

TWC/2015/0132

Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire

Outline application for the erection of 3no. detached dwellings and detached double garages, with all matters reserved \*\*\* Amended plans and additional reports received \*\*\*

**APPLICANT**

Tracey Whaler

**RECEIVED**

26/03/2015

**PARISH**

Lilleshall

**WARD**

Church Aston and Lilleshall

**OFFICER** Marie Smyth

**OBJECTIONS RECEIVED: Yes**

**LILleshall PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE**

**1. THE PROPOSAL**

- 1.1 The application seeks outline consent for the erection of three dwellings on land at the former builders' yard, Barrack Lane, Lilleshall. All matters relating to access, appearance, layout, scale and landscaping will be dealt with later at the Reserved Matters stage.
- 1.2 The indicative site layout illustrates three detached dwellings with associated detached, double garages. The site will be accessed via an existing private road from Barrack Lane. The layout has been revised during the process of the application in response to concerns from Environmental Health (EH) officers.
- 1.3 The application is accompanied by a Planning Statement, Phase 1 and 2 Environmental Survey, Geo-Environmental Report, Arboricultural Statement and a Topographical Survey. At the request of EH Officers the application is also accompanied by an Acoustic Impact Assessment and an Odour and Pest Assessment.
- 1.4 A provisional enquiry was submitted for the development of the site for five dwellings in 2014, where the principle of the proposal was supported. Potential constraints were also identified including the former quarry use in the area, the adjacent public right of way and the neighbouring woodland, which is protected by a Tree Preservation Order.

**2. SITE AND SURROUNDINGS**

- 2.1 Lilleshall is a village located within the rural area, 6km to the north of Telford and 3km to the south of Newport. The village has a primary school, church and sporting facilities, as well as access to a bus route. The site is located to the north of the village, close to the roundabout with the A518, accessible via

Limekiln Lane. Residential properties in the area comprise a mix of two storey cottages, bungalows and more recent, large detached dwellings. These properties vary in appearance but most incorporate rural characteristics and features.

- 2.2 The site is bounded by New House Farm to the north, a dairy farm. The agricultural land associated with the farm abuts the east boundary of the application site, with further agricultural fields to the south. The east and south boundaries are informally defined by fencing, barb wire, trees and planting. Also adjacent to the east boundary is a public right of way. A post and rail fence marks the west boundary with woodland, protected by a tree preservation order, adjacent. Beyond this is the access and landscaped areas leading to and within the residential curtilage of Old Coppice Lodge, to the south west of the application site. There is also a further protected area of woodland to the north of the access. Both of these areas are former quarries. The proposed access to the site is taken from Barrack Lane to the west, the access track from this is within the ownership of and is used by New House Farm.
- 2.3 The triangular shaped site is a former builders' yard and has been used for commercial purposes since the 1960s with a certificate of lawful use for a builders' yard issued in 1981 (W81/0655). The application also suggests there has been a historical residential use, although there is no planning record of this. The site is not currently in active operation as a builders' yard but is still being used for storage of various building materials as well as metal storage sheds/units and a caravan. Since the formal use ceased the land has become scrubland. The site is relatively flat with a raised bank to the east and south east corner. There are two large trees within the site, a Sycamore and an Ash.
- 2.4 The site has been the subject of previous applications for residential development. Outline permission was refused in 1981 (W80/0920) for the erection of three dwellings, and outline permission was again refused in 1997 (W95/0644) for the erection of one dwelling. This later application was appealed, although the appeal was dismissed on policy grounds. It is worth noting that the Inspector considered that the proposal would not materially impact upon the public footpath to the east of the site, nor was it considered that the proximity of the working farm was sufficient reason to justify refusal, noting that there were already dwellings in proximity to the farmstead.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 W80/0920: Erection of three dwellings with alterations to existing vehicular and pedestrian access. Outline refused 26/01/1981
- 3.2 W81/0655: Established Use As Builders Yard (Application For Established Use Certificate Under Section 94 Of The Town And Country Planning Act 1971). Sec 53 - Planning Permission Required 30/09/1981
- 3.3 W95/0644: Erection of 1 residential dwelling. Outline refused 27/09/1996. Appeal Dismissed 31/07/1997.

