

**TELFORD & WREKIN COUNCIL**

**PLANNING COMMITTEE**

**30th APRIL 2014**

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TWC/2013/0592

Former Ever Ready Factory, Hinkshay Road, Dawley, Telford, Shropshire  
Outline planning application for up to 165 dwellings and associated open space and infrastructure

**APPLICANT**

Black Country Properties Limited

**RECEIVED**

26/07/2013

**PARISH**

Great Dawley

**WARD**

Malinslee

**OFFICER**

Rob Price

This application came before Planning Committee in October 2013. Since this time the applicants have been working on a viable delivery of housing on this site which has been supported through a viability assessment submitted in mid-February.

The viability assessment has been reviewed by the Council's Inward Investment & Housing Group Manager who has concluded it is sound and notes that although the original resolution to permit included 38% affordable housing, the viability assessment demonstrated that no affordable housing provision is feasible on-site and whilst the existing land value could be debated extensively, the offer of £550,000 toward S106 contributions is reasonable given the overall values/costs presented.

In order to deliver new homes within the urban area on a brownfield site planning contributions have needed to be re-considered. As such the planning obligation package has been amended to a level that officers feel will provide a balanced and equitable approach to planning contributions and that will deliver housing, enhance a gateway entrance to the Town Park and clean up a previously used site.

Off-site affordable housing will allow the developers to maximise the land availability and cash-flow on what will be a difficult site to remediate. Further to discussions with internal consultees the planning contributions for the proposal have been amended accordingly and now include the following:

- £150,000 toward off-site affordable housing
- £150,000 toward recreation and leisure facilities near to the application site
- £200,000 toward provision of primary education facilities
- Maintenance of informal open space
- Planning monitoring contribution

The amended planning contributions are justified though the recently submitted viability assessment and will assist in the delivery of housing on this stalled brownfield site at a key gateway to the Town Park.

Overall, it is considered that the development proposed in the application represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.

**RECOMMENDATION:**

Based on the viability update above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT OUTLINE PLANNING PERMISSION subject to the following:

A.) The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Service Delivery Manager of Development Management) relating to:

- (i) A contribution of £150,000 toward off-site affordable housing in the Telford urban area;
- (ii) A contribution of £150,000 toward recreation and leisure facilities near to the application site;
- (iii) A contribution toward the provision of primary education of £200,000 based on a scheme of 165 dwellings and the housing mix provided;
- (iv) The maintenance of informal open space to a detailed schedule of rates.
- (v) Planning monitoring contribution

B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

- 1. A01 Time limit – Outline.
- 2. A03 Time limit – Submission of Reserved Matters.
- 3. B02 Standard outline some matters reserved.
- 4. B10 Details of materials.
- 5. B57 Land contamination.
- 6. B121 Landscaping design.
- 7. B126/8 Landscape management plan and maintenance details for areas.
- 8. B150 Site environmental management plan for construction works.
- 9. B153 Secured by design.
- 10. BCustom Highway Requirements – details of access, layout, parking, surface water drainage and road construction.
- 11. BCustom Highway Requirements – details of Highway Improvement Scheme to Hinkshay Road.

12. BCustom Highway Requirements – Details of Highway Improvement Works to Finger Road Mini Roundabout.
13. BCustom Highway Requirements – Details of Improvement Scheme to Byway NCN55.
14. BCustom Programme of Archaeological Works.
15. BCustom Environment Agency – Contamination risk assessment and remedial strategy.
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26. BCustom Ecology – Lighting plan.
27. BCustom Ecology – Erection of nest boxes.
28. BCustom Ecology – Update surveys.
29. C38 Development in accordance with deposited plans.
30. C76 Landscape implementation hard & soft.
31. CCustom In accordance with the parameter plans submitted.

I06 Section 106 agreements.

I25c Bird boxes.

I25e Trenches.

I25f Replacement planting.

I25g Enhancement planting.

I25j Retention of habitat features

I25m Nesting birds.

I25n Lighting.

I32 Fire authority.

I35Custom Japanese knotweed.

I35Custom Bat surveys.

I35Custom Protected and priority species.

I35Custom Highway Improvement via S278 of Highway Act.

I35Custom PROW diversions via S247 of T&CPA.

I40 Conditions.

I44 Reasons for grant of approval.

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Original Report that came before Planning Committee in October 2013.

OBJECTIONS RECEIVED: YES

MAIN ISSUES: Principle of Development, Green Network, Contamination, Drainage

PROPOSAL:

This is an outline application with all matters (that is, access, appearance, landscaping, layout and scale) being “reserved matters” for consideration at a later stage, via a separate application(s). Some key parameters for the proposed development are provided in relation to land use, access and movement, density and scale in the Design and Access Statement.

The application is applying for permission for up to 165 dwellings and associated open space and infrastructure on single parcel of land in central Telford within Dawley and Malinslee Parish and Ward.

On the basis 165 dwellings were built within the 4.36 hectare site, the density of the residential element would be around 37 dwellings per hectare. A parameter plan submitted sets out that dwellings would range in size from 2 to 3 storeys in height and between 2 and 5 bedrooms in size.

The applicant has indicated that the mix of housing would comprise detached, semi-detached and terraced houses, in a medium density scheme, which they state would contribute towards the Development Plan requirement to deliver 794 dwellings per annum between 2011-2016, as set out in the Core Strategy DPD. This site is identified as previously developed land, and is available, suitable and achievable for housing development within the 2011 -2016 period. The applicant proposes that 38% of the dwellings comprise “Affordable” housing in a mix of types and tenures to meet identified housing needs.

The application proposes an illustrative masterplan which is underpinned by a design concept with the following key elements:

- Re-use the existing vehicular access points of the former Ever Ready Battery Factory;
- Reinforce primary pedestrian connection to Malinslee and Telford Town Park via the Jerry Rails public right of way;
- Create new pedestrian/cycle links through primary public green space to connect with other public rights of way adjacent to the site;
- Primary green space to provide amenity for new residents and connect secondary green spaces via pedestrian routes through the site. This will open up part of the Green Network to the public and act as a buffer between the development plots to allow for opens space linkages and recreation benefits;

- Retain and manage existing hedgerows and trees and maintain existing woodland setting providing ecological corridors through the site;
- Retain frontage to Hinkshay Road
- Dwellings to front onto main streets

#### SITE & SURROUNDINGS:

The site is situated off Hinkshay Road, Dawley and extends to 4.3 hectares in area. The land is dissected by an unadopted lane which runs North-West to South-East through the site and is bordered by established hedges. The North-Eastern half of the site formerly comprised a factory site and sewage works which was demolished in the 1990's.

Between 1956 and 1995, part of the site was occupied by an Ever Ready Dry Cell Factory which employed up to 1100 staff. Following demolition of the factory in 1995, partial clearance of the site was undertaken around the main building. The floor slab to the factory and the tarmac circulation areas remain in situ below the current surface.

The site comprises both brownfield and greenfield land delineated by hedgerows and comprising a variety of habitats and is roughly level in terms of topography on the old factory site. The landscape locally tends to slope to the South-East and the greenfield element of the site is noticeably lower than the brownfield element.

The nearest residential properties are located on Hinkshay Road yet the site has a largely rural feel with the extent of the surrounding Town Park with its excellent access to rights of way and local nature reserves. However, the site is considered to be in highly sustainable location approximately 1 kilometre to the south of Telford town centre and 1 kilometre to the east of Dawley district centre, and therefore benefits from very close proximity to the amenities that these centres provide.

#### HISTORY:

W2007/0870 – The White Hart Public House, Hinkshay Road, Dawley – Conversion of existing public house into 2 dwellings, erection of 12 dwellings, associated landscaping and alteration to existing vehicular access - Granted 27/09/07

TWC/2010/0513 – The former White Hart Public House, Hinkshay Road, Dawley – Erection of 14 no. dwellings - Granted 24/06/11

Prior to submission, the applicant engaged in pre-application discussions with Council Officers through Strategic Application Workshop meetings and an EIA screening opinion was made and responded to by the LPA confirming that the application would not be subject to an EIA.

**POLICY:**

National Planning Policy Framework

**Core Strategy:**

- CS Homes
- CS3 Telford
- CS4 Central Telford
- CS5 District and Local Centres in Telford
- CS8 Regeneration
- CS9 Accessibility and Social Inclusion
- CS12 Natural Environment
- CS15 Urban Design

**Saved Wrekin Local Plan Policies**

- EH7 Contaminated Land
- EH8 Remedial Action on Contaminated Land
- EH14 Land Stability
- UD2 Design Criteria
- UD3 Urban Design Assessments
- UD4 Landscape Design
- UD5 Public Art
- H22 Community Facilities
- H23 Affordable Housing
- T22 Planning Obligations
- OL3 Green Network
- OL4 Development in the Green Network
- OL11 Woodland and Trees
- 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

**CONSULTATION RESPONSES:**

**Standard Consultee Responses:**

Great Dawley Parish Council: No comments received.

Highways: In principle there are no objections to proposal. The Transport Assessment suggests that Finger Road mini roundabout will be over capacity due to this proposal and mitigation works will be required. General improvements to pedestrian links are required. Suggest conditions relating to further details, highway improvement and site works be attached to any permission.

Drainage: Object. The design for the surface water system serving the Ever Ready development is shown to rely on an existing brick lined culvert as its point of outfall. Whilst the onsite drainage design is acceptable, the condition and capacity of the existing culvert is unknown. Should a connection be made without further investigation it has the potential to cause flooding either within the development or to the surrounding land and associated public rights of way. In order to remove the objection, a full condition survey of the culvert should be undertaken and the results submitted. The survey should identify any defects and establish how these will be repaired. Based on the results of the survey, the culvert should be added to the drainage model and its capacity to convey the proposed rate of flows assessed. If, due to either a blockage or collapse that cannot be repaired it is not possible to utilise the culvert, an alternate method of surface water disposal should be submitted for approval.

Parks and Open Spaces: Support subject to planning obligation toward off-site play/recreation provision of £100,000 with maintenance of open space to be calculated in accordance with a detailed schedule of rates.

Education: No objection subject to planning obligation of £405,036 toward education facilities in the vicinity of the development based on the illustrative housing mix provided.

Aboriginal: Object as updated information is required, should this be provided approve subject to open space and woodland maintenance planning obligation.

Sustainability: The development should be completed using CSH. Minimum proposed standards of CSH level 3, with a requirement to consider level 4 should be conditioned. If the development occurs after April 2013 then the requirement should be level 4 with a requirement to consider level 5.

Ecology: No objections subject to conditions regarding provision of a habitat management plan, reptile mitigation strategy, bat method statement, badger method statement, pre-commencement badger survey, lighting plan, erection of nest boxes, update surveys and informatives regarding landscaping, bat survey, nesting birds, protected and priority species, Japanese knotweed and trenches are attached to any permission.

Environmental Health (Pollution Control): No objections in principle.

Environmental Health (Contaminated Land): No objections in principle. The main issues with the site are the deposited battery waste across the site, the former sewerage works and former landfill on the south west boundary. The proposed removal of battery waste off-site is supported, however, further investigative and

mitigation works will be required and will be subject to standard condition.

Housing: No comments received.

Urban Design: No objections subject to detailed design conditions. Principle is accepted as application is outline with illustrative plans only. Details should respond to character and features of the locality.

Telford and Wrekin Local Access Forum: Notes that rights of way cross the site should be accessible to all including pedestrians, cyclists and equestrians.

Town Park: No comments received.

External Consultee Responses:

Environment Agency: Further information is required in terms of ground investigation and a remedial strategy. In addition SUDS should not be used on site but there are no objections subject to conditions regarding site investigation, protection of the water environment

West Mercia Constabulary: Support subject to condition. There are opportunities to design out crime and /or the fear of crime and to promote community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures.

Shropshire Council Archaeology: Suggest condition regarding scheme of archaeological works due to potential archaeological remains on the site due to heritage records of former buildings and structures in the locality.

Shropshire Fire Service: Suggested informatives that should be attached to any consent issued.

Local Representations:

The Council has received four letters of objection, one comment and one supporting representation on the proposal. The issues/concerns raised in relation to the application are summarised below:

- Alteration of character of the environment

- Affect on residential and leisure amenity
- Effect on highway infrastructure
- Effect on drainage
- Highway safety concerns
- Increase in traffic
- Highway improvements required
- Improved footpath, cycleway and horse access

#### PLANNING CONSIDERATIONS:

This proposal was the result of an extensive pre-application process with key internal planning consultees and an Environmental Impact screening opinion request was submitted and answered in advance of the planning application being submitted.

The application is for the principle of development only with all matters reserved.

#### Principle of Development

The principle of residential development is supported in this location as it is within the built up area of Telford as defined by the Proposals Map of the Wrekin Local Plan. Core Strategy CS1 (Homes) indicates that Telford will be the location for the overwhelming majority of new homes identified to be built over the Plan period. Likewise Policy CS3 (Telford) states that Telford will be focus of the Borough's spatial development and will accommodate the majority of new homes jobs and services.

As the proposal accords with the most up to date part of the development plan the principle of development is considered acceptable. Any matters which are not clearly dealt with as part of this outline application will be expected to come forward as part of the details at reserved matter stage and shall be conditioned as such.

In addition, with regards to housing, the National Planning Policy Framework (NPPF) states that Local Planning Authorities should significantly boost their supply of housing. In paragraph 49, it states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

In this regard the site is well located not far from Telford Town and Dawley District Centres, on the edge of an existing residential area and is easily accessible for cyclists and pedestrians.

The site is shown to be partly white (developable) land and partly green network land on the Wrekin Local Plan Proposals Map. More recently the National Planning Policy Framework states that applications for alternative uses of land or buildings on previously used land should be treated on their merits. All though detail is limited, the proposed development as shown on the indicative layout is consistent with local and

national planning policy.

