD-333295-C-DR-00-XX-0001</b>				Security	STD
				Status	PRE
				Rev	P1

TWC/2014/0945 Land North West of existing MOD Donnington Site off, Hortonwood 50, Donnington, Telford, Shropshire  
Creation of a new vehicular access off Hortonwood 50

**APPLICANT**

Telford & Wrekin Council

**RECEIVED**

27/10/2014

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

**OFFICER**

Gareth Thomas

OBJECTIONS RECEIVED: YES

MAIN ISSUES:

Economic growth, exploring expanding business sectors, drainage, visual and landscape impact, layout and design, pollution control, highways and impact on neighbouring properties; Environmental Impact Assessment.

THE PROPOSAL:

Members are asked to read this report in conjunction with the report on application TWC/2014/0941 which is being considered at the same meeting.

This application seeks Full Planning Permission for the creation of a new means of access off Hortonwood 50 to serve the MOD Donnington Option Site, situated to the north west of the MOD land. The application is intended to provide an alternative access solution to serve the development approved under outline planning consent Reference TWC/2014/0042. That permission granted outline permission for the construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1). Simply, the outline permission proposed that access by HGVs be taken through the existing MOD West Gate access off Hortonwood 30. Cars and pedestrian access was proposed from the South Gate off Wellington Road/Wrekin Drive roundabout junction. An emergency access was approved from Hortonwood 50. This proposal is able to serve either the primary access into the development site or an emergency access as envisaged in the outline permission.

The proposed alternative access arrangement will now facilitate all traffic movements from Hortonwood 50. As mentioned above, the illustrative masterplan that accompanied the outline application always envisaged a potential secondary access for emergency purposes from Hortonwood 50. This application is submitted in parallel with a second application for an approval under section 73 to vary a condition in the outline permission that required all HGVs to use the South Gate access.

The Telford Defence Gateway project has involved the review of the existing MOD Donnington base at Telford and highlighted an opportunity to consolidate the MOD logistics operations with the intentions of making Telford a Defence Gateway and a

centre of logistics excellence. The warehouse facility proposed in the outline permission was described as a 'Fulfilment Centre', providing a national logistics centre for the MOD. It aimed to benefit from the presence of the rail freight terminal which lies to the south-east of the MOD site. The approved development proposed three elements, as follows:

- 62,710 sq m (675,000 sq ft) warehouse and distribution facility (up to 20-35m high) located on the western part of the site
- 18,581 sq m (200,000 sq ft) warehouse and distribution facility (up to 20m high) located on the eastern part of the site
- 2,787 sq m (30,000 sq ft) office building (3 storeys) located on the southern part of the site.

Car parking was shown to be provided at three separate locations within the outline site – 91 spaces to the south of the main office building at the south-eastern part of the site; 215 spaces to the south of the warehousing/offices at the eastern part of the site and 500 car parking spaces provided to the south of the building. Lorry parking would be provided at two areas within the site, one to the west of the warehouse at the eastern part of the site and the other to the west of the building at the western part of the site.

The original application for outline permission was the subject of Environmental Impact Assessment. However that application indicated that an emergency access would be acceptable from Hortonwood 50. Although the Section 73 application has implications in terms of EIA, this application is a standalone application that reflects the outline permission albeit in terms of potentially greater usage to that of an emergency access. However it is argued that the level of usage will be a material consideration for the second application (Variation of Condition 6) and not for this application.

The following information is submitted as part of this application:

- Arboricultural Report Addendum
- Original Arboricultural report (submitted with the outline application)
- Arboricultural Survey
- Ecological Assessment
- Ecology Technical Note
- Transport Assessment

#### SITE DESCRIPTION

The application site sufficient to construct the access point onto Hortonwood 50 is just 0.09 Ha in area. The site is a spur off the cul de sac head of Hortonwood 50 and presently consists of a footpath leading from the Hortonwood Industrial Estate together with a mixture of woodland, bushes and undergrowth vegetation. The existing public footpath heads northwards from this spur towards Preston upon the Weald Moors.

The existing MOD base in Donnington is located immediately north east of the Site. In addition to the logistics operation, this MOD base also accommodates three Regular Army Signal Regiments, Unified Systems Support Organisation (USSO), Defence Support Group (DSG) and military housing.