- 3.4 W2005/1533: Erection of a steel framed, steel clad storage shed. Full granted 20/03/2006

#### **4. PLANNING POLICY CONTEXT**

- 4.1 National Guidance:  
National Planning Policy Framework
- 4.2 Saved Wrekin Local Plan:  
H9 Location of New Housing  
H10 Scale of New Development  
UD2 Design Criteria  
OL6 Open Land
- 4.3 Telford and Wrekin Core Strategy:  
CS1 Homes  
CS7 Rural Area  
CS9 Accessibility and Social Inclusion  
CS11 Open Space  
CS15 Urban Design
- 4.4 Draft Telford & Wrekin Local Plan (draft 2015)  
HO 10 Residential Development in the Rural Area

#### **5. SUMMARY OF CONSULTATION RESPONSES**

##### **Standard consultation responses**

- 5.1 Lilleshall Parish Council: Object
- Increased vehicles using the track, would lead to traffic problems due to the layout of the road.
  - Noise and smell from the adjacent farm. Potential to affect the business.
  - The site is rich in wildlife, including, bats and reptiles.
  - Remains of historical lime works and remnants of the old canal in the area.
  - There is a public right of way that runs through this site which should not be obstructed.
  - Problems connecting the proposed site to rain and foul sewers.
  - Previous applications W80/0920 and W95/0644 have both been refused with the latter also being dismissed on appeal.
  - Dwellings out of character with rural setting.
  - Tree Preservation Orders should be placed on the well-established trees on the site to prevent any damage and maintain habitat for wildlife.
  - Following re-consultation further objection has been raised relating to the sound level measurements not being representative of the activity during a typical day at the neighbouring farm or at busiest times of year. In addition the earth bund will be an incongruous feature, mineshafts on site could be disturbed and there would be a loss of habitat.
- 5.2 Environmental Health: Support subject to conditions  
There are various sources of odour at the neighbouring dairy farm that have the potential to cause a nuisance to the proposed residential development,

namely two large storage areas for silage within approximately 10m of the eastern boundary of the site and large slurry pits approximately 75m of the same boundary. These sources will also be areas where flies will be large in number, which could also potentially cause a nuisance to the proposed residential development. Noise and odour assessments were requested to address these comments and the following comments and recommendations are made based on the findings of these submitted reports:

- Noise: The acoustic impact assessment has been based on short term monitoring events following guidance contained in BS4142 (2014), however, the impact of noise on the proposed development has been calculated using worst case scenario assumptions and acoustic calculation rather than actual measured results. The results of the calculations have been used to inform the developer on potential layout and appropriate noise mitigation to achieve current noise levels contained in BS8233(2014) and WHO guidelines. The noise mitigation control measures proposed in the assessment should be conditioned, to be agreed and implemented.
- Odour: The assessment identifies that the predominant wind direction would blow any farm derived odours away from the proposed development and existing farming practices for the storage of silage would limit the potential for release of odours. The report concludes that a stand-off and denser planting/or a physical barrier would help with residual odours. The odour mitigation control measures detailed in the report should be agreed and implemented by means of attaching an appropriate condition on the development.

### 5.3 Drainage: Support

Conditions requested requiring a scheme of foul and surface water drainage, including details of soakaways and tests, to be submitted for approval.

### 5.4 Highways: Comment

The Public right of way is not located within the application boundary and will remain unaffected. The development is also situated a fair distance away from the Adopted Highway. There is therefore no objection in principle to the proposal in its original or revised form.