The Green Network part of the site has little value in terms of the original aims and objectives of the green network policy. As planning obligations are offered at policy basis and enhancement of the local Rights of Way network is also offered it is considered that the proposal accords with policy by ensuring community and environmental benefits are secured as part of the development.

### Design & Access

In principle, this proposal is supported in order to facilitate the redevelopment of land which has been derelict for a number of years, the main reason is one of sustainability, which includes, the recycling of brownfield land, its central location, close to a number of local facilities, e.g. the Town Park and centre beyond where there are significant improvements to Southwater, as well as the close proximity to the new Dawley Phoenix school.

Despite being a brownfield site, it is an attractive site with an almost rural feel to it without being totally isolated. Generally, it is well screened site so that its visual impact will be fairly limited.

It needs to be recognised that this is an outline application seeking to establish the principle of development at this site. The development would result in a medium density of 37 dwellings per hectare which is recognised as being a medium density of development.

The site is well located close to an existing residential area and is accessible for cyclists and pedestrians. Bus stops are located within easy reach of the site and it is considered that travel by bus would be a viable and reasonable alternative to the private car.

With regard to the parameters plan indicating that the properties would predominantly be 2 storeys in height and up to 3 storeys. This is considered acceptable with most residential property being at 2 storeys in height.

There is opportunity to create a strong visual arrival point, but such detail will be dealt with at a reserved matters stage. At this later stage, the Council will have the opportunity to assess the exact positioning of the proposed dwellings taking into account such matters as amenity, parking and provision and shading by adjacent trees.

The proposal has been accompanied by a full Transport Assessment that has identified a number of capacity issues at the Southall Road, Bartlett Road, Finger Road and Hinkshay Road Mini Roundabout. In addition a lack of pedestrian routes and restricted carriageway through Hinkshay Road to the Town Centre as well as the

network of Rights of Way in the locality has identified the need for mitigation works.

The scheme does not seek permission for access to the site although potential access points are noted on the parameters plan. The highway authority seek to secure off-site mitigations through S278 works and planning conditions and this is considered appropriate.

### Ecology

The proposal was accompanied by an extended phase 1 habitat survey that identified some semi-mature and mature trees worthy of retention, species poor hedgerows and a wet ditch. Bats, Badgers, Amphibians, Reptiles, Invertebrates and Hedgehogs were all surveyed for. Recommendations coming out of the surveys include retention of hedgerows where possible, a wet ditch through the site, protection of trees and hedgerows, planting of native seed/fruit bearing species, nectar-rich species, grasses, wildflower grassland margins, species which attract night-flying insects and dense scrub for birds. A landscape scheme and further surveys prior to any works are to be secured through conditions.

### Drainage

A Flood Risk Assessment has been carried out however, full details regarding how the site is to be adequately drained are awaited from the agent at time of writing. It is considered the site can be drained, however, the method by which it will be drained is still to be determined. In addition the Environment Agency have made it clear that SUDS and piling methods are not suitable for this site given the previous uses of the site and this will be conditioned.

### Land Contamination and Stability

The application is accompanied by a geo-technical assessment. This was prepared in the light of advice provided by Environmental Health Officers at the Council.

The applicants have submitted detailed coal mining risk assessments and ground investigation reports that have surveyed the site and come up with a number of conclusions and recommendations.

Having reviewed these reports, the Council's Environmental Health team as well as the Environment Agency have no objections in principle to this proposal subject to a number of conditions.

It is considered that any potential contamination or stability issues encountered on-site can be dealt with by way of standard conditions and through Paragraph 120 of the NPPF which clearly notes the responsibility for securing safe developments rests with the developer and/or landowner. As such a self-certifying slope stability declaration will also be required prior to be submitted by the applicant.

## Planning Obligations

The application was accompanied by a draft heads of terms in respect of contributions that mitigate the impact of the development and to achieve adopted development plan objectives. The levels of contributions were discussed in an early meeting the applicant, their agent and internal consultees and it was proposed by the applicant that a new approach toward planning obligations be followed for this proposal. The scheme is to meet all planning obligations to save the need for detailed viability studies at this stage of the planning process. To secure these contributions the applicant confirms that they are prepared to enter into an agreement under Section 106 of the Town and Country Planning Acts.

In order to progress formula based planning contributions for education and play provision the developers have proposed an illustrative mix for the residential development as set out below:

Property Type	Total Number of Properties
2 Bed	57
3 Bed	50
4 Bed	50
5 Bed	8
Total	165

As such the planning contributions for the proposal have been on the abovementioned number and mix of dwellings and include the following:

- 38% affordable housing on each of phase of the development
- £100,000 toward the provision, maintenance or enhancement of play equipment or facilities near to the application site
- £405,036 toward provision of primary education facilities
- Maintenance of informal open space
- Planning monitoring contribution

## Conclusions

The site is within the boundary of the built up area of Telford and the principle of bringing forward much needed residential development supports the Borough's Core Strategy on focussing development within Telford as expressed in Core Strategy policies 1 and 3.

The National Planning Policy Framework advises on promoting sustainable development, delivering a wide choice of homes and requiring good design. It is considered the proposal complies with all of these aims and can be delivered through planning obligations and conditions.

The Affordable Housing target in Telford is set by saved Wrekin Local Plan policy H23 at 38%. It is considered this proposal achieves community gain along with the other policy based planning obligations proposed by the developer as part of the policy argument for developing green network.

The density of the scheme at 37 dwellings per hectare is considered appropriate for this location. The appropriateness of the layout is a reserved matter for consideration at a later stage, via a separate application. At this later stage, the Council will have the opportunity to assess the exact positioning of the proposed dwellings taking into account such matters as amenity, parking and provision and shading by adjacent trees.

Overall, it is considered that the development proposed in the application represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.

#### RECOMMENDATION

Based on the conclusions above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT OUTLINE PLANNING PERMISSION subject to the following:

- A.) The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Service Delivery Manager of Development Management) relating to:
  - (i) To provide 38% of dwellings built in each Phase of development to be affordable;
  - (ii) A contribution of £100,000 toward the provision, maintenance or enhancement of play equipment or facilities near to the application site;
  - (iii) A contribution toward the provision of primary education of £405,036 based on a scheme of 165 dwellings and the housing mix provided;
  - (iv) The maintenance of informal open space to a detailed schedule of rates.
  - (v) Planning monitoring contribution.
  
- B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

1. A01 Time limit – Outline.
  2. A03 Time limit – Submission of Reserved Matters.
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I25n	Lighting.
I32	Fire authority.
I35Custom	Japanese knotweed.
I35Custom	Bat surveys.
I35Custom	Protected and priority species.
I35Custom	Highway Improvement via S278 of Highway Act.
I35Custom	PROW diversions via S247 of T&CPA.
I40	Conditions.
I44	Reasons for grant of approval.

TWC/2013/0855

Land to the rear of Willow Tree Cottage, Station Road, Newport, Shropshire  
Erection of 51 dwellings with associated parking, garages and access \*\*\*\* Amended  
plans and additional information received \*\*\*\*

**APPLICANT**

Shropshire Homes Ltd

**RECEIVED**

09/01/2014

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South

**OFFICER** Anna Adams

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Highways issues, Scale, design, character and appearance, Impact on adjoining residential amenity, Drainage issues, Section 106 Contributions

THE PROPOSAL: The application seeks full planning permission for the erection of 51 dwellings with vehicular access from Station Road, parking/garaging and landscaping, and a diversion of the existing Definitive Right of Way.

The development comprises a mix of house types ranging from 1 bed apartments, 2 and 3 bed terraced properties to 3 and 4 bed semi-detached and detached dwellings. The proposal includes three 2-bedroomed bungalows and a pair of 3-storey semi-detached dwellings comprising 4 bedrooms. The other properties are all 2-storey. Within the development, 34 units (a mix of 2, 3 and 4 bedroom dwellings) would be market housing, 11 units (1, 2 and 3-bed units) would be social rented, and 6 units (1, 2 and 3 bed properties) would be shared ownership.

Parking provision is also mixed, with a combination of drives and garaging to the front and side of the majority of the properties, and communal rear parking courts serving the development adjacent to the site entrance.

Landscaping of the development comprises existing and new hedgerows and additional tree planting, particularly along the diverted route of the Right of Way and along the northern boundary, adjacent to rear gardens of Station Court.

**SITE AND SURROUNDINGS:**

The application site comprises a site area of 1.56 hectares, and is currently agricultural land with existing hedgerows dissecting and bounding the site. The application site is located in an elevated position of approx. 2 to 3 metres above the

traditional Station Cottage and existing 1980s detached properties in Station Court, which were built along the route of the former railway. There are also a small number of established 2-storey cottages set back from the highway and fronting Station Road, including Willow Tree Cottage and Lime Tree Cottage on either side of the application site entrance. There is a row of pollarded Lime trees along the field boundary between the two existing cottages.

The site is located within Chetwynd Aston Parish, but is directly adjacent to the Newport town boundary and established residential and industrial development. It currently adjoins agricultural land to the east boundary; however this adjacent site, leading to Audley Avenue Industrial Estate, and the site on the opposite side of Station Road are subject of an outline planning application for c.350 dwellings, employment land and sports pitches. Springfields Industrial Estate is located to the northwest. Station Road leads to the A518 Newport bypass to the south, with A41 beyond.

#### PLANNING HISTORY:

No previous planning history specifically relating to the application site, but the following history on adjacent land:

Adjoining site - Land Adjoining/Lime Tree Cottage:

W78/0144 Erection Of One Detached Bungalow And Alterations To Vehicular Access Outline Granted 26/04/1978

W83/0092 Erection Of One Detached Bungalow And Alterations To Existing Vehicular Access, Outline Refused 28/04/1983

Adjoining site - Willowtree Cottage

W2004/0416 Erection Of Two Storey Side And Single Storey Front And Rear Extensions. Installation Of Three Front Dormer Windows And Erection Of Replacement Detached Double Garage Full Granted 28/05/2004

Adjoining site – Land to the east and west of Station Road:

TWC/2011/0871 Erection for up to 350 no. dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development (Outline to include Access)\*\*\*AMENDED DESCRIPTION, AMENDED PLANS AND SUPPORTING DOCUMENTS & REVISED ENVIRONMENTAL STATEMENT\*\*\* Resolution to Grant subject to S106 at Planning Committee, and decision pending the signing of the S106 Agreement

Adjoining site – land to the west of Station Road

TWC/2011/0916 Erection of new superstore, highway works, associated infrastructure and landscaping \*\*\*AMENDED DESCRIPTION\*\*\* Resolution to Grant subject to S106 at Planning Committee; Application Called in by Secretary of State, Decision Pending

#### PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Core Strategy

CS1 Homes

CS6 Newport

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

H22 Community Facilities

H23 Affordable Housing

T22 Planning Obligations

OL6 Open Land

OL11 Woodland and Trees

OL13 Maintenance of Open Space

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

#### CONSULTATION RESPONSES:

Chetwynd Aston & Woodcote Parish Council: Objects subject to conditions as the land is a greenfield site. Raise concern about the density of the development and the number of houses should be reduced. There are also concerns regarding drainage of the site.

Newport Town Council: Objects and makes the following comments:

- Not in favour of development on yet another green space
- Proposal adds significantly to the proposed 60 houses per year allocation identified in the LDF - Many large housing developments with permissions are not as yet under construction
- Neighbours raise legitimate concerns regarding loss of privacy, amenity, light, and flood risk

- The area is renowned for having a high water table and areas of space which flood. The topography of this site is higher than the existing houses, thus flood risk and seepage to the existing houses and gardens. Discharge of sewage must be robust with a guarantee that existing residents are protected
- Affordable homes supported, but must not be made use of by private landlords to accommodate students from Harper Adams University
- Due consideration should be given to density, reducing the boundary and building line and the siting of bungalows.

With regard to amendments, Newport Town Council makes further comments, thus:

- The site is on the boundary of Newport, and falls within the Parish of Chetwynd Aston & Woodcote, but as a large scale development, it will impact of the infrastructure, services and facilities of Newport
- Concern for anomalies with service provision, long term delivery of amenity facilities within the Town, and the establishment of a sense of Identity and community for those occupants of new residential estates
- Previous comments are upheld and reiterated
- Comments expressed by the Planning Officer have not been fully adhered to, with very little change other than alterations to the Public Open Space which is set in isolation with no naturally occurring or incidental self-policing safety aspects which do not promote a safe and secure environment
- Conspicuous detrimental impact on existing residents as proposed dwellings are tight to the boundary with particular emphasis on the dwelling of Station Cottage

Development Plans: With reference to relevant planning policy, the following comments are made:

- Policy CS1 of the Core Strategy – there is a need to build approx. 60 dwellings a year. Currently, there is a shortfall of dwellings constructed, and due to the scale and phasing of some of the developments, further housing sites are required to meet the requirement. Furthermore, there is a shortfall Borough-wide and as required by national policy in NPPF, the Council cannot demonstrate a 5 year housing supply, and the figure is currently 2.5 years. Development cannot therefore be refused on grounds of housing supply alone.
- CS6 and H23 – there is a requirement to provide 35% affordable housing and the proposed 17 units constitutes a slight shortfall, and an additional affordable dwelling should be provided.
- CS9 – the site is located close to the main road junction Station Road and within easy reach of Newport Town Centre and a variety of services and facilities. Furthermore, the application is accompanied by a travel plan and information regarding sustainable travel
- CS11 – the proposal provides limited areas of open space. The hedgerow is shown to be retained. If amenity areas are improved, this would conform to the policy aims.
- LR6 – Developer contributions required towards open space. The nearest play area is on Wallshead Way. Reference is made to transferring the areas of open space to the Council in draft Heads of Terms, but no figures are given.