A key issue in this application and in terms of the wider surrounding environment to the south of the Site is the road infrastructure. Currently, the A518 New Trench Road, Hortonwood 37 and Hortonwood 30 provide the western access to the existing MOD Donnington base. The A518 also separates the industrial areas of Hortonwood and the MOD operations from Trench and Donnington. The A518 also links to the A41 to the north east and to the A442 to the west. The proposed access route from the proposed alternative access point leads southwards through the Crow Brook Roundabout and Hortonwood 37 and on to Hortonwood Roundabout and New Trench Road (A518).

It is recognised that localised upgrades will be necessary along Hortonwood 50 at its junction with Hortonwood 60 and along the west side of Hortonwood 60. These additions are material to the second application however. Should that application be supported, it will then mean that the originally proposed access through MOD Donnington will now be used as an emergency access route. Again, this is largely irrelevant to this application.

#### PLANNING HISTORY

TWC/2014/0042 - Construction of an 875,000 sq.ft warehouse and distribution facility (Use Class B8) and a 30,000 sq.ft office block (Use Class B1) with associated infrastructure and landscaping – Outline planning permission granted 25<sup>th</sup> June 2014.

#### PLANNING POLICY CONTEXT:

##### NATIONAL POLICIES

National Planning Policy Framework (2012)

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take into account whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- Safe and suitable access to the site can be achieved for all people
- Improvements can be undertaken within the transport network whereby costs effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In this case, the proposed development will be located adjacent to an existing industrial estate and a large MOD site that currently serve large-scale industrial developments. Given the staff levels forecasted for the site and its location on an established industrial estate, the traffic impact is expected to be within the designed capacity of the network and not the “severe” impact identified in the NPPF.

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities

- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians avoiding street clutter where appropriate
- Establish home zones
- Incorporate facilities for charging plug-in points and other ultra-low emission vehicles
- Consider the needs of people with disabilities by all modes of transport.

## LOCAL PLANNING POLICIES

### Telford and Wrekin Core Strategy (2007)

The Local Development Framework aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. Development will:

- Promote sustainable forms of transport, by providing public transport, cycling and pedestrian routes to improve accessibility
- Locate in existing centres to minimise the distance people travel so that they are accessible by public transport, walking and cycling
- Increase the safety of travel, by addressing crime and fear of crime through implementing urban design policy
- Include measures that minimise the negative environmental impacts of travel including congestion, air pollution and noise

Policy CS2 (Jobs) states that in order to create sustainable communities, the Borough needs to deliver new jobs, sufficient to create a dynamic and widely based economy and to meet the employment needs of the growing population. The policy states that provision should be made to:

- Help create new job opportunities in accessible locations sufficient to meet the needs of the growing population;
- Offer a choice of work opportunities for the community to reduce levels of out commuting;
- Meet the needs of existing businesses;
- Help achieve greater diversity in the economic base and facilitate long-term economic regeneration by encouraging and attracting new office, manufacturing and service functions, on a variety of scales, with an emphasis on higher value activity;
- Maximise the potential benefit of the universities in the Borough to act as an economic drive;
- Establish and maintain a portfolio of sustainably located employment sites attractive to developers, operators and appropriate to market needs;
- Minimise the impact of new employment development on existing uses, the environment and local amenity.

Policy CS9 (Accessibility and Social Inclusion) aims to ensure that everyone is reasonably able to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. To this end, development will:

- Promote sustainable forms of transport, by providing public transport, cycling and pedestrian routes to improve accessibility;
- Locate in existing centres to minimise the distance people travel so that they are accessible by public transport, walking and cycling;

- Increase the safety of travel, by addressing crime and fear of crime through implementing urban design policy;
- Include measures that minimise the negative environmental impacts of travel including congestion, air pollution and noise;
- Promote the advancement of telecommunications, whilst minimising their social, economic and environmental impact.

The Core Strategy identifies Hortonwood as an existing employment area in Telford, located approximately 2km from the residential areas of Leegomery, Donnington and Trench. An extensive cycle lane network currently links Hortonwood to these residential areas and other areas of Telford, providing a sustainable alternative to the private car.

The Wrekin Local Plan (saved policies)

Policy OL11 (Woodland and Trees) - will seek to retain and enhance the contribution that trees and woodland make to landscape character.