### 5.5 Ecology: Comment

The submitted ecological survey and reptile survey have been considered, along with specific comments from neighbours. The site is highly likely to be used by foraging and commuting bats, but there are no suitable roosting opportunities on the site. No evidence of reptiles on the site. Conditions are requested to require a reptile method statement, erection of artificial nesting/roosting boxes, details of landscaping design and a lighting plan. Informatives are also recommended relate to nesting wild birds, storage of materials and closing of trenches and pipework.

This application has also been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 10km of the European Designated Site

at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. In this case it has been concluded that there will be no likely significant effect and no effect on the integrity of the designated site from this proposed development.

- 5.6 Contaminated Land: Support subject to conditions  
The conclusions of the Phase 1 Geo-environmental report and mining risk assessment detail that an intrusive ground investigation should be carried out. This should be conditioned accordingly.
- 5.7 Parks & Open Spaces: Comment  
There is a public footpath both within the development and immediately adjacent to the site. A management plan for the proposed landscaping of hedgerow planting adjacent should be conditioned.
- 5.8 Arboricultural: Comment  
The woodland to the west is subject to a preservation order and it is assumed that the majority of roots are within the development site. Further information is required relating to foul or surface water drainage, specification for the access road and a method statement regarding the removal of the soil mounds with the root protection areas of trees within the site.
- 5.9 Shropshire Council: Comment  
The proposed development site lies in an area formerly occupied by a branch and terminus of the Donnington Wood Canal and immediately adjacent to the Lilleshall Limestone Workings. Archaeological are likely to survive below ground and therefore it is recommended that a programme of archaeological work be conditioned. This advice remains following the consideration of the revised layout.
- 5.10 Telford and Wrekin Local Access Forum: Comment  
There is a definitive public right of way running just to the eastern boundary of the site. Any consent should state that this public right of way is not to be affected or obstructed in any way.
- 5.11 Shropshire Fire Service: No comment

#### **Neighbour consultation responses**

- 5.12 Following consultation 11 letters of objection and two with comments have been received from and on behalf of local residents. The responses are summarised below:
- Access is a private narrow track with poor surfacing and no footpaths, not suitable for additional vehicle numbers.
  - Poor visibility onto Barrack Lane. Increased traffic, dangerous to pedestrians and other road users.
  - The site is outside of the village boundary, therefore in the open countryside and contrary to policy.
  - The development will adversely affect the rural economy by having an immediate effect on the neighbouring dairy farm due to complaints from future occupants due to the hours of work, traffic, smell, flies and noise.

- Limit future expansion of business, namely a proposed livestock barn to the east of the site.
- Properties are too close to the dairy farm which would have a detrimental effect on future occupants.
- Insufficient drainage and soakaway details.
- Land is contaminated.
- The site was not under filled in the 1980s, therefore risk that digging foundations will open up old mineshafts.
- The site has significant archaeological value and should not be disturbed.
- Loss of wildlife habitat and artificial lighting will affect bats.
- Impact on the public right of way.
- Lilleshall has had enough development, no benefit to the village.
- Out of character with the small rural village and linear development along Barrack Lane.
- The site has not been used as a builders' yard for some time.

5.13 Further consultation has been undertaken following the receipt of the revised layout, Acoustic Impact Assessment and Odour and Pest Assessment. In total a further 10 letters have been received raising the following, additional points:

- Noise and odour and pest report readings are not representative of the most intensive activity at the farm and should be taken at different times of the day/night and year.
- Movements associated with the feeding of silage and removal of slurry during the autumn and winter months is significantly greater than the report suggests.
- Proposed layout is within the 20m buffer zone.
- Query over management of scrubland and overhanging trees.
- The earth bund and fence on top along the eastern boundary will create an incongruous feature.