- The proposal meets the criteria in paragraphs 52, 54 and 55 of NPPF in providing housing development in the rural area, on the edge of Newport and in doing so providing affordable housing to meet local needs. Moreover the site is close to employment sites, schools and the centre of Newport.
- Accordingly whilst it is outside the urban boundary, it is sustainably located and accessible to Newport. The scheme will bring forward affordable housing and maintain the vitality of the rural community. Thus the proposal complies with the aims of NPPF.

Highways: A number of issues need resolving by the Applicant in relation to the access arrangements and impact on the adjacent outline applications (TWC/2011/0871 and TWC/2011/0916), which require a roundabout. This proposal shows access will be from a simple priority junction, and the design has set aside some land within the layout to allow for the roundabout design to be provided with the access to this site being changed into a fourth arm in the roundabout junction. The Applicant has not provided all the land necessary within the red edged area to enable the roundabout to be provided and to allow the fourth arm to be accommodated in the design, and does not own all of the land. This needs to be demonstrated. As such delivery of this site would potentially prejudice the delivery of the access for the larger site opposite. This application should show the access with the roundabout in place, should control the necessary land required to deliver this scheme and should include it within the red edged area. They would then be required to freely dedicate the necessary land into the adopted highway.

In terms of the Transport Assessment the Consultant has chosen a far lower trip rate to assess this proposal than has been used on the other residential sites that have come forward for Newport. An increased trip rate would be more appropriate for this site on the periphery of the town and the accompanying assessments should be adjusted accordingly. There will need to be a contribution to the wider highway works in line with what has been agreed with other developments, estimated to be £63,320.92.

Changes are required to the layout and a restriction on parking on both sides of the access at least to Plot 9. The Public Right of Way will need to be formally diverted and there are concerns that part of the route will not be overlooked.

Drainage: Makes the following comments that the soakaway tests were carried out during the recent relatively dry summer, and given the known problems of high groundwater in Newport, the tests need to be undertaken in the winter, and a full soakaway design provided. If both foul and surface water are to discharge into the public sewer network, Severn Trent Water (STW) must be consulted. The proposed conditions reflect these issues: foul and surface water drainage details, soakaway tests, greenfield runoff rates, and written confirmation that any necessary off site drainage improvements have been completed by STW.

Urban Design: Objects to the proposal on the grounds that the proposed design and layout are considered poor and will not create the sense of place that should be promoted in this location. A number of issues need addressing further, in line with the NPPF and policy UD2. The following observations are also made:

- The Design & Access Statement makes no attempt to set out how the proposal relates to Newport, and the context of the site
- Existing features on the site need to be retained in a more sympathetic way – the diversion of the Public Right of Way needs to be more direct and overlooked, amend the layout to retain more of the hedgerow/trees, amend the layout at the entrance to reflect the setback nature of existing dwellings, enhance landscaping along sensitive boundaries
- Proposal comprises small areas of public open space that are disjointed and will be difficult to maintain
- Over-engineered and highway-dominated design
- High density of development with little regard for overall streetscape, with lack of enclosure and overlooking, blank façades and frontages dominated by parking

Arboricultural: Makes the following comments that the 7 Lime trees at the entrance to the site are categorised as A2 in relation to the BS: 5837 (2012) Tree Survey, and the adjacent property is called Lime Tree Cottage. The Lime pollards start at this point on Station Road and can be seen lining the sides of Station Road & Upper Bar in various locations all the way into the town centre, terminating in St Nicholas's Churchyard. To facilitate the access into the site it appears as only two Lime pollards need to be removed. Given their categorisation with regard to BS: 5837 survey combined with the significance they have upon the street scene in Newport, a Tree Preservation Order to protect the remaining five trees - T1, T2, T5, T6 & T7. If consent is afforded to the proposal, conditions will be required in relation to Landscaping Design, revised plans to amend locations of new trees beneath existing tree canopies, Tree Protection plan and protective fencing, 'No dig' method and Soil Levels.

Ecology: Support subject to conditions and informatives and that the Habitat Regulation Assessment matrix is completed. Conditions regarding Development in accordance with Ecological Assessment by Star Ecology (July 2013) and provision of new hedge, Bird and Bat boxes, Lighting plan and informatives regarding Nesting birds and Bats.

Sustainability: A statement is required to demonstrate how the proposal is a valid and sustainable design solution. One way to achieve this and in reducing climate change omissions is to achieve Code for Sustainable Homes. The minimum requirement is Level 4, and to consider Level 5.

Pollution Control (Environmental Health): no comments received

Affordable Housing: no comments received

Education: No objection, but states that given the number and type of dwellings, would be seeking a contribution towards primary and secondary education facilities in the vicinity of the development. The following contributions have been requested: £67,333 towards primary and £46,895, totalling £114,228.

Parks & Open Spaces: Comments that the development will contain a number of properties which will contribute to the need for recreational facilities for the area. There are nearby play/ recreational facilities in need of upgrading; and, in line with planning policy, an appropriate sum would be £600 per property (2 bedroom properties and above), and should be provided prior to commencement of development. Furthermore, clarification is required on who is going to maintain the area of open space.

Severn Trent Water: No objections subject to a condition regarding submission of details of foul and surface water drainage.

West Mercia Constabulary: Supports the proposal subject to conditions and makes the following comments: there are opportunities to design out crime and /or the fear of crime and to promote community safety. Therefore should this proposal gain planning approval, a condition should be imposed requiring the applicant to aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented.

Shropshire Fire Service: Advises there needs to be access for emergency fire vehicles, water supplies for firefighting and that sprinkler systems should be considered.

Telford & Wrekin Local Access Forum: Initial Objection to the proposal as a definitive public right of way currently runs through the middle of the site, and it would be unlawful to stop up or otherwise divert or interfere with this public right of way without the correct legal orders being published and consulted upon. Any diversion should be as 'equally commodious' for the user as the previous route was, and the proposed diversion appears to break the public right of way into a number of smaller sections and place parts of it across public roads. This is not a 'legal' diversion nor is it 'equally commodious to the user.' Therefore, I recommend that the PRoW is looked at with a view to correctly diverting it and as part of the planning gain or s106 agreement upgrading the footpath to minimum status of bridleway. This would legally allow use by both pedestrians and those using bicycles. It should be recorded on the Definitive Map. Care should be taken to make sure that any furniture on the route is

such that it does not impede the movement of those who are less mobile or use mobility buggies. (Least restrictive) No planning should be granted until the above is actioned and no development should take place until the correct Public Path Orders are confirmed. The Local Access Forum is willing to advise the developers on the above matters.

Following discussions between the Telford & Wrekin Local Access Forum and the developers, there is no longer an objection to the proposal, and the following comments are made:

- The proposed diversion is wholly in a green area of the site and works well within this context
- It adds very positively to the amenity value of the site, being of a gently winding layout rather than of straight sections
- It offers a wholly off-road solution (with a few crossing points on development roads which do not detract from the quality or safety of the route) and is overlooked by a number of properties giving it added intrinsic safety
- Will be subject to a Legal Diversion Order and be placed on the Definitive Map (as the current route has Definitive status)
- Must have minimal furniture so as to make it permeable to those who are less mobile, in a mobility scooter or for example pushing a pram – stiles are not acceptable in line with our 'Multi-user policy'
- Should have a surface of *minimum* width of 1.5m (preferably 2m) and be made from rolled stone/dust (not tarmac or paved)
- Should be upgraded as part of the Public Path Diversion Order to the status of Bridleway to allow for lawful use by cyclists. This would improve its sustainable transport use as well as that for recreation. It is to be hoped that the adjoining development (TWC/2011/0871) deals with the continuation of the routes in the same way.

Newport & District Civic Society: Concerns regarding the information contained in the Flood Risk Assessment and impact on foul and surface water systems. Severn Trent Water should be consulted. There should be a comprehensive drainage plan rather than a piecemeal approach. Run-off should not cause flooding to River Strine.

Further comments have been submitted by Newport & District Civic Society, and reiterated by The Save Newport Campaign in respect of the amendments:

- Limited changes, and simply contesting officers' views
- Recent decision by Eric Pickles, Secretary of State regarding design quality of housing development in Colne, Lancashire as contrary to NPPF, thus relatively unsustainable due to failings of design approach, where the 'adverse impacts significantly and demonstrably outweighed the benefits'
- Mark Pritchard MP also recognises the importance of design quality

The Save Newport Campaign: In addition to the above comments, there is concern that Planning Committee must approve such applications, otherwise costs will be incurred at a Planning Inquiry challenge. Lack of 5 year land supply does not mean

default position must be to approve. If approved, any green space in the urban area will be approved, however poor the design. The application should be withdrawn or recommended for refusal by officers and Planning Committee.

29 letters of objection from local residents have been submitted with their comments summarised below:

- Proposal needs to be considered in the context of all other applications in Newport – housing numbers for Newport set out in Core Strategy already exceeded
- Site is outside town boundary and is therefore in the open countryside and unsuitable for development
- There are enough planning approvals already to meet Newport's housing needs without encroaching on greenfield sites (Audley Avenue/ Wellington Road, and SHLAA sites now identified as deliverable)
- Development should focus on brownfield sites first
- Problem of 'land banking' by developers
- Lack of Development Plan and national presumption for sustainable development, the process is being planning application led to benefit of speculative developers
- Lack of employment in Newport - the land should be used for commercial development
- Scale of housing to justify number of supermarkets proposed
- Any decision should be delayed until outcome of appeals and other decisions on adjacent development and sequential approach applied
- Character of Newport needs to be preserved, and should not simply become a dormitory town
- Impact on rural character of the area an approach into Newport
- Highways impact – additional vehicle movements. Existing congestion and safety issues exiting Station Court/ Pen-Y-Bryn Way. Pressure on A41.
- Impact on 3 arm roundabout associated with adjacent applications TWC/2011/0871 & TWC/2011/0916
- Will parking courts be used? Potential onstreet parking issues
- Safety of pedestrians
- Impact on existing community facilities (Dr's and schools) and infrastructure – already at capacity
- Affordable housing requirements and impact of Harper Adams student housing accommodation demands on lettings market
- Incomplete tree condition report and other inaccuracies in the plans
- Inconsistencies in Transport Statement
- Lack of S106 highways contribution
- Insufficient consultation by the Applicant
- Drainage issues – findings of Flood Risk Assessment are disputed
- Capacity of existing drainage systems and impact on existing high groundwater levels in area and on River Strine
- Flood risk from surface water runoff
- Boggy nature of the land
- Stability of embankment

- Significant difference in ground levels (c.2-3m above Station Cottage and Station Court) and separation distances
- Unique context of Station Cottage – layout and orientation of dwelling – impact on Human Rights
- Scheme fails to integrate Station Cottage into design
- Impact on residential amenities of properties in Station Court, due to significant levels difference – light, outlook, privacy, overshadowing, loss of view, car lights and additional street lighting – position of dwellings, bungalows, parking spaces and garages at end of existing rear gardens and at elevated level
- Disruption and pollution during construction phase
- Buffer zone discussed with developer prior to submission, and position of fencing – need clarification
- What restrictions will be in place to control extensions to bungalows?
- High density of development, appearing overcrowded and should better relate to the type and style of properties in Station Court
- Development could be better designed to emphasise existing features – a more direct footpath route, retention of more of the hedgerows/trees, building line along Station Road to be reflected, lower density and more attractive streetscape
- Impact on wildlife and existing trees/hedgerows
- Diversion of footpath is unacceptable
- Previous application for bungalow in 1983 turned down – what are the differences between the schemes?
- Concerns regarding design as raised by Urban Designer and in regard to NPPF
- Lack of open space for recreation within the development
- Distance from site to nearest children’s play/recreational facilities
- Development may inhibit reinstatement of railway line between Stafford and Wellington

Following submission of amendments and reconsultation, 16 further neighbour objections and comments, including reiteration of earlier concerns, have been submitted, and are summarised below:

- Amendments do not address concerns and too many unanswered questions remain
- Minor cosmetic changes to the scheme only
- Further changes to design and layout required
- Secretary of State’s decision on Colne, Lancashire housing scheme regarding the design quality and impact on the countryside setting – scheme is similar to this application on a greenfield site on the edge of settlement ‘adverse impacts significantly and demonstrably outweigh benefits’
- Scale of housing in Newport and cumulative impact on infrastructure
- Lack of employment for the scale of housing
- Difference in ground levels and overbearing impact on properties in Station Court
- Drainage and flooding issues
- Impact on character

- Highway safety and issues surrounding route of Right of Way
- Change in Local Access Forum's comments despite little change to route of PROW
- Loss of greenfields outside development boundary to detriment of wildlife – potentially badger setts, trees and amenity
- Consideration of position of proposed buildings to south of Station Court when assessing cross sections
- Impact on light to existing properties for c.4-5 months of year
- Cross sections fail to identify separation distance between new dwellings and Station Cottage – c.12.4m and ground level difference/ lack of buffer zone, thus impact on light, privacy, impact of new vehicle movements/headlights

#### PLANNING CONSIDERATIONS:

The proposal comprises the erection of 51 dwellings to include 17 affordable units, with the creation of a new vehicular access off Station Road, to the southern boundary of Newport. The existing Right of Way would be diverted.

#### Principle of development

The National Planning Policy Framework (NPPF) requires Local Authorities to identify that they have a 5 year housing supply, and this is updated annually. It has recently been established that Telford & Wrekin Council has only a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area and the policies relating to Newport (CS6) and the Rural Area (CS7).

Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development.