#### CONSULTATION RESPONSES

Lilleshall & Donnington Parish Council – No Objections

Hadley & Leegomery Parish Council – No objections

TWC Highways: Comment: The original Transport Assessment was carried out using specific trip rates based on the MOD related use of the proposed buildings. Accepts that the trips associated with the shift of traffic onto Hortonwood 50 can be accommodated. The Applicant proposes to adjust the existing priority junction between Hortonwood 50 and 60 to accommodate the swept path of articulated lorries. A splitter island should be placed in the junction bellmouth, which will require readjustment to kerb lines. There are some on-street parking; this may require Traffic Order to curtail on-street parking and a contribution of £5000 should be made available to carry out regulatory procedures. In addition existing footpath should be widened to 3m to form cycleway. Recommendation: Conditions for improvements to Hortonwood 50 and 60 to allow articulated traffic to manoeuvre in an acceptable manner together with TRO financial contribution £5k. This will be dealt with under TWC/2014/0941

TWC Drainage Engineer – Surface Water Condition

Shropshire Fire Service – No Objection

#### THIRD PARTY REPRESENTATIONS:

Veolia – Point out that they have received planning consent with development to commence 2015 for a Community Recycling Centre; essential part of Telford's integrated waste management facility; the TA for the application must demonstrate that the use can take place without detriment to the existing and proposed businesses at Hortonwood 50 and 60.

A local resident of The Hoo has written explaining her experience of local traffic conditions at Hortonwood 60 which is often reduced to single lane due to cars parked on the roadside. Other permissions have been granted including Dale Bros Furniture UK and Veolia's development – have these developments been included in the applicant's assessment? Previous permission restricted access to an emergency access – what has changed?

## PLANNING CONSIDERATIONS

### The Principle of the Proposed Alternative Access Proposal

This application seeks to ensure that the access proposed in the outline permission can be provided to highway standards. If planning permission is granted for the variation of Condition 6 to the outline permission, the access proposed in this application will provide an alternative access solution to that approved in the outline planning permission Reference TWC/2014/0042, which was subject to EIA. In other words, while this proposal could be used as an emergency access, it could also provide the principal access to the Option Site. Whether the proposal is to provide an emergency access or not is immaterial to this application.

It is recognised that the access arrangement leading directly from Hortonwood 50 will offer a more flexible solution for the project bidders and avoid the need to bring HGV and staff vehicles through the existing MOD Donnington security gate. This flexibility will in principle provide the most optimum solution which, in turn, will enable development to provide new jobs in a sustainable location, diversify the local economy, facilitate long term economic regeneration and reduce out-commuting in accordance with Core Strategy policy ambitions. In principle, therefore, provided the proposal meets sustainable development principles of the NPPF and provided proposals accord with the Development Plan, planning permission should be granted without delay. Sustainable development crosses the three strands of environmental, economic and social considerations. Clearly this proposal helps meet economic and social strands and the remaining considerations are largely environmental.

### Traffic and Transport

The application is accompanied by a Transport Assessment update to the previous TA. It considers the implications of the new access arrangements for both highways and transport matters. The Council has as its disposal the Telford Strategic Transport Model. The TSTM is able to be used in order to illustrate and quantify the changes to junctions along the local highway network arising from developments. Although a matter for Application TWC/2014/0941 (application to vary Condition 6 to the outline permission), nevertheless this information is also relevant to this application (as the LPA could if warranted attach a condition to this application that restricted it to emergency access only). An objection has been received from Veolia who will operate the new waste community recycling centre off Hortonwood 50 once it is built in 2015/16. The basis of this representation is a concern that the scale of development that would result from the use of the access as the principal means of access to the Options site might prejudice highway safety and convenience to others operating from Hortonwood 50. The company seek assurances from the local highway authority and LPA that the TA must demonstrate that traffic movements associated with the MOD and committed traffic will be catered for without detriment to highway safety and convenience. This is confirmed.

The TA has considered the capacity of three junctions that could be affected by this development, namely the Hortonwod Roundabout (A518 New Trench Road/Hortonwood 30), the Crow Brook Roundabout (Hortonwood 37/Hortonwood 40) and the Garrison Roundabout (A518 New Trench Road/Wrekin Drive). The

conclusions reached that the percentage traffic flow impact arising from the development is not considered significant and the three junctions have sufficient capacity to accommodate the development despite the Hortonwood 37 approach onto the Hortonwood Roundabout nearing capacity in the PM peak period. The Garrison Roundabout and Crow Brook Roundabout are considered sufficient even in the worse-case scenario tabled in the TA.