## 6. PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development
- Character and appearance
- Relationship with the adjacent farm
- Impact on living conditions of neighbouring properties
- Access and public right of way
- Ground conditions
- Archaeology
- Ecology
- Trees
- Drainage

### **Principle of development**

- 6.2 Paragraph 12 of the National Planning Policy Framework (NPPF) states that development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. The framework advocates a presumption in favour of sustainable development and paragraph 14 the NPPF explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
  - specific policies in the NPPF indicate that development should be restricted.
- 6.3 Paragraph 49 of the NPPF states that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites.' At the time of the application's submission in February the council could only demonstrate a 2.5 year supply.
- 6.4 On 20<sup>th</sup> March 2015 Telford and Wrekin Council issued a statement (*Telford and Wrekin Five Year Housing Land Supply Statement 2014-2019*) that the council has identified a housing supply of 8.2 years, which is sufficient to address the NPPF five year housing land supply requirements. This therefore removes the argument that the development plan's housing allocations policies are out of date. Accordingly Policy CS7 of the Core Strategy would be relevant which states that within the rural area residential development will be focussed on the settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited and within the countryside will be strictly controlled. Policy H9 also refers to suitable settlements where development will be permitted, and includes Lilleshall. Although this policy is somewhat subservient to the more up to date Core Strategy policy, it still forms part of the development plan and should be taken into account as part of the consideration.
- 6.5 Two recent housing applications in Lilleshall were refused by Members of the Planning Committee on land adjacent to the Croft, Church Road, following the Council's announcement that it had a five year land supply. The first application was for 6 dwellings and 2 bungalows (TWC/2014/0434) and the later application for 12 dwellings and 2 bungalows (TWC/2015/0532). The reasons for refusal were due the location outside of the three CS7 key settlements, the scale of the development and the encroachment into open countryside being harmful to the character of the area. However, there are key differences between these applications and this current proposal, specifically the current use of the land, which is a material consideration, as well as the smaller scale of development for three dwellings and the location on the edge of the village.

- 6.6 The site is brownfield land and has the benefit of an established use as a builders' yard, where there are no restrictions on the hours of use or the number of vehicle movements. It is therefore considered that the proposal for a small scale residential development would be preferable to an unrestricted builders' yard in this location with neighbouring residential properties. This would be in accordance with paragraph 111 of the NPPF which advises that the effective use of land should be encouraged by using land that has been previously developed, brownfield land. The village has a school and village hall, as well as a bus services providing links to other facilities within neighbouring settlements and Telford, which would be in accordance with the social inclusion aims of Policy CS9. The site is also considered to relate well to the village as it is on the edge, and not in open countryside, as required by Policy H10b of the Local Plan. Given its small scale (three dwellings) it is not considered that the development in this location will cause significant harm to the village. It is for these reasons that the application can be supported in principle in accordance with the NPPF's presumption in favour of sustainable development.
- 6.7 It should also be noted that Policy HO10 (Residential development in the rural area) of the draft Local Plan adds Lilleshall to the identified settlements where the council will support a limited amount of new housing. Limited weight can be given to this draft plan as it has not been the subject of public scrutiny or examination. Nonetheless, the draft Local Plan has been prepared on the basis of detailed evidence and the Council's view that the policies in it are sound and consistent with national policy. Accordingly this would further support the position that the development on this site would, in principle, be acceptable.

#### **Character and appearance**

- 6.8 The detailed design of the dwellings will be considered at the later, reserved matters stage although the indicative layout submitted demonstrates the position of three large detached dwellings with detached double garages.
- 6.9 With regards character and appearance of Lilleshall, Policy H10 of the Local Plan requires that development should not result in the extension of the village into open countryside or the loss of an important area of open space. The site is not in open countryside and officers are satisfied that the location of the site adjacent to the existing built development to the north, south west and west will not result in an unacceptable extension of the village into the countryside. The site is also "brownfield land" and does not constitute open land given the former use as a builders' yard. While the use is not active at present, the site has the benefit of an established use certificate for a builders' yard and therefore could be re-commenced at any time. Accordingly the site would not be regarded as open space to be protected by Policy OL6 of the Wrekin Local Plan or CS11 of the Core Strategy.
- 6.10 Officers are satisfied that the site can adequately accommodate three dwellings, with the appropriate levels of parking and garden land, which would not be unacceptable within the context of the varied character of the surrounding area. It is therefore considered that an appropriately designed