The site is located on the southern edge of Newport, within the Parish of Chetwynd Aston & Woodcote; thus it is located in the rural area; however it is located directly adjacent to established housing at the southern end of Newport, and would also adjoin other new housing developments and employment sites proposed on the adjacent land, subject to the requisite consents and S106 agreements being signed. The site is located within the confines of the Newport bypass and is directly adjacent to the urban area. Having regard to the adjacent outline development on either side of the site, the proposed development will infill and complete the built-up area to the south of the Newport boundary to the A518 bypass. Furthermore, the site is located close to a range of services and facilities, on the edge of Newport District Centre. Therefore, whilst rural housing schemes should be limited in scale to meet local needs as set out in the Core Strategy; with regard to NPPF, the proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. The development would be well located in terms of employment and service provision. Accordingly, the site is considered to be

sustainable and accessible and accords with the criteria in NPPF regarding housing in the rural area and the provision of affordable housing, and policy CS9 of the Core Strategy.

Local planning policies CS11 of the Core Strategy and OL6 of the Wrekin Local Plan seek to protect incidental open space from development where the land contributes to the character and amenity of the area. The NPPF does not stipulate that brownfield land must be developed before consideration of greenfield sites – in other words there is no “sequential preference” test requirement in favour of development of brownfield land. It was recognised by the Inspector following the Core Strategy examination that in order to deliver the required housing in Newport, development of some greenfield sites and incidental open space adjacent to existing built-up areas in Newport would be necessary.

The northern half of the application site is designated as urban land. The southern half is Grade 2 agricultural land, according to Natural England’s Agricultural Land Classification. The NPPF asserts that LPAs must weigh up the importance of agricultural land and whether it is appropriate to develop on valuable and versatile agricultural land. In this regard, Newport and the surrounding rural area to the south, east and west comprises a sufficient and very significant level of Grade 2 agricultural land, and the loss of this small area of agricultural land will not have a significant impact on the overall supply. Accordingly it is considered that the proposal will not adversely impact on the wider rural character and available agricultural land in the area.

Whilst it is noted that there have been a number of recent planning applications for residential development on adjacent land and at other sites in Newport, the LPA cannot currently demonstrate that there is a sufficient supply of housing to meet the Borough’s needs. With regard to policy CS1 of the Core Strategy, there is a need to build approx. 60 dwellings a year in Newport. There has been a shortfall of dwellings constructed and completed in Newport and the wider Borough over the Core Strategy plan period 2006 – 2013. It is acknowledged that land is coming forward as a result of permissions granted – but this does not necessarily mean that they are deliverable. Moreover, each developer has stressed that the larger housing schemes, including the adjacent outline application for 350 dwellings, will be phased over a period of years. Therefore the provision of housing and in particular affordable housing will not be delivered immediately and the shortfall will remain for some time.

By comparison to the adjoining proposal and other applications in Newport, the scale of this scheme for 51 dwellings is relatively modest and arguably, the proposed development can be delivered more quickly, thus helping to address the housing and affordable housing needs.

Some commentators argue that there have been cases of developers land-banking residential sites and not commencing these approvals. The LPA has approved residential developments in Newport and the Borough which have 3-year consents to be implemented. If a development does not commence within this period, there is no longer a straightforward mechanism for renewals, formally enabled by the Government; therefore a further application would have to be presented to the LPA for consideration and weighed up against the relevant policies.

### Highways issues

The proposal involves a new access on to Station Road to serve the development, which is shown as a priority junction. The Highways Engineer has raised concern that this arrangement could prejudice and impact on the proposed residential and commercial developments opposite (TWC/2011/0871 and TWC/2011/0916), which are proposed to be served by a new three-arm roundabout. The Applicant has forwarded an indicative plan to demonstrate how they consider their application could link in with a fourth arm on to the roundabout. There is a land ownership issue, with the ownership of the area of land at the site entrance to the application site currently unknown. The Applicant has advertised the land in the local press and submitted the appropriate ownership Certificate and asserts that the use of this legal mechanism and/or by offering an alternative highway solution would be sufficient to address the Highways Engineer's concern. It should be noted that the adjacent developments do not yet have formal planning consents, only resolutions to grant at this stage. Accordingly, the development subject of this application could either operate as a standalone scheme and be served by a priority junction or accommodated within the roundabout design proposed along with other developments in the vicinity at a later stage, following reserved matters.

The Highways Engineer has raised no significant objection to the visibility splays of the proposed access, the internal road layout and parking arrangements, subject to slight amendments, which have been addressed in the amended site layout plan. Parking provision is considered acceptable, with one parking space per 2-bed unit and two parking spaces per 3-bed unit. The proposal therefore accords with policy H6 of the Wrekin Local Plan. Highways conditions will be required in relation to the new access, internal road layout and parking, and these will be confirmed to Members at Committee.

In accordance with the requirement for a contribution for offsite highway works/ improvements to the existing highway infrastructure, which has been applied to other developments in Newport based on trip rates; the Highways Engineer has requested a financial contribution of £63,320.92. The Applicant has agreed to this contribution.

The diversion of the Right of Way will need a formal application under the Highways Act. The neighbour concerns regarding the meandering route of the footpath are noted; however the previous concerns raised by the Local Access Forum officer

have been addressed with separate meetings between the Applicants and Local Access Forum. The revised comments state the diverted and landscaped route to be an enhancement. Clearly as a material planning consideration there is a commodious routing opportunity for the PROW and officers are satisfied that this matter has been sufficiently addressed through the planning process.

#### Scale, design, character and appearance

The LPA notes that the density of the site is higher than the established development in Station Court comprising large detached properties in sizeable plots, constructed in 1980s, and the adjoining cottages on Station Road. However, modern housing developments are generally of higher density, and the density and layout/ amenity space and parking standards are in keeping with the indicative layout submitted in respect of the adjacent outline housing developments subject of TWC/2011/0871.

The proposal comprises a good mix of house types, with terraced houses addressing the site entrance, and a pair of three-storey semi-detached properties as a focal building and viewed from the site entrance. The rest of the properties comprise a mix of 2-storey terraced rows, semi-detached and detached properties and three bungalows. The development at the site frontage will project closer to the highway than Lime Tree Cottage; however the dwellings follow a similar building line to Willow tree Cottage and Station Cottage. Planning permission would be subject to conditions requiring materials to be agreed.

The Applicant was asked to consider making a number of amendments to the design and layout of the development to meet the original concerns of the Urban Design Officer. Some amendments were made to include the 3-storey focal building, the reorientation of plots 18 to 24 to create more of a street scene and to integrate the Right of Way to the east of the site with soft landscaping. The resultant development is now considered acceptable in terms of the scale and design and will relate to the indicative layout proposed for TWC/2011/0871. Thus the proposal accords with design guidance in NPPF and policies CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

A number of objections make reference to a recent decision by the Secretary of State to refuse a housing development in Lancashire due to the harmful impact the design would have on the area, and that this was deemed unsustainable and contrary to NPPF. Officers would assert that each application is considered on its individual merits, and that the current proposal in Newport relates to other housing developments in the town, in terms of its scale and design quality. It is considered that whilst the proposal will be more prominent than the existing development in Station Court; it will be viewed in the context of existing housing on Station Road and the proposed outline housing development on either side of the site. It forms a natural extension to the urban area, leading up to the Newport bypass. A condition

regarding detailed landscaping design will be required, which will help to soften and screen the development along Station Road and the site boundaries.

The Council's Arboricultural Officer has put a Tree Preservation Order in place to protect the remaining Lime trees along Station Road. It is the Applicant's intention that only those trees at the site entrance will be removed, and the other Lime trees can be preserved in order to enhance the development and maintain this avenue of Lime trees into the town, thus preserving the character and appearance of the area, and meeting the aims of OL11 of Wrekin Local Plan. With regard to ecological impacts, the application seeks to retain hedgerows bounding the site and part of the hedgerow that extends through the site, which will be preserved and run adjacent to a section of the diverted Right of Way. The additional planting of tree/landscaping will also help in minimising the impacts of the development on biodiversity and preserve the natural environment, as required by NPPF and policy CS12 of the Core Strategy. All other matters raised by the Arboricultural Officer and Ecologist can be addressed by appropriate conditions and informatives.

With regard to the Habitat Regulations Assessment, the proposal is of a scale and a residential use that will not have a significant impact, either on its own or combined with adjacent developments, on the wider environment, including the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2, which is within 10km of the application site.

#### Impact on adjoining residential amenity

The Town Council and neighbour objections regarding the impact on residential amenity are noted. There is a significant difference in ground levels between the application site and the existing properties, and the proposal is orientated to the south of the existing properties. The Local Planning Authority does not have any adopted standards for separation distances; therefore cannot stipulate the distance between existing and proposed buildings. However, it is noted that the proposed development adjacent to the north site boundary has been designed with bungalows with roofs sloping away from the north boundary and side elevations with obscure glazed bathroom windows only, thus limiting the impact of the development on light and outlook to existing properties in Station Court.

Station Cottage is the nearest property to the application site with some 12 metres between the existing side elevation of Station Cottage and the blank side gable of the proposed development. Parking spaces are located on the site boundary; however indicative landscaping is shown on the plans, and the blank gables on the side elevations and only oblique views from the proposed front elevations at plots 45 and 46 will help to preserve privacy and will not lead to undue overlooking. Some of the hosiery types at the site entrance and adjacent to Station Cottage and the properties in Station Court are included within the Agenda for information. The separation distances between the proposed development and existing rear

elevations of dwellings in Station Court of some 20 metres from the bungalows and some 30 metres from the 2-storey dwellings, taking into account the significant ground level difference are considered sufficient. Greater detail regarding boundary treatments and landscaping and the buffer zone suggested by the Applicants to the residents of Station Court can be provided in a landscaping scheme.

The development can be controlled with a condition to remove permitted development rights to ensure that the bungalows and dwellings are not extended or additional windows added without prior consent. This will help to maintain privacy, light and separation distances between the existing and proposed development. Furthermore, concerns raised regarding the impacts of the construction phase – vehicle movements/ noise/dust and hours of working etc. can be addressed through the imposition of a Site Environmental Management Plan condition.

#### Drainage issues

There have been a number of concerns raised in relation to drainage and flood risk associated with the development and its impact on adjoining lower ground levels at adjacent properties. These concerns are noted. The Council's Drainage Engineer and Severn Trent Water have been consulted, and there are no objections to the proposal subject to appropriate conditions regarding drainage details. Accordingly the proposal complies with policy H6 of the Wrekin Local Plan.

#### Section 106 Contributions

The scale and nature of the proposed development requires contributions towards primary and secondary education, parks & open spaces and highways, as well as provision of a proportion of affordable housing, in order to accord with planning policies H22, LR6 of the Wrekin Local Plan and CS6 of the Core Strategy and in providing necessary community benefits.

The Applicant has agreed to provide £63,320.92 towards offsite highway infrastructure works, £114,228 (of which £67,333 towards primary education and £46,895 towards secondary education provision), £29,400 towards offsite play/recreation; (£600 based on 49 units of 2-bed and above) and a commuted sum towards maintenance to be agreed, depending if land is to be transferred to the Council; along with monitoring costs of 5% of total (£10,347.45).

The Affordable Housing provision of 17 units, of which 11 would be rented and 6 would be shared ownership dwellings equates to slightly under the required 35% affordable housing for development in Newport, as set out in CS6 of the Core Strategy. However, the Applicant sets out that the cost of an additional affordable dwelling as well as the cost of the required offsite sewer connections would impact on the viability of the scheme. On balance, officers have agreed the 33% affordable housing provision in this instance, and the provision of the other financial

contributions towards highways, education and parks; and consider this is acceptable.

#### Other matters

Consultation comments from Sustainability regarding Code for Sustainable Homes, West Mercia Police regarding Secured by Design and Shropshire Fire Service guidance can be added as informatives.

The objections raised from Chetwynd Aston Parish and Newport Town Councils and local residents/ groups are noted. Whilst the Shaping Places document is currently being drafted, the LPA does not have a lack of planning policies, with the NPPF, Core Strategy and saved policies in the Wrekin Local Plan still being relevant in the consideration of the application. In this regard, and taking into account any other material considerations, officers consider the proposed development is acceptable. Planning decisions cannot be delayed until all appeals and decisions on other sites have been determined. The LPA cannot control when planning applications are submitted and must determine these in a timely manner. Officers would dispute the assertion that the Planning Committee cannot fully consider applications and make a decision that is different to the officer recommendation. However, officers consider that the proposal is acceptable in this location and in the amended design and form, and will not be unduly harmful to adjoining residential amenity, character, highway safety or the natural environment. Accordingly, officers consider the proposal complies with the relevant national and local planning policies and recommend the application for approval subject to financial contributions, affordable housing provision and appropriate conditions.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement to provide 11 affordable rented and 6 shared ownership dwellings, £63,320.92 towards offsite highway infrastructure works, £114,228 towards primary and secondary education provision, £29,400 towards offsite play and recreation and a commuted sum towards maintenance to be agreed, and monitoring costs; and the following conditions:

1. A04 Time limit
2. B11 Samples of materials and sample panel
- B49 Highways condition
- B61 Drainage details and greenfield runoff rates
- B64 Soakaway test
- B79 Written confirmation regarding drainage improvements by Severn Trent Water
- B121 Landscaping design
- B126 Landscape Management Plan
- B130 Trees – protective fencing

B132	Trees – no dig method
B145	Lighting plan
B150	Site Environmental Management Plan
C20	Highways condition
C71	Trees – Soil levels
C91	Works in accordance with Ecology survey
C100	Bat and Bird boxes
C38	Development in accordance with plans
D01	Removal of Permitted Development Rights
D03	Garages – restriction on residential use

### Informatives

I06	S106 Agreement
I11	Highways
I22	Protected species
I32	Fire Authority
I35	Secured by Design
I35	Code for Sustainable Homes
I40	Conditions
I41	Reason for Grant of Permission

TWC/2013/0901

Units 7-9, Gower Street Industrial Estate, Gower Street, St Georges, Telford,  
Shropshire, TF2 9HW

Outline application for residential development with all matters reserved

**APPLICANT**

Anthony Millward

**RECEIVED**

11/11/2013

**PARISH**

St. Georges and Priorslee

**WARD**

St. Georges

**OFFICER**

Anna Adams

OBJECTIONS RECEIVED: No

MAIN ISSUES: Principle of development, Highway safety, Scale and character,  
Amenity, S106 contributions

**THE PROPOSAL:**

This application seeks outline planning permission for residential development on the  
existing industrial estate, with all matters reserved.