The LHA has considered carefully the proposed mitigation and has a few comments to make as to the geometry and alignment of the highway improvements necessary along Hortonwood 50/60 so that HGVs can access the site satisfactorily. The existing priority junction at Hortonwood 50 and 60 will be required to be adjusted in order to accommodate the swept path of articulated lorries to include the provision of a splitter island. A TRO may be necessary to restrict on road car parking along the highway. This will be dealt with under Application TWC/2014/0941 for s73 variation to condition 6.

Also, the existing footway on the western side of Hortonwood is recommended to be widened to 3 metres and formed as a pedestrian cycleway route. The LHA recommend conditions given that improvements suggested by the LHA can be accommodated all within highway limits.

#### Arboricultural and Ecological Issues

The original outline planning permission conceded that trees would be removed as part of the development. The Addendum to the report previously approved highlights the area the subject of the red line application site boundary, which is tightly drawn to the north of the existing cul de sac turning head at Hortonwood 50. Within the red line are 9 individual trees within two groups together with two hedgerows. The area takes on the character of a dense thicket with a small number of semi-mature and mature trees – these comprise a leylandii hedgerow, goat willow and hawthorn. With careful planning, the arboriculturalist acting for the applicants maintain that the proposed access could be built without loss of any “significant” semi-mature or mature trees. Of the nine trees, five are to be removed – but these are all Category C trees of low quality. The arboriculturalist advises that careful placement of barriers during construction would lead to the protection of the higher order trees in this area. These requirements can be accommodated in the conditions. Unfortunately, the scheme acknowledges that an over mature common oak is to be removed as a result of structural defects rather than to accommodate the access. This was envisaged previously.

In addition, a technical note on ecological implications is provided. It is acknowledged that the land is a suitable terrestrial habitat for Great Crested Newts and is within 250 m of a pond which contains a small population of GCNs. It is accepted that an EPS Licence from Natural England will be necessary in due course as part of the wider outline site. This is no different than what was envisaged in the outline planning conditions and will be dealt with accordingly. The wider site the subject of the outline permission proposes significant enhancement of GCN habitats and this enhancement will be the subject of the EPS Development Licence described above. This is a proportionate response and is consistent with the terms of the

outline permission. As noted above, there is a requirement to fell the common oak for structural reasons. This tree has the potential to support roosting bats. But this application does not in itself result in the need to fell this tree.

## CONCLUSIONS

The planning application seeks to provide flexibility in terms of access solutions; however, in principle the proposal complies in essence with the outline permission as there is no difference in land use terms between an access serving the development and an emergency access. The other application before the Council (TWC/2014/0941) to vary Condition 6 will be the application that determines whether or not this access can subsequently be used as the principal access to the site. The application has been considered and satisfies the following:

- That an in principle acceptance of the site as an access has already been established
- The greater flexibility arising from this access solution will achieve economic and regeneration objectives of the Council
- The updated TA concludes that the use of this access route as a primary route into the site would not impinge on highway safety and convenience
- The site is capable of development without detriment to the landscape quality of the area or its ecological significance.

## RECOMMENDATION



GRANT planning permission subject to conditions deemed appropriate by the Development Management Manager, including:

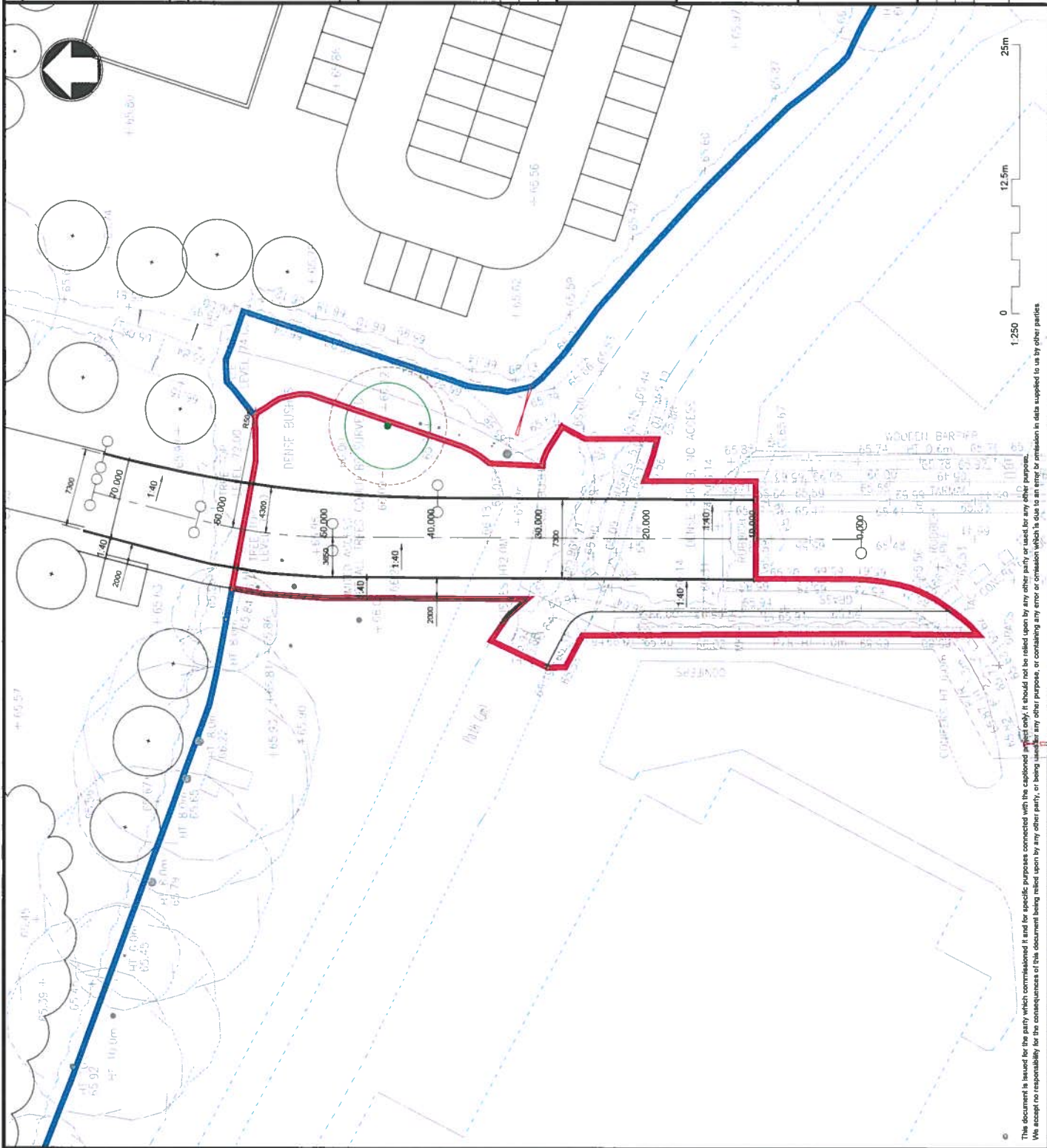
1. Time Limit
2. Tree Protection/Arboricultural Method Statement
3. Highway conditions – details of means of access, redesign of Hortonwood 50/60, improvement and widening of footway on west side of Hortonwood 50 from Crow Brook to the site, widening of PROW to facilitate carriages, horses cyclists and pedestrians.
4. Condition restricting the use in conjunction with the MO





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Rev P1 P2	Date 13.10.14 06.11.14	Drawn SW SW	Description Preliminary Issue Planning boundary amended	Chk'd GS RC	App'd RC RC
Title <b>HVA MOD Donnington          Site Location Plan</b>			Scale at A3 <b>1:2500</b>		
Drawing Number <b>MMD-333295-C-DR-00-XX-0001</b>			Security <b>STD</b>	Status <b>PRE</b>	Rev <b>P2</b>
Drawn S Weston		Checked G Smith	Approved R Cusworth		



**Notes**  
 1. All levels are in metres and all dimensions are in millimetres unless otherwise stated.

**Reference drawings**

**Key to symbols**

<span style="color: blue;">—</span>	Site Boundary
<span style="color: red;">—</span>	Planning Application Boundary

Rev	Date	Drawn	Description	Ch'k'd	App'd
P1	06.11.14	SW	Planning boundary amended	RAC	RAC
P1	13.10.14	SW	Preliminary Issue	GS	RAC

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**Telford & Wrekin COUNCIL**

**Title**  
 HVA MOD Donnington  
 General Arrangement

Designed	S Weston	Eng check
Drawn	S Weston	Coordination
Dwg check	G Smith	Approved
Scale at A2	1:250	Rev
Status	PRE	P2
Security		STD

**Drawing Number**  
 MMD-333925-C-DR-00-XX-0003

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 P:\Newcastle\Eastern\Projects\333925 - MOD Donnington\1.0 - Cad\MMD-333925-C-DR-00-XX-0003.dwg 18/06/2014 - 4:11PM user:333925