scheme would enhance the quality of the local environment and would be preferable to the authorised use of the site. The detail of the appearance, layout and scale would be considered fully at the reserved matters stage against the requirements of policies UD2 and CS15. Details of landscaping and boundary treatments, including any necessary acoustic fencing and bunds, would also be considered at this stage.

#### **Relationship with adjacent farm use**

- 6.11 The Council's Environmental Health (EH) officers considered that there are various sources of odour that have the potential to cause a nuisance to the proposed residential development, namely two large storage areas for silage within approximately 10m of the eastern boundary of the site and large slurry pits approximately 75m off the same boundary. These sources will also be areas where flies will be large in number, which could potentially cause a nuisance to the proposed residential development. EH officers highlighted that the impact of odour, flies and noise associated with the adjacent farm had not been assessed, and accordingly raised an objection to the application. A number of neighbouring residents, the owners of the farm and other parties on behalf of the farm owners had raised similar concerns, in respect of the impact on future residents and the operation of the farm.
- 6.12 At the request of EH officers the applicant has submitted an Acoustic Impact Assessment and an Odour and Pest Assessment. Again, further objections from neighbours and other parties have been received reiterating earlier concerns and questioning the accuracy of the readings and that they are not representative of activities throughout a normal day or at various times of the year, for example in the autumn and winter months when cattle are housed 24 hours a day.
- 6.13 EH officers have considered the findings of the acoustic impact assessment. The readings are based on short term monitoring events, however, the impact of noise on the proposed development has been calculated using worst case scenario assumptions of 100 decibels and acoustic calculations, rather than actual measured results. The results of the calculations have been used to inform the developer on the potential layout and appropriate noise mitigation to achieve current noise levels contained in BS8233(2014) and World Health Organisation guidelines. These measures include an acoustic barrier to the east, orientating noise sensitive rooms within the dwellings away from the potential source of noise and utilising construction techniques and suitable glazing. As a result the indicative layout of the site has been amended, most notably moving the northernmost dwelling to the west, increasing the separation to the east boundary but also to achieve a minimum separation of 20m from the noisiest part of the farm to the north. The layout also suggests a 1m high planted earth bund with a 2m acoustic fence above. With a condition requiring a scheme of mitigation measures to be submitted and agreed at the reserved matters stage EH officers are satisfied with the proposal in terms of the impact of noise on future occupants and have accordingly raised no objection.

- 6.14 EH officers have also considered the submitted Odour and Pest Assessment. The assessment identifies that the predominant wind direction would blow any farm derived odours away from the proposed development. The existing farming practices for the storage of silage would further limit the potential for release of odours. The report concludes that a stand off from the east boundary and denser planting or a physical barrier adjacent to this boundary would help with residual odours, and also to reduce the potential for adverse insect impacts. The indicative, revised layout shows the dwellings are the recommended 20m from the nearest silage storage area to the east. With a condition requiring a scheme of odour mitigation control measures to be submitted as part of the reserved matters application EH officers raise no objections to the application in respect of odour or pests.
- 6.12 It is worth noting that the Inspector at the previous appeal dismissed all notions that the neighbouring farm complex was an impediment to the development as a result of noise or smells. It was considered that in any event, the site was of sufficient size to enable the siting of the dwellings a sufficient distance away to ensure that the potential for nuisance was not an issue. Notwithstanding this, the current proposal and the submitted reports have been carefully considered by EH officers, and no objection has been raised subject to the suggested conditions.