An indicative layout has been submitted, proposing a combination of 2 and 3 storey  
dwellings and flats, with vehicular access to the site to be served off Walker  
Crescent, and a central communal car park.

**SITE AND SURROUNDINGS:**

The application site comprises a broadly rectangular measuring approx. 70m in  
length and 40m in depth. The site comprises an existing linear shaped industrial  
building, positioned parallel to Walker Crescent, with vehicular access off Gower  
Street, which also serves the wider industrial estate. The building has openings to  
the north elevation and is constructed in corrugated metal. The site is bounded by  
timber fencing, security fencing and gates and shrubs/trees.

Gower Street slopes down from south to north. To the south of the site, on the  
opposite side of Walker Crescent, there is a substantial retaining boundary wall to  
the former Gower Street Youth Centre, which is located on a higher ground level  
than the application site.

The site and adjoining buildings are industrial; however the site is located in a  
predominantly residential area, with established and new residential development to  
the east, south, west and beyond the adjoining industrial units to the north. The  
surrounding residential development is predominantly 2-storey terraced, semi and

detached housing; however the recent development to the north includes 3-storey flats fronting Gower Street.

The site is centrally located within St Georges. Gower Street is on a main bus route, and there are a variety of local services and facilities in St Georges, with access to other facilities in Telford, Oakengates and Donnington Centres.

#### PLANNING HISTORY:

Various planning applications since 1970s relating to industrial and commercial uses/ extensions and alterations to industrial units etc. The most recent planning application was:

W2005/0235 Erection Of 2.4m, Security Gates, Full Refused 20/04/2005

There have been no previous planning applications on this site for residential development; however recent applications have been submitted for housing on the former Gower Street Youth Centre site to the south and on land to the north.

Site to south, Gower Street Youth Centre:

W2008/0246 Conversion of former youth centre to 7no. residential units together with erection of 6no. new build units, Full granted 22/05/2008

TWC/2011/0157 Application to replace an extant planning permission W2008/0246 for conversion of former youth centre to 7no. residential units together with erection of 6no. new build units, Full granted 29/11/2011

TWC/2013/0849 Erection of 10no. two storey dwellings and a three storey residential block containing 6no. flats and associated access following demolition of former youth club building, Withdrawn 17/02/2014

TWC/2013/0982 Erection of a retail store (Use Class A1) with ATM associated car parking and pedestrian access, Withdrawn 04/02/2014

Site to north:

W2003/0786 Erection Of 102 Dwellings, Garaging, Car Parking And Construction Of Estate Road And Vehicular Access, Full granted 31/12/2004

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Core Strategy:

CS1 Homes

CS3 Telford

CS5 District and Local Centres in Telford

CS9 Accessibility and Social Inclusion  
CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall sites in Telford & Newport

H22 Community Facilities

H23 Affordable Housing

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Development

#### CONSULTATION RESPONSES:

St Georges & Priorslee Parish Council: Supports the proposal.

Highways: No objection in principle subject to conditions regarding details of the Means of Access and Parking/ Turning/ Loading to be submitted prior to commencement and Highways informative.

Drainage: support subject to conditions regarding submission of foul and surface water drainage details and brownfield runoff rates.

Urban Design: Whilst the principle of residential is not opposed, the current indicative layout is unacceptable as it stands primarily because of the proposal to create an apartment block to the north of the site in what is considered to be semi private space and therefore undermines the Community Safety Guidance. However, if this was removed there would still be the issue of the levels to clarify and resolve, so it is recommended that further information be submitted since this may well limit the number of units that can actually be delivered under a subsequent Reserved Matters.

Contaminated Land (Environmental Health): no objection subject to Contaminated Land condition.

Pollution Control (Environmental Health): no response received.

Ecology: Support subject to conditions and informatives.

Affordable Housing: no response received.

Education: Given the number and type of dwellings, a contribution of £24,862 towards Primary education facilities in the vicinity of the development is required.

Parks & Open Spaces: Subject to the applicant (as identified within the application) provide an offsite sum for play/ recreation of £600 per dwelling, there is no objection.

Also raises a query as to who is to manage the planting/ tree areas. If these are not passed over to individual residents, will the Council be requested to adopt?

The Coal Authority: Concurs with the recommendations in the Coal Mining Risk Assessment Report (November 2013) which states intrusive site investigation works should be undertaken prior to commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the mine entry and/ or areas of shallow mine workings to ensure the safety and stability of the proposed development, these remedial works should also be undertaken prior to commencement.

Shropshire Fire Service: Guidance on fire safety to be added as informative.

#### PLANNING CONSIDERATIONS:

##### Principle of development

In accordance with paragraph 47 of the NPPF, all Local Authorities are required to identify that they have a 5 year housing supply, and this is updated annually. Telford & Wrekin Council currently has a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development. In this regard, the site is currently industrial, and is located in a mixed area, but predominantly surrounded by residential development, with the character of the area changing, and the majority of former industrial and commercial uses now replaced by residential use. It is close to the centre of St. Georges, on a main bus route and in the urban area of Telford; therefore the site is considered to be accessible and sustainable and appropriate for residential development. Accordingly, the proposal meets the criteria of policies CS1, CS3, CS5 and CS9 of the Core Strategy.

##### Highway safety

The indicative highways arrangements with the proposed access from Walker Crescent and communal parking are considered acceptable in highways terms subject to conditions. Parking standards within the Wrekin Local Plan have not been saved; however the suggested layout would provide approx. 1 space per unit. The site is sustainably located and is on a main bus route in an established urban settlement; therefore this ratio is acceptable and accords with policy H6 of the Wrekin Local Plan.

Furthermore, in regard to policy H6, adequate planning conditions can be imposed in relation to drainage details, contaminated land and further site investigations relating to former coal mining activities. The Applicant has not submitted information relating

to noise or contamination. In this regard, no consultation responses have been received from Pollution Control. All matters are reserved and it is likely that remedial measures will be required given the current use of the site and adjacent land. Furthermore, due consideration of the potential impacts of the adjacent industrial uses will be required when designing the layout of the development, to ensure that the remaining industrial uses do not adversely impact residential amenities.

### Scale and Character

It is reiterated that all matters are reserved for a further detailed application, and concern has been raised by officers that the indicative layout proposes too many units, and that the layout, particularly at the southeast corner, where the 3-storey dwellings are shown, would not work without significant impact on residential amenities. The current arrangement suggests very limited provision of garden space, and at this southeast corner, would be shared between a number of properties, and would not allow for any private amenity/ would constitute issues of overlooking. The levels of the site also need to be addressed. However, the proposed dwelling footprint and garden plot size is not dissimilar to that of some of the new developments in the vicinity, and the frontage on to Gower Street and Walker Crescent would be appropriate in the context of these existing developments. The removal of the existing structure from the site and its replacement with housing will enhance the site and the predominantly residential area, to the benefit of the character and appearance of this part of St Georges.

### Amenity

As outlined earlier, the design of the proposed layout will need to have regard to the potential impact of the remaining industrial units on residential amenity. The position of the parking area and flats, perhaps designed with a blank rear elevation might be appropriate in addressing this relationship; although the Urban Designer's note of caution regarding community safety are noted, and also need to be considered at detailed planning stage. Officers would assert that a reduced number of units to a maximum of 20 could provide increased amenity space standards/ enable provision of a communal amenity area for flats. The Parks & Open Spaces Officer's query regarding any public open space which the Council may be requested to adopt are noted; however, as all matters are reserved and the layout is indicative, it is not known if there will be such land within the scheme.

The proposal can be designed without adversely impacting adjoining residential amenities, with a sufficient separation distance between the site and the existing properties on the opposite side of Gower Street and Walker Crescent.

### S106 contributions

It is noted that the draft Heads of Terms submitted with the application set out the proposal would be 100% affordable housing (no breakdown of tenure). No formal response has been received from Affordable Housing colleagues. However,

following consultation comments from education and recreation requiring contributions towards primary provision and play/recreation, and in order that the development complies with the requirements in policies H22, H23 and LR6 of the Wrekin Local Plan; it is considered appropriate to request approx. 38% affordable housing, providing a good housing and tenure mix, along with the other contributions.

Whilst the Applicant has agreed to these contributions, it is possible that the scheme will not be viable if the level of contributions/affordable housing requested is provided, due to the likely remediation measures on site. The Applicant was advised that they may wish to submit a viability statement in order to demonstrate whether the requested contributions were appropriate in the context of the site constraints; however nothing has been submitted in this regard, and the Applicant has accepted the proposed figures. Officers would assert that there is the possibility that the Applicant, or a future developer would seek to renegotiate these contributions.

In conclusion, the site is considered to be sustainably located and is suitable for residential development; subject to existing site constraints and adjacent uses, which can be addressed by conditions. The site can be adequately accessed, with provision of parking and amenity, subject to a revised layout and design. The proposal will be appropriate to the character and appearance of the area. The development will provide community benefit through the removal of the existing industrial building and the provision of a proportion of affordable housing and financial contributions towards primary education and offsite play/recreation. Accordingly the proposal complies with national and local planning policies.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the Applicant entering into Section 106 Agreement to provide 38% affordable housing, £24,862 towards primary education facilities in the vicinity, £12,000 towards offsite play and recreation facilities, monitoring contribution, and the following conditions:

1. A01 Time limit - outline
2. A03 Time limit – submission of reserved matters
- B01 Standard outline
- B03 General details required
- B30 Means of Access
- B42 Parking/turning/loading
- B57 Land contamination
- B59 Coal Authority requirements
- B61 Drainage details
- B84 Noise mitigation
- B145 Lighting strategy
- B150 Site environmental management plan

C40	No approval of layout
C100	Bat and bird boxes
D01	Removal of permitted development rights

Informatives:

I06	Section 106 agreement
I11	Highways
I22	Protected species
I32	Fire Authority
I33	Broadband
I40	Conditions
I44	Reasons for Grant

TWC/2014/0074

Lydebrook House, Coalmoor Road, Little Wenlock, Telford, Shropshire, TF6 5AS  
Application to remove condition 4 of W93/0268 relating to agricultural occupancy

**APPLICANT**

Littleworth Enterprises Ltd

**RECEIVED**

23/01/2014

**PARISH**

Little Wenlock

**WARD**

Wrockwardine

**OFFICER**

Matthew Thomas

OBJECTIONS RECEIVED: NO

**MAIN ISSUES:**

Removal of agricultural occupancy condition in the rural area

**PROPOSAL:**

This proposal is for the removal of condition no.4 of Planning Permission W93/0268 to remove the agricultural occupancy condition covering the property.

**SITE AND SURROUNDINGS:**

'Lydebrook House' is a two storey detached dwelling constructed approximately 20 years ago located on the outskirts of Little Wenlock. Planning permission was approved for the dwelling to house a farm worker on Lydebrook Farm opposite and Lower Coalmoor Farm to the south.

The dwelling is built beneath a pitched roof with dormer windows and is finished in red facing bricks, concrete roof tiles and white upvc windows. The property occupies a sizeable plot with private amenity space to the rear enclosed by mature hedging and on-site parking to the front of the dwelling for a number of vehicles.

The dwelling is fairly isolated being predominantly surrounded by open countryside. Little Wenlock is located approximately 3 miles south-west of Telford and 5 miles south of Wellington.

**SUMMARISED CONSULTATIONS:**

Standard consultation responses

Little Wenlock Parish Council: No Objection

Shropshire Fire Service: No Comment

## Neighbour consultation responses

No further representations received following neighbour consultation

### RELEVANT HISTORY:

W91/0137 - Conversion of existing office building into dwelling with alteration to existing vehicular/pedestrian access - Outline Refused (11/06/91)

W93/0268 - Demolition of existing offices and erection of a new detached dwelling  
- Full Granted (12/04/94)

### RELEVANT POLICIES

Core Strategy:

CS7 Rural Area

National planning guidance:

National Planning Policy Framework

### PLANNING CONSIDERATIONS:

Planning permission was granted for the erection of a dwelling to be used in connection with an agricultural holding in this location in April 1994. This permission was duly implemented, with 'Lydebrook House' being built and accordingly covered by condition no.4:

'The occupation of the dwelling shall be limited to a person solely employed or mainly employed or last employed locally in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person'.

As part of this approval a S106 agreement was also completed for the above restriction to be tied to the planning consent. It is now sought that this agreement be removed as part of the agricultural occupancy restriction being lifted.

As part of this application, the applicant has submitted supporting documentation seeking to demonstrate that 'Lydebrook House' is no longer required for its original purpose of providing accommodation for an agricultural worker. This information advises that since 1994 when the original planning application was granted, farming circumstances have changed significantly. The farm no longer has its herd of dairy cows and the farming business now farms approximately 1000 acres as opposed to the 2000 acres in 1994. The business no longer keeps sheep but runs beef and suckler cow herds with approximately 400 cattle in total. The business currently employs four workmen in total as opposed to the 12 members of staff in 1994. As such, there has been a diminishing demand for agricultural workers to live near the farm with the current workers already housed locally. Furthermore, since 2002 to the

present time, the property has been rented out and occupied by tenants who do not comply with the agricultural occupancy condition. Since 2002, the property has been rented out by 7 different tenants, none of which are associated with agriculture.

The National Planning Policy Framework represents the key consideration for this application, alongside regard to the general emphasis of current local policy in the rural area contained in policy CS7.

The background explanation to Core Strategy Policy CS7 acknowledges changes to the agricultural sector highlighting its decline and restructure, whilst the policy itself seeks to focus development to three settlements and in the open countryside will be strictly controlled. More explicitly, paragraph 55. of the NPPF provides the national policy position for dwellings for rural workers and advises Local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'.

The national framework does not expand beyond this position to establish specific criteria to be applied by local planning authorities, other than the general thrust taking the framework as a whole that meeting housing needs of an area is fundamental.

However, in accordance with the NPPF, Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements set out in the adopted development plan, the Core Strategy (2006-2016). Evidence has now come to light demonstrating only a 2.5 year supply exists, meaning that where the LPA cannot demonstrate a 5 year land supply then relevant policies for the supply of housing should not be considered up-to-date.

For Telford & Wrekin Council this means policies CS1 (Homes) which identifies dwelling requirements for Telford, Newport and the rural area and potentially CS6 (Newport) and CS7 (Rural Area) which seek to direct housing into certain locations in line with the strategy. This means that applications cannot be refused on the grounds of housing supply alone and there will be a presumption in favour of sustainable development.

Critically, the application does not comprise new development in an area where development would usually be strictly controlled. Together with the current land supply status and the justification presented by the applicant, officers are satisfied that there is no longer a need to restrict the occupation of this property to an agricultural worker and therefore the removal of condition 4 of planning permission W93/0268 is considered appropriate.

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the original conditions less condition 4, and the removal of the S106 agreement.

TWC/2014/0129

180 Wombridge Road, Trench, Telford, Shropshire, TF2 6PU

Change of use from residential garage (Use Class C3) to barbers shop (Use Class A1), installation of 1no. door and 2no. windows to front elevation and alterations to access including dropping of the kerb \*\*\*Amended Plans Received\*\*\*

**APPLICANT**

Satnam Gill

**RECEIVED**

19/03/2014

**PARISH**

Oakengates

**WARD**

Wrockwardine Wood and Trench

**OFFICER**

Tom Carruthers

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Parking and no pedestrian crossing facilities, location adjacent to a bus stop on a busy route and opposite a busy road junction.

Outside the established shopping area.

Design of shop front

**THE PROPOSAL:**

Change of use from residential garage (Use Class C3) to barbers shop (Use Class A1), installation of 1no. door and 2no. windows to front elevation and alterations to access

**SITE AND SURROUNDINGS:**

The application property is a large brick and tile built, 2 storey detached property with an attached double garage on Wombridge Road, Trench which is within the urban area of Telford.

The site is on the side of the road which is predominately residential; however there is a commercial garage to the right hand side of the property. Immediately opposite the application site is The Bridge Public House and further up there is a small district centre comprising of 7no. retail units and 2no. hot food takeaways.

The entrance to the proposed barber's shop would be almost opposite the junction of Wombridge Road and Teagues Crescent.

There are two existing accesses into the site, one to the left of the main house and one in front of the current garage. To the front of the garden is a large tarmac drive way which can accommodate at least four cars.

#### PLANNING HISTORY:

W2005/0636 Erection of A Garage and Store Full Refused 20/07/2005

W2005/0944 Erection of A Garage and Store Room Full Granted 08/09/2005

W2007/0087 Erection of Dormer Windows For Room Over Garage Full Granted  
14/03/2007:

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Wrekin Local Plan:

S25 New Local Centres and Local Shops

UD2 Design Criteria

Core Strategy:

CS2 Jobs

CS15 Urban Design

#### CONSULTATION RESPONSES:

Oakengates Town Council: No Response

Cllr Charles Smith: Object

Residents are unhappy on the basis that there is not enough parking, that the site lies adjacent to a bus stop and opposite a busy road junction; that the development lies outside of the shopping area; and, that there is no pedestrian crossing.

Shropshire Fire: No comment

Pollution Control: No comment

Highways: Objection:

Plans do not show enough parking. If no changes are made, object on grounds of highway safety.

Neighbourhood Consultation:

No representations have been received:

## PLANNING CONSIDERATIONS:

The property is a residential property and located on the opposite side of the road from the small district centre. The property has a large area of existing parking in front of the garage.

Prior to the submission of an application, pre-application advice was given and officers considered that the local planning authority would be able to support the application, subject to the creation of additional parking and subject to any consultation responses.

During the application, the Council's Highways team objected to the application as the plans did not resolve the issues raised previously in the pre-application advice. The plans only showed the parking for the barber's shop and not the existing residential property. The Highways Officer also commented that there would be concerns that the applicant will be looking to expand this business in the near future, which would be difficult to control and potentially result in a further increased likelihood of on street parking in this location. The officer commented that if nothing changed with the application, the local highway authority would be recommending refusal on highways safety grounds.

The applicant submitted a new plan, changing the red line and including the residential property as well as the new shop and showing additional parking as per highway's recommendation. Highways have yet to comment on the amendments and if any comments are provided, members will be provided with an update.

The revised plans provide the parking as requested in the pre-application advice and therefore, officers consider that this proposal is acceptable in planning and highway terms. It is considered however that it would be reasonable for the parking associated with the existing dwelling should be provided before the change of use commences and a condition to this effect will be necessary.

The letter of objection from Cllr Smith mentions that local residents are unhappy with the proposal. However, no comments from neighbours have been received in relation to the application. Furthermore, neighbours have been re-consulted on the amended plans but as of yet, no responses have been received. If any comments are provided, members will be provided with an update.

Officers consider that the design of the shop front is of a high quality and would not detract from the street scene and would therefore comply with policy UD2 of The Wrekin Local Plan and CS15 of the Core Strategy.

The applicant has commented that he envisages that the shop will be operated on the basis of customers making appointments beforehand only. However, this would not be able to be controlled by condition as drop-in clients would inevitably call at the

premises. This proposal is for a modest retail facility and is unlikely to generate significant traffic to the site. While officers consider a service use of this nature in this location may be considered acceptable in principle, a temporary 2 year consent should be given so that officers can assess the impact of the business on the highway and the amenities of the local area overall.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to the following conditions:

1. A06 Temporary Consent
2. B011 Samples of Materials
3. C013 Parking
4. C38 Development in accordance with plans

TWC/2014/0134

Land at Wheat Leasows, Telford, Shropshire

Installation of ground mounted solar photovoltaic farm, transformer stations, substation and associated access, fencing and landscaping

**APPLICANT**

Telford & Wrekin Council

**RECEIVED**

13/02/2014

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

**OFFICER**

Kate Stephens

This application has been referred to Committee

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, visual and landscape impact, impact on residential amenity, loss of agricultural land, highways, noise.

**PROPOSAL:**

This Council application seeks full planning permission for the erection of ground mounted solar panels and associated infrastructure on an 11.7 hectare site of agricultural land adjoining the northern edge of Telford's urban built up boundary.

The "solar farm" will generally comprise the installation of approximately 16,400 solar photovoltaic panels (each measuring 1.6m x 1m) mounted on racks or arrays in rows across the site. The panels are mounted as modules on steel and aluminium frame structures arranged in long rows running east west across the site. The mounting structure comprises upright metal poles driven into the ground (to avoid the use of concrete) and angled at 20 degrees and would reach a maximum height of approximately 3m above the ground.

The photovoltaic cells generate direct current (DC) electricity, but this needs to be converted into alternating current (AC) in order to be fed in the electricity grid. Therefore there will also be 4 transformer/substation buildings on site, each measuring approx. 10m x 2.5m x 3m high to house the necessary electrical equipment for converting DC into AC, before connection to the grid for use within the wider electricity distribution network.

In order to secure the site a green high mesh fence approx. 2m high will need to be erected around the perimeter of the site, and palisade fencing along parts of the southern boundary. Infrared cameras will also be installed around the site.

Access to the site for construction and on-going maintenance will be off the A442 Queensway and off the access road that leads to the Jigsaw School and extending this link to the site. An internal track will then be created within the site to enable access to the transformers and substations. For site security, the public right of way that currently crosses the site north-south will need to be diverted, and a diversion route around the site's western boundary is shown.

The proposed solar farm would be of 4 megawatt capacity - enough to power the equivalent of 800 homes and save 1,800 tonnes of carbon dioxide - and is anticipated to operate for between 20-25 years. At the end of this period the development could be decommissioned and the site returned to its present agricultural state, or the equipment could be replaced and activities continued and the application renewed.

Solar panels can generate electricity on an overcast day as they require daylight rather than direct sunlight to do so. The panels will be connected to "inverters" which change the current created from direct current (DC) to alternating current (AC). The electricity generated will then be transmitted to the grid at the nearby electricity substation.

The arrangement of the panel arrays across the site has taken account of trees, boundary hedges, electricity pylon and overhead power lines (which can cast shadows), a public sewer easement and the need to provide adequate buffer zones or separating distances to neighbouring properties.

Between the solar panel arrays, and in parts of the site where there is no development, the land will be allowed to remain as grassland and there is the potential for sheep to graze between the arrays. In addition, new and enhanced tree, shrub, meadow and hedgerow planting using native species will be installed, in order to help screen the development and increase the site's biodiversity.

The applicant considers that there is scope to use the solar farm for educational learning purposes and develop learning links with nearby schools.

At a meeting of the Council's Cabinet on 19th September 2013, members considered a report about the proposed solar farm as part of the Council's wider energy strategy and as a means of generating renewable energy as an income stream for the Council that could potentially be off-set against the Council's energy costs. Members resolved to approve the submission of this application.

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 development is neither a Schedule 1 nor Schedule 2 proposal and hence the application does not

need to be accompanied by an EIA. Officers also considered that the scale and nature of the development is not one that will be more than of local significance - the site is not in an environmentally sensitive or vulnerable location and the potential impacts of the development, having consideration to its characteristics and location, would not result in unusually complex or potentially hazardous environmental effects. Officers acknowledge that the application is a “major” application as the development site exceeds 1 hectare but are satisfied that any impacts of the development can be adequately considered by the following supporting documentation that has been submitted with the application, namely:-

- Planning, Design and Access Statement;
- Extended Phase 1 Habitat Report;
- Geo-environmental Desktop Study;
- Landscape and Visual Impact Assessment;
- Community Consultation Statement;
- Flood Risk Assessment;
- Arboricultural Impact Assessment;
- Noise Assessment;
- Construction Traffic Management Statement

#### THE SITE:

The 11.7 hectare site is approximately 5 kms north west of Telford town centre (as the crow flies) and outside but immediately adjacent to the built up boundary of Telford, as defined on the Wrekin Local Plan Proposals Map, and hence is countryside/rural area. The site is in agricultural arable use (Grades 2, 3a and 3b) and has no national or local landscape or environmental designations. Trees and hedgerows are around the site and there is a single tree within the site. An electricity pylon and overhead electricity transmission lines run across the site from the adjacent electricity substation, which is screened by trees and hedgerows. There is also a gas valve station adjacent to the site’s eastern boundary, also screened by trees/hedgerow.

The site would be accessed via the A442 to the south. The road from Leegomery Roundabout to Preston upon the Wald Moors runs along the northern site boundary. There are several residential properties along the lane to Preston that adjoin the site’s northern boundary and the Jigsaw School adjoins the site’s southern boundary.

A public footpath crosses the site in a broadly north-south direction from the school to Wheatley Barn. On the opposite side of the A442, further south of the site, is the Queensway Business Park. To the west of the site is an electricity substation and compound with associated transmission lines.

#### PLANNING HISTORY:

None

## CONSULTATION RESPONSES:

### **Hadley & Leegomery Parish Council - Support**

**Environment Agency - No comment.**

### **Natural England -**

- No objection to the proposed development in relation to designated sites or landscapes.
- The site is within areas that NE considers would benefit from enhanced green infrastructure.
- Multi-functional green infrastructure can perform a range of functions including improved flood risk, accessible green spaces, biodiversity enhancement and climate change adaptation.
- Given the nature of Solar Farms, they potentially offer opportunity to encourage the creation of various types of grasslands, as well as opportunities for ponds, woodlands and hedges.
- The current landscape proposals feature significant areas of amenity grassland - urge consideration of whether these areas could be better managed to benefit biodiversity.
- The site has not been assessed for impacts on protected species - see NE's Standing Advice.

**Shropshire Fire Services - No comment.**

### **TWC Drainage -**

- Whilst it is noted that the creation of the solar farm will not result in a net increase in flows to the two small watercourses identified within the FRA, the replacement/improvement of the existing land drainage systems (which are currently in a poor condition) may result in flows entering these watercourses at an increased rate. For this reason an assessment of condition of the receiving watercourses to the point of discharge to the Crow Brook should be undertaken. Should this assessment identify areas where the capacity of the watercourse to convey these flows has been reduced, works should be undertaken to improve its condition. These works should be agreed with the LPA and relevant owners prior to commencement:
- Condition: Development shall not take place until an assessment of any receiving watercourse has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify any capacity issues associated with this watercourses up to the point of discharge to the Crow Brook, and works should be undertaken to address each issue. The approved details shall be implemented in full prior to commencement on site. Reason: To reduce the impact of this development on the surrounding surface water infrastructure.