**Impact on living conditions of neighbouring properties**

- 6.15 The illustrative layout indicates that the proposed dwellings would be over 60m from the nearest residential property and the site is separated from the residential curtilage of Old Coppice Lodge to the west by woodland. Officers are satisfied that a suitable layout and design of dwellings can be achieved at reserved matters stage such that the proposal would not have a detrimental effect on the residential amenities of neighbouring properties.

**Access and Public Right of Way**

- 6.16 Although the matter of access is not being considered at this outline stage the indicative site layout shows that this will be taken from Barrack Lane, along a single track to the north, owned and used by New House Farm. The access then separates off to the south forming a private drive within the application boundary. It is proposed to improve the existing single track drive into the site with a permeable surface to serve the three proposed properties. Objections have been raised by neighbouring properties to the access, stating that the track is narrow with poor surfacing and no footpaths. It is also considered by objectors that the access is not suitable for additional vehicle numbers, particularly given the poor visibility onto Barrack Lane which would be dangerous to pedestrians and other road users on the already busy lane.
- 6.17 The established use of the site is as a builders' yard, and although this is not in active use at present, it has the potential to generate significant and unrestricted vehicle movements. Considering this, and that the development is situated a fair distance from the adopted highway, no objections have been raised in principle by highways officers.

- 6.18 The Public Right of Way (PRoW), which runs along the eastern boundary of the site, will not be affected by the proposal. There has been a suggestion by Parks and Open Spaces (POS) officers that the PRoW falls within the site, however, highways officers have confirmed this is not the case and that it will remain unaffected by the proposal, a view that is supported by the Telford and Wrekin Access Forum. POS officers have stated that any landscaping proposed to the eastern boundary should not affect the use of the footpath in any way. Accordingly a condition will require landscape management plan. An informative is also recommended to inform the applicant that the PRoW should not be obstructed in any way.
- 6.19 Officers therefore consider that the access and parking arrangements are acceptable, and that the PRoW will not be affected by the proposal.

### **Ground conditions**

- 6.20 A phase 1 Geo-environmental report has been submitted with the application which identifies potential ground conditions and land contamination. Objectors have raised concerns regarding contamination and ground stability.
- 6.21 The report concludes that previous site uses have included agricultural, residential, a builders yard and most recently for storage of building materials and equipment. The report recommends that an intrusive ground investigation should be carried out prior to detailed design and re-development of the site to allow final design of foundations, assess requirements for mine stabilisation and drainage measures, and to allow more detailed risk assessments to be undertaken with respect to potential ground contamination and ground gas. Subject to the potential need for precautions and mitigation the initial assessment has shown no reason why the site could not be safely developed.
- 6.22 The Council's Contaminated Land officer has reviewed the report and has recommended conditions regarding further investigations in respect of contamination. A condition will be attached to any permission requiring further ground investigations, with a brief, report and mitigation measures to be submitted for approval.

### **Archaeology**

- 6.23 Shropshire Council has commented that the proposed development site lies in an area formerly occupied by a branch and terminus of the Donnington Wood and immediately adjacent to the Lilleshall Limestone Workings. The branch of the Donnington Wood Canal connected the limestone quarries, mines, and kilns at Lilleshall to the Lilleshall Ironworks and the Lodge Furnaces at Donnington Wood. The branch was closed in 1873. Nevertheless, archaeological remains associated with the canal and possible wharfages are likely to survive below ground. The proposed development may therefore impact on archaeological remains associated with the canal and wharfages. In view of this and in and it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development.

### **Ecology**

- 6.24 The submitted ecological survey and reptile survey has been considered, along with specific comments from neighbours. The site is highly likely to be used by foraging and commuting bats, particularly along the site boundaries, but there are no suitable roosting opportunities on the site. The development will result in the loss of a small amount of foraging habitat site and the site will be enhanced post-development through the erection of roosting boxes and wildlife-friendly planting. The reptile survey found no evidence of reptiles on the site but it could be that the storage of stored items within the last year has reduced the site's suitability to support reptiles. The Ecology officer therefore considers that the conditions and informatives recommended are sufficient to ensure that no protected or priority species are harmed during the development and that the site is enhanced for wildlife. The recommended conditions include a reptile method statement, erection of artificial nesting/roosting boxes, details of landscaping design and a lighting plan. Informatives recommended relate to nesting wild birds, storage of materials and closing of trenches and pipework.
- 6.25 This application must also be considered under the Habitats Regulations Assessment process in order to satisfy the Local Planning Authority's (LPA) duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since the site is within 10km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. In this case the LPA has concluded that there will be no likely significant effect and no effect on the integrity of the designated site from this proposed development.

### **Trees**

- 6.23 A tree survey and report has been submitted as part of the application, which identifies the vegetation and provides a tree survey plan, a tree removal plan and a tree retention plan with appropriate root protection areas clearly defined. The Parish Council has requested that a number of trees within the site be protected by a Tree Preservation Order (TPO). The Council's Arboricultural officer has considered the applicant and has made no recommendations to place a TPO on any trees within the site. The adjacent woodland to the east and to the north of the access road is, however, protected by a TPO and comments have been made by the Arboricultural officer regarding the potential impact on the roots, which are assumed to fall within the development site. In the interests of protecting the roots of these adjacent trees, and also the retained trees within the site, a condition will require a specification for the access road, a method statement regarding the removal of soil mounds, as well as details of the foul or surface water drainage.

### **Drainage**

- 6.26 It is proposed that the foul water will be discharged to septic tanks, or possibly a package treatment facility and the outfall, along with all the surface water will be discharged to soakaways. The Council's Drainage officers have responded in support of the application subject to conditions requiring a

scheme of foul and surface water drainage, including details of soakaways and tests, to be submitted for approval.

## 7. CONCLUSIONS

- 7.1 In conclusion, it is considered that the redevelopment of this brownfield site for small scale residential development of three dwellings in the village of Lilleshall would be of benefit to the area and represents acceptable limited development in the rural area. The small scale development in this brownfield site on the edge of the village will not encroach into the open countryside. The reports submitted with the application have demonstrated that the operation of the neighbouring farm, with appropriate mitigation measures incorporated within the development, would not have an adverse impact on the living conditions of future occupants. Furthermore there would be no impact on the amenities of neighbouring residents and the scale and layout of the proposed development, although indicative with the detail to be considered in full at the reserved matter stage, would not be harmful to the character of the village. There are no technical reasons on grounds of drainage, highways, ground conditions, ecology, trees, odour, noise and archaeology to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions. The development would therefore be in accordance with Policies H9, H10, UD2 and OL6 of the Local Plan; CS7, CS9, CS11 and CS15 of the Core Strategy; Policy HO10 of the draft Local Plan and guidance within the NPPF.

## 8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT OUTLINE PLANNING PERMISSION** subject to the following conditions:

1. A01 Time limit outline
2. A03 Time limit- Submission of Reserved Matters
3. B001 Standard Outline- all matters reserved
4. B003 General details required
5. B057 Land Contamination
6. B059 Ground investigations
7. B061 Foul and surface water
8. B084 Noise mitigation
9. B089 Odour and pest mitigation
10. B110 HE- Programme of archaeological work
11. B121 Landscape Design
12. B126 Landscape management plan for east boundary treatment
13. B139 Tree protection measures
14. B145 Lighting strategy
15. B149 Erection of artificial nesting/roosting boxes
16. B149 Reptile Method Statement
17. C040 No approval of layout

### Informatives

I17 Minerals area

I18 Landfill Gases

I25e Trenches and pipework

I25m Nesting birds (vegetation)

I35 Storage of materials

I35 No obstruction of Public Right of Way

140 Conditions

144 Reasons for outline consent

RANPPF2 Approval following amendments- National Planning Policy Framework