### **TWC Arboricultural officer - Support subject to conditions**

- T1 has been categorised as an A1 tree with regard to the BS:5837 tree survey which accompanies the Arboricultural Impact Assessment attached to the application.
- There is a discrepancy as the tree does not appear on the proposed site layout plan. The long term future of the tree will need to be clarified, it has been estimated that it has at least 40 years+ to contribute to the landscape.
- There appears to be a very high number of Crack Willows proposed to be planted adjacent to the road and Wheatley Barn. Given that this is due west of the property it may infringe on future light levels that the property receives.
- Additionally, the proposed location for the trees is at the northern end of the site. Therefore they stand a higher chance of not being maintained until they reach a size where they may pose a hazard to the road and the fence which they will be growing in close proximity too. Ideally they should be substituted by a different species of tree.
- If consent is afforded to the proposal the following conditions will be required;
- B130 Tree Protective Fencing is to be erected as shown on the Tree Protection Plan Drawing No: WLT/TPP/11/13/01. The fencing will also need to be placed around T1 given its high amenity value being clearly visible from the A442 Queensway bypass.
- C71 Soil Levels.
- C78 Landscape Implementation soft.

### **TWC Highways -**

- No objections, subject to conditions requiring details of parking, Loading, Unloading and Turning and the submission of an Environmental Management Plan for site construction.
- Also informative advising applicant Public Right of Way diversions are to be secured via Legal Agreement under S.257 Town & Country Planning Act 1990 and to contact the Council's Rights of Way Officer.

### **TWC Ecology - recommend conditions and infromatives**

#### Habitats

- The majority of the site is arable land. Hedgerows form the boundaries, with tall ruderal vegetation and areas of bare ground around the perimeter. The only other habitats present on the site are some short perennial vegetation and a little scrub.
- None of the hedgerows are 'Important' under the Hedgerow Regulations 1997 but all of them are UK and Shropshire Biodiversity Action Plan habitats and they are valuable as wildlife corridors, foraging resources and nesting habitat.
- If, at any point, any tree or hedgerow removal is required then the vegetation will have to be checked for nesting birds beforehand.
- There are three dry ditches located on the site boundaries. The report recommends that the hedgerows and ditches are enhanced 'through good management practices and native planting' although no further detail is provided on good management practices.
- The trees and hedgerows on the site will be retained and additional native planting will be provided

#### Great crested newts

- There are no water bodies on the site or within 500m of the site boundaries.

- The disconnected section of the Shropshire Union canal is considered unsuitable to support great crested newts because it contains no submerged vegetation for egg-laying, the sheer vertical profile of the banks would make entry and egress to the brook difficult, newts prefer still water to moving water, and there are no visible 'shallow horizontal profiles beneath the water' which newts could use to carry out their courtship displays.
- The brook is considered unsuitable to support great crested newts because it contains no submerged vegetation for egg-laying and newts prefer still water to moving water.
- There is a pond approximately 400m to the south-east of the site and there is a record of great crested newts from 2010 and there is another pond 65m to the south-west of this pond - Nevertheless, it remains unlikely that great crested newts would migrate to the site from these ponds because the majority of habitats on the site are not suitable for great crested newts and connectivity (via hedgerows, scrub etc.) between the ponds and the site is not continuous.
- Therefore agree with the report's conclusion that great crested newts are not present on the site and are not going to pose a constraint to development.
- The report considers that the site is suitable to support common toads, although there are no water bodies on the site.
- It is unlikely that any amphibians will be encountered during the development.

#### Bats

- At least 25 mature trees are present within the hedgerows.
- The report assessed 7 trees as 'having definite potential to support roosting bats' and 6 trees as 'having limited potential to support roosting bats'.
- However, as none of the trees are due to be affected by the development, no further survey work was carried out - should this change and any of the trees require lopping, felling etc. then bat surveys should be carried out to ascertain whether they are being used by roosting bats.
- The proposed development is likely to increase the quality of the site for foraging bats as 'reclamation of arable land to meadow and/or pasture usually benefits bats and can provide bats with important foraging habitat (BCT, 2012).
- The reclamation of arable land also results in a reduction/discontinuation of pesticide use which benefits the invertebrate population thereby providing increased food resources for bats foraging along the hedgerows at the site boundary.
- The solar panels also have the potential to provide linear features along which bats may commute.'

#### Reptiles

- Some of the peripheral habitats are potentially suitable to support reptiles (e.g. woodland edge, tall ruderals, hedgerows, bare ground and water bodies) but the majority of the surrounding habitats are arable land and there is limited connectivity to other potentially suitable habitats.
- Reptiles do not, therefore, pose a constraint to development.

#### Nesting birds

- 'The scattered trees, tall ruderal, scattered scrub, arable field, hedgerows had potential to offer suitable nesting habitat for common birds during the breeding season and roosting and feeding habitat for the same range of bird species during the remainder of the year.'
- Although the site is suitable to support a number of BAP species, only a small number of common birds were recorded on the site during the survey.

### Otters

- Although no evidence of otters was found during the survey, the report considers that the disconnected section of the canal and the brook are potentially suitable as otter resting sites and foraging resources.
- The canal is not connected to the site, however, so even if otters are present, they will not pose a constraint to development.

### Invertebrates

- The survey recorded only two butterfly species and one bumblebee species, all of which were common. 'Crickets were also heard but not seen.' Although the report does not consider the site's value to invertebrates, it is unlikely that the site will support more than a small number of common invertebrate species.
- The Buglife publication *A Review of the Impact of Artificial Light on Invertebrates* (2011) recommends that patterns of rough or painted glass be incorporated onto solar panels to break up the polarised light and reduce death and disruption to invertebrates.
- The report states that 'sources of polarized light should be broken up by adding non polarizing patterns, areas or grids that block horizontal light. This approach, specifically using white borders and white grates has been shown to prevent insects being attracted to solar panels.'
- Consideration of a scheme that incorporates these non-polarising patterns on the solar panels would be beneficial to invertebrates.

### Other species

- The site is not considered suitable to support water voles or dormice.
- The report considers that the site is suitable to support hedgehogs.

### Mitigation and enhancement measures

- Any works to trees or hedgerows should take place outside the nesting bird season.
- Trenches should be excavated and closed on the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided.
- Lighting on the site should avoid illuminating the trees and hedgerows as these may be used by bats as commuting routes or foraging resources.
  - To enhance the site for wildlife, the report recommends the following enhancement measures: planting of native species of local provenance should be carried out. This is being provided (as shown on Drawing LA01);
  - 'the biodiversity value of the hedgerows and their associated features (i.e. field margins, ditches) on site [should be] enhanced through good management practices.' The report provides no further detail on good management practices, however.
  - 3 bat boxes and 4 bird boxes should be erected on retained trees on the site.' Advice should be sought from a suitably experienced ecologist when selecting an appropriate model of bat / bird box and that suitable locations are chosen for their installation i.e. avoiding direct illumination and disturbance, as far as practicable.'
- Recommend conditions for the erection of nest boxes and informatives relating to nesting birds, trenches, 'Bat friendly' lighting, invertebrates and solar panels, and bats.

### **TWC Sustainability officer -**

- We should actively support and help drive the delivery of renewable energy.
- Obviously, any adverse impacts should be addressed satisfactorily, but we should not preclude the development of specific renewable technologies other than in the most exceptional circumstances.
- Planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation and the impact would cause material harm, or removal of significance in relation, to the asset and this is not outweighed by the proposal's wider social, economic and environmental benefits.
- We should give significant weight to the wider environmental, social and economic benefits of renewable projects whatever their scale.

### **British Driving Society and Telford Bridleways -**

- Again the Council is failing in its duty to provide off road access for all non-motorised users e.g. cyclists, horse riders and the disabled.
- All large planning applications should consider them and provide a green corridor through the site, as per DEFRA guidelines.
- Instead of a footpath they could easily accommodate a Restricted Byway which would benefit all vulnerable users.

### **Telford and Wrekin Local Access Forum - Support subject to conditions.**

- A definitive footpath runs through the application site and I am pleased that, at an early stage, the developer engaged the Local Access Forum concerning this issue.
- A diversion has been indicated on the plans and this appears to address the issues for the continuation of a public route well. It is noted that it is longer and this may not suit all users but in general it is felt that the recreational benefit outweighs loss of a direct route. It might be better to divert the southern part around the school fencing as well, as the route currently runs through the centre of a cropped field at its southernmost part.
- It would be unlawful for the development to go ahead without first legally diverting/extinguishing this route - the extinguishment option is not supported as the area north of the Queensway is already poorly served by rights of way in general.
- The 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 at all 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 'industrial' development.
- The route should, wherever possible, use least restrictive access design to enable those that are less mobile to access the route. The northern exit of the diversion currently has unrestricted access.
- Part of the route has already been built over and whilst this is an issue, it is more of a concern that the whole length of the current and proposed route is currently ploughed in and has been for some time. This would not be acceptable at all if the diversion was implemented and the tenant would need

to know that there is a legal duty to reinstate rights of way after ploughing and to create a route through if crop is planted.

- 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 consultations

4 Letters of objection summarised below as follows:-

- The application states that there is no on-site parking. Where will maintenance and security vehicles park? Where will vehicles park for the proposed educational visit?
- The EIA Screening document says "The site lies outside but immediately adjacent with Telford's built up area, so technically is in countryside". It isn't "technically" countryside, it is countryside. The word "technically" implies that it isn't really countryside when it is.
- The EIA Screening document says "Officers consider that the scale and character of the development would be no more than of local significance". It is a proposal to build 20,000 solar panels at a cost to the taxpayer of £6m, burdening future generations in the borough with big debts for a solar farm that will only make a "profit" for as long as it receives a taxpayer subsidy. It is of great significance to all taxpayers in the borough.
- The first Consultation document says "Those with a direct interest in the land, notably those residents living immediately adjacent to the site, [...] were specifically targeted for engagement at the beginning of the process and openly informed at an earlier stage about the initial proposals for the site ("The occupier" letter)". At least one neighbour didn't receive the letter because he has his mail redirected to London which doesn't include anonymous letters such as this and at least one other discarded the letter unread because they don't read unaddressed letters. The early engagement was sloppy and didn't successfully engage the immediate neighbours.
- Nothing in the public exhibition materials explains that the council will be borrowing money off the taxpayer to pay for the solar farm to be built and that it will make a loss without a taxpayer subsidy. Residents have not been made aware that this scheme will require taxpayers' money from day 1 until the day it is decommissioned at the taxpayers' expense. I have been asked by one resident whether the "free electricity" from the solar farm will be given to everyone or just people living in social housing. Clearly the council's sale pitch has misled some residents into thinking that they will be receiving some tangible benefit from this solar farm when all they will get is bills. This loss-making venture is not an economically sustainable development.
- The consultation document says "The event proved very successful in terms of the number of attendees, with 46 individuals signing the register, including a number of councillors, local residents and a reporter from the Shropshire Star". But only 46 attendees including councillors and reporters cannot be deemed successful for something of borough-wide importance with big financial implications for all residents of the borough. The fact that the planning application has virtually no comments either in support or objecting shows that residents

have not been adequately engaged and do not understand the scale and implications of this development (which have been played down).

- The surveys distributed to the handful of residents that came to the consultation event do not ask residents if they are happy with the way the solar farm will be financed - i.e. the council taking on £6m of debt for Telford & Wrekin taxpayers from a taxpayer-funded loans board to build a solar farm that will require a taxpayer subsidy for the whole of its life. Residents have therefore not been prompted to consider the economic sustainability of the project, only the perceived benefits.
- The second consultation document is a glossy brochure to sell the project - it is not even remotely objective and makes no mention of the fact that the project is not economically sustainable.
- The Habitat Assessment says that further surveys are potentially required to inform the ecological impact assessment but the plans say that no EIA assessment will be carried out. It would appear that the company performing the assessment believed an EIA survey would be carried out. If they were aware that no EIA assessment was being carried out - which their recommendation suggests they believe is necessary - they may have made different conclusions.
- The Planning, Design & Access document points out that this land is not allocated for development, it is currently used for food production.
- The A442 Queensway is a very busy road with fast-moving traffic and is frequently congested. It is not an appropriate access point.
- The financial case doesn't stack up - this is not an economically sustainable proposal and the solar subsidy has been cut a number of times and governments around the world are cutting or abolishing solar subsidies.
  - Solar panels should be on roofs out of the way.
  - The cost of the fencing/ maintenance will cancel out any monetary gain over the years - we will all end up subsidizing this vanity project as tax payers and council tax payers.
  - Until we find some way of actually storing the electricity solar farms are unsustainable as they only produce electricity during the daytime when the sun shines and not during the peak evening consumption times.
  - There is the real prospect of having to turn them off if too much electricity is being generated like wind turbines when it gets too windy.
  - The footpath route should not be changed to anything other than to the canal system, which may never get off the ground.
  - If this was built in Edgmond you wouldn't be so supportive or around your house (as this surrounds someone's house).
  - This development is problematic.
  - Why so far north - the development ought to be situated to the South West nearer to actually existing development.
- The development stands out on its own in this respect and I can only see further infilling here in the future which is a pity since Telford has got too big and desperately needs some spatial discipline - it's a pity Preston Upon The Weald Moors is not in Shropshire County Council, as it would stop 'the octopus' (ref Abercrombie). 800 houses vs 30 acres, why can't you build houses with or with the option of solar panels instead?

1 letter of support:-

- An excellent way to use marginal land, helping to secure clean energy in the future for the Telford area, good for businesses and households requiring more capacity in the grid, good for the environment.

PLANNING POLICY CONTEXT:

National Planning Policy Framework (NPPF)

Core Strategy DPD (adopted Dec 2007):

Policy CS7 Rural Area

Policy CS12 Natural Environment

Policy CS13 Environmental Resources

Policy CS15 Urban Design

Wrekin Local Plan (adopted Feb 2000):

Policy NR1 Locations of Renewable Energy Developments

Policy UD2 Design Criteria

Policy UD4 Landscape Design

Policy OL12 Open land and Landscape - contributions from new development.

## **PLANNING CONSIDERATIONS**

### Principle of development

The NPPF is the most up to date national policy guidance that all development needs to be assessed against. Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking”.

The NPPF also contains twelve core planning principles such as “*support the transition to a low carbon future in a changing climate...and encourage the reuse of existing resources... and encourage the use of renewable resources*”. Section 10 of the NPPF “Meeting the challenge of climate change, flooding and coastal change” contains the most relevant policy guidance relating to low carbon and renewable energy developments.

In determining renewable energy applications the NPPF advises at para 98 that “local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable.”*

Whilst there are no specific solar farm policies in either the Wrekin Local Plan (WLP) or Core Strategy (CS), the Development Plan does contain policies that support renewable energy projects. Wrekin Local Plan policy NR1 supports proposals that generate power from renewable energy sources. The Core Strategy’s Spatial Development Objectives seek to ensure appropriate and efficient use of natural resources and facilitate the reduction on CO<sub>2</sub> emissions. Policy CS13 actively supports the production of energy from renewable sources by promoting small and large scale renewable projects where it is consistent with other policies in the Development Plan. In addition proposals that offer opportunities to enhance biodiversity, as set out in policy CS12, will also be supported. For the rural area Policy CS7 seeks to control development and this has to be balanced against other material considerations.

Officers consider that in principle the proposed solar farm development is in general accordance with natural resources and renewable energy policies in the NPPF, Wrekin Local Plan and Core Strategy.

#### Site suitability and landscape impact

Various factors serve to govern the suitability of a site and these can include proximity to national grid connection, the site needing to be of a size to be cost effective, lack of vegetation on site and surrounding it (as this can cause shadowing) and a flat site has operational and functional benefits. This site is of sufficient size (11.7ha) to make the proposal effective and is relatively flat. Also the site is adjacent to an existing substation, so transferring electricity generated by the solar panels to the substation, and hence into the national grid, is made much easier and more convenient.

WLP policies UD4 and OL12 expect new developments, 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. The application proposes a detailed landscaping scheme to plant up gaps along roadside hedgerows and hedgerows around some of the existing nearby residential properties. The proposed development will involve the loss of the single tree within the main body of the site and the tree officer comments that this tree does have continued amenity value. However, the loss of this tree has to be considered against

the overall scheme and the enhanced tree and hedgerow planting and the increase the site's biodiversity and on balance planning officers consider the loss of the tree to be regrettable, but acceptable. The public right of way will need to be diverted and the Telford and Wrekin Local Access Forum indicate they are satisfied with the diversion provision.

The site occupies an urban fringe location rather than a remote countryside location. This has benefits where site security in remote locations can be an issue. Also the site setting is semi urban/rural and there are offices and industrial buildings in the general vicinity and the presence of pylons and electricity lines across the site are a visual distraction. Views of the site will be more pronounced from along the lane running from Leegomery Roundabout to Preston upon the Weald Moors as the site runs along the land/hedge boundary. The existing gaps in the roadside hedge will be in filled with appropriate native species and enhance the screening.

The applicant has submitted a Landscape & Visual Impact Assessment (LVIA) to assess the impact of the development on the landscape and its visibility. The assessment uses a methodology recommended in the Guidelines of Landscape and Visual Impact Assessment published by the Landscape Institute and the Institute of Environmental Management and Assessment. The proposed development has been assessed from various viewpoints around the site, including the footpath that crosses the site, the nearest residential properties, the Lilleshall Hill trigpoint and The Wrekin.

The site is not covered by any statutory landscape designation or protection, nor does it have any local landscape protection. The Wrekin, which is part of the South Shropshire Hills Area of Outstanding Natural Beauty, is approx. 6kms south west of the site. The Weald Moors Area of Special Landscape Character is a non-statutory Council designation as part of the Wrekin Local Plan, but this is 1km north of the site.

The site is part of the "Shropshire, Cheshire and Staffordshire Plain" which is one of Natural England's National Character Areas of England, which is characterised by gently rolling land, unified rural landscape and well managed hedgerows and trees. Shropshire County Council did The Shropshire Landscape Typology in 2006 and the Telford & Wrekin Landscape & Sensitivity Capacity Study (May 2009) was undertaken primarily to assess sites for possible housing development. This assessed the site and the surrounding land as having a landscape and ecology sensitivity of "low" and landscape cultural sensitivity of "low".

Therefore with regards to the effect on the landscape, the applicant's LVIA concludes that there will be some adverse effects, but that these range from minor to moderate, but overall the proposed development will not have a significant effect on landscape character or landscape features.

With regards visibility of the development, the applicant's LVIA acknowledges that the site is fairly well screened by existing hedgerows, but that there will be short distance views from nearby residential properties, namely No 4 Wheat Leasows, Wheatley Barn and Wheatley Grange, and the site will be most visible from these properties. These properties already look at the edge of urban development (along the A442) and there are the high voltage power lines and a nearby gas station that already cause a visual distraction. However, the LVIA report concludes that whilst residents here would experience moderate adverse effects, these would not be "significant".

Longer distance views from the Lilleshall hill and The Wrekin are possible, but from these distant viewpoints the site "forms part of a diverse panoramic view and is indistinguishable as a notable element." Views from the Weald Moors Area of Special Landscape Character are restricted such that the site is not easily identifiable.

The site will be surrounded by green mesh and deer proof fencing, with a section of palisade fencing along part of the southern boundary. The fencing also has badger/fox/mammal gaps at the bottom to allow these animals to move freely across and through the site. New fencing will be erected broadly around the edge of the site around the ear of Wheatley Barn and Wheatley Grange, but there is additional mitigation planting as well. Along part of the boundary with the road to Preston the fencing will be set back from the road, and in other sections it will run close to the roadside edge. Officers consider that due to its green colour and its "see-through" nature, that the presence of fencing around the field will not be unduly detrimental to this semi rural/urban fringe area, where there are industrial buildings nearby and the Jigsaw school has its own security fencing.

Overall the LVIA report concludes that the development will result in some adverse, but not significant, landscape and visual effects. However, these effects will be offset by the proposed mitigation planting. And officers are satisfied that the proposal accords with design and landscape policies UD2, UD4 and CS15.

### Design

16,400 solar photovoltaic panels (each measuring 1.6m x 1m) mounted on racks or arrays in rows across the site. The panels are mounted as modules on steel and aluminium frame structures arranged in long rows (average row length approx. 100m) running east west across the site. The mounting structure comprises upright metal poles driven into the ground (to avoid the use of concrete) and angled at 20 degrees and would reach a maximum height of approximately 3m above the ground.

The site is relatively flat and the arrays of panels will be arranged in rows east west across to take into account the location of overhead power lines and the planting on the site boundaries, both of which cause shading and reduce the efficiency of the

panels. The arrangement has also considered the existence of a public sewer and the subsequent need for an easement, ecological requirements and the provision of adequate buffer zones or separating distances to neighbouring residential properties.

The transformer buildings, which are simple rectangular flat roofed structures, have been located at different locations around the site, to help reduce the bulk and massing of having one big building. It is not unusual for farm buildings to be sited in fields, and the proposed structures are not dissimilar and hence will not appear as an alien rural feature. The structures are shown coloured green. Officers consider that their design and location is acceptable and will not significantly detract from the rural setting of the site.

With regards glint and glare, solar panels are designed to absorb light, not reflect it away. Solar panels are also designed to operate in day light, not necessarily sunlight, so can generate electricity even on over cast days. And solar panel arrays have been installed adjacent to airport runways. Due to the site's location away from roads and the orientation of the panels in relation to the nearest road and the three residential properties closest, officers do not consider that glint and glare will be of significant concern.

#### Impact on neighbours/residential amenity

The three residential properties that adjoin the site's northern boundary (Wheatley Barn, Wheatley Grange and 4 Wheat Leasows) will be the most affected by the proposed development as they will see almost the entire site and look at the rear of the rows of panels. The panels would be sited 30m away from the back of the nearest property (Wheatley Grange) and 10m from its garden boundary and would be approx. 3m high. However at ground level, boundary hedges will be planted to fill the gaps and reduce close up views of the rear of the panels. Views from first floor windows will not be so screened so residents will look out across the site, looking at the rear of the angled panels. The Jigsaw School will face the "front" face of the solar panels, but again infilled boundary hedgerow will reduce this impact.

The section on "Site suitability and landscape impact" above explains in more detail the visual impact issues and that whilst there will be visual impact, it will not be significant. Officers do not consider that the impact on so few properties would be so significantly adverse as to warrant refusal of the application.

There will be general noise and disturbance to these neighbouring properties during the construction phase and related activities relating to the installation of the mounting systems, forming cable trenches, installing the transformer station foundations. According to the applicant, general construction is expected to last some 11 weeks and will take place between Monday to Saturday 8am - 6pm. However, all development involves some degree of disruption. Once constructed, the development will be relatively quiet. Small vans will be used for site inspections and

any necessary cleaning or testing of equipment.

The applicant has submitted a Noise Assessment. The principle source of noise from the development will relate to the extract fans on the three transformer/inverter stations and substation, with noise emissions only occurring during daylight hours when the solar panels will be generating electricity. The Noise Assessment concludes that predicted noise levels fall below the Lowest Observed Adverse Effect Level (LOAEL) and no significant effects will occur at nearby residential properties or the adjacent Jigsaw School.

#### Loss of agricultural land

The proposed development will result in the temporary loss of some 11 hectares of Grades 2, 3a and 3b 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 is the latest Government planning policy on the subject of agricultural land and planning. LPAs are required to take into account the economic and other benefits of the best and most versatile agricultural land, but particular attention is required to be devoted to proposals for significant development.

Officers consider that the proposed development is of a temporary nature and the applicant's intention to use of metal supports in the ground, rather than concrete, will mean that the development can be easily removed from the site after the 20-25 years and the land easily reverted back to agriculture, so there is no irreversible loss of agricultural land. During the life of the development, the land in between the rows of solar panels can be used for sheep grazing so can remain in active agricultural use. Therefore officers do not consider that there is an irreversible loss of agricultural land that would warrant a refusal on this matter.

#### Biodiversity

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 ...*". 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. Core Strategy policy CS12 is already in conformity with the NPPF on this.

The site is currently arable agricultural land with hedgerows around the site. The application is accompanied by a proposed landscaping scheme that includes new hedgerow planting and filling hedgerow gaps with native species to enhance and encourage biodiversity. The proposed security fencing has gaps/gates for badgers/foxes/mammals to cross the site and encourage wildlife activity. The ecology officer has suggested conditions and informatives to further enhance biodiversity for bats, nesting birds, but the site does not have any exceptional wildlife of diversity or value. Officers are satisfied that the proposed scheme will result in wildlife betterment and is in accordance with the NPPF and policy CS12.

### Highways

Access for construction will be via the access road off the A442 leading to the Jigsaw School. The applicant has submitted a Construction Traffic Management Scheme which sets out in more detail proposed activities. During the anticipated 11 week construction period there will be articulated lorries arriving on site, at the busiest part of the construction it is anticipated there would be 34 two way movements a day, which would represent a 0.2% increase of existing A442 flows. This is unlikely to cause any significant detrimental impact on the road network. And once constructed the site would require occasional maintenance and inspection and vehicles are likely to be small vans. The Council's Highways engineers have no objection to the proposed development and do not raise any network capacity or highway safety concerns.

### Other issues

With regards objectors' concerns about the financing of the scheme, how the Council spends its financial resources is not an issue for consideration as part of the planning process. In addition, the NPPF advises at paragraph 98 that the applicant does not have to demonstrate a need for the proposal.

The site is not at risk of flooding. It is in Flood Zone 1 which the Environment Agency deem to categories as being of "low risk". The Council's highways engineers does not have any flooding concerns and has suggested a drainage condition.

### **CONCLUSION:**

The site is not located on any land designated for its natural beauty or recognised for having any specific ecological importance. Whilst the temporary loss of some 11ha of agricultural land is regrettable, the site can be still be used for sheep grazing. The proposed ground mounted solar panels are a reversible form of development and after the 20-25 year life of the application the land could be returned to agriculture. In addition, biodiversity of the site will be enhanced by landscaping and ecological mitigation measures.

The development has been sited to maximise the site's topography and is conveniently located adjacent to a substation to allow easy and cost effective transfer of energy to the national grid. There will be some visual impact when viewing the site close up and residential properties along the site's northern boundary will be most affected by being able to see the development. However, this has to be balanced against the provision of a renewable energy generating scheme on the urban fringe land on the outskirts of Telford and additional landscape planting that will help mitigate the development's impact.

Planning policy and in particular the NPPF, encourages large and small scale renewable energy development, provided there are no significant other material considerations or adverse environmental effects. In addition, the NPPF has at its heart the presumption in favor of sustainable development and where the proposal accords with the development plan development should be approved without delay.

Officers consider that the proposed development represents sustainable development with wider environmental and social benefits. The proposal accords with national and local policies and that there are no significant material considerations or environmental impacts that outweigh this. Therefore approval is recommended.

**RECOMMENDATION:** to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions, and any other conditions officers subsequently deem necessary: -

1. A4 - commence within 3 years
2. A07 - Temporary 25 year permission
3. C38 - Implement in accordance with approved plans.
4. Hours of construction Monday to Friday 8am - 6pm, Saturday 8am - 1pm.
5. Environmental Management Plan for site construction.
6. Mud on road
7. Parking/Unloading/Turning areas
8. Drainage
9. Implement Ecological Assessment recommendations
10. Erection of nest boxes.
11. Retain all hedges/trees shown.
12. Implement Landscaping plan
13. Trees - soil levels
14. Trees - protective fencing
15. Nesting boxes
16. Details of any site security measures.
17. If solar farm ceases to operate for continuous period of 6 months, then submit decommissioning plan and site.
18. Prior to any site decommissioning, submit Decommissioning Method Statement.
19. Revert site back to agricultural use after permission expires.

Informatives

Trenches

Invertebrates and solar panels

Bat lighting

Public rights of way - temporary diversion

