

TWC/2014/0612

Land at Muxton Lane, Muxton, Telford, Shropshire

Outline application for the erection of up to 110no. dwellings with associated access with all other matters reserved

**APPLICANT**

Gladman Developments Ltd, Gladman Developments

**RECEIVED**

08/07/2014

**PARISH**

Donnington and Muxton

**WARD**

Muxton

**OFFICER** Kate Stephens

**THIS IS AN UPDATE REPORT TO BE CONSIDERED BY MEMBERS**

**1.0 PURPOSE OF REPORT**

To provide the Planning Committee with an update on matters that have changed since the Planning Committee refused the application for outline planning consent on the 17<sup>th</sup> December 2014. The applicant subsequently lodged an appeal against the Council's decision and the appeal, by Public Inquiry, will start on the 26<sup>th</sup> January 2016. This report will also inform the appellant and Inspector of changes that have occurred and which the Council, as Local Planning Authority, will refer to in its appeal case.

**2.0 BACKGROUND**

1.1 The Planning Committee resolved at its 17<sup>th</sup> December 2014 meeting to refuse planning permission for an outline planning application (TWC/2014/0612) for up to 110 dwellings at Muxton Lane Muxton (Committee report attached) for the following reasons:

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

development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.

- 2.2 A revised planning application (TWC/2015/0556) relating to a reduction in proposed dwelling numbers of 78 has also been submitted by the applicant to try and overcome the reasons for refusal. A report relating to that application will be brought before Members for consideration in due course.

### **3.0 CHANGES SINCE REFUSAL OF THE APPLICATION**

- 3.1 Since December 2014 there have been several changes that are material considerations to the forthcoming appeal inquiry and to the Council's case, which are set out below.
- 3.2 5 year housing land supply
- 3.2.1 The context of a lack of a five year housing land supply featured within the Planning Committee report, where it was identified that an inability to demonstrate a five year housing land supply meant Core Strategy policies CS1 (Homes) which identify dwelling requirements for Telford, Newport and the rural area, CS6 (Newport) and CS7 (Rural Area) which seek to direct housing into certain locations in line with the strategy, were not considered to be up-to-date. This meant that these housing-supply policies could not be applied and could not provide potential reasons for refusal. In addition, there would be a presumption in favour of sustainable development taking account of paragraph 14 of the National Planning Policy Framework (NPPF), where applications would be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 3.2.2 Since the time of the previous refusal, the Council has published in March 2015 a revised Housing Land Supply Statement. The statement sets out an updated housing land supply of 8.2 years for the borough. This figure is based on a revised borough-wide housing requirement for the five year period (2014 - 19) using the Telford and Wrekin Objectively Assessed Need Report (OAN) as an up to date evidence base. The report presents an up to date assessment of housing need and also considers important factors such as the potential for past under-supply. As a result of this work, the position on housing land supply has changed and the housing supply policies for the borough (Core Strategy Policy CS1 (Homes), CS6 (Newport) and CS7 (Rural Area) are now considered to be up to date.
- 3.2.3 The appellant disputes the Council's 5 year position. The acceptability of the Objectively Assessed Need Report and the degree of weight that should be afforded to it has recently been considered by the Secretary of State in a planning appeal at Tibberton (Planning Inspectorate reference APP/C3240/W/15/3003907). In that case the Planning Inspector concluded that the Objectively Assessed Need Report "is credible and very up to date" and that "consequently, I consider that it is a material consideration of significant weight". Despite the opposing view of the appellant in this instance it is considered that the Council can demonstrate a 5 year housing land supply and that the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing are up-to-date and can be afforded full weight in the consideration of this application. Therefore at the appeal inquiry in January the Council will contend that it has a 5 year housing land supply (in fact 8.2 years) and that the proposed development is contrary to the Development Plan in this regard.

### 3.3 Publication of Telford & Wrekin Draft Local Plan

- 3.3.1 Since the refusal of application TWC/2014/0612 in December 2014 the Council has published the draft Telford & Wrekin Local Plan for consultation. Whilst the draft Local Plan currently has limited weight it will have progressed further by the time of the Inquiry and a public examination is anticipated to take place in April 2016 and adoption in December 2016.
- 3.3.2 At the time of determining the application the Council had produced its Shaping Places Proposed Housing and Employment Sites document that identified two sustainable Urban Extensions in Muxton and Priorslee and the Priorslee development was recently recommended for approval by Planning Committee. The draft Telford & Wrekin Local Plan proposes two Strategic Sustainable Urban Extensions under policies SP1 and HO2. One of these is located along the A518 at Muxton (site H1), approximately 750 metres to the west of the appeal site. Officers considered that at the time the proposed application represented a form of development at odds with the Council's preferred forward planning and referred to the Shaping Places document in its second refusal reason. The Draft Local Plan at the present time shows the Council's forward planning and intended preference for the location of new development close to significant employment area of Hortonwood where strategic infrastructure, such as highway improvements, a new school and shops can be provided and the desire to protect this important area of the borough from development
- 3.3.3 The first refusal reason makes reference to the proposed development causing the undesirable potential for a merging or coalescence of the urban edge of Telford with the rural village of Lilleshall. Since then the Draft Local Plan now includes a policy NE4 that seeks to protect strategically important and sensitive landscapes from inappropriate development. One such relevant landscape is the "Lilleshall Gap". This is shown in the draft local plan as a broad area between the eastern edge of Telford in the Muxton area and Lilleshall. Therefore at the appeal inquiry the Council will still contend that the proposed appeal scheme would still undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as now indicated in the Draft Local Plan and .3.3.4 at the appeal inquiry the Council will contend that the coalescence of Telford and Lilleshall remains a threat from the development.

### 3.4 Loss of open land

- 3.4.1 Following the reassessment of the refusal reasons to take account of the changes outlined above it is considered that it would have been more appropriate for the first reason for refusal to make reference to Policy OL6 (Open Land) in addition to Policy OL11 (Woodland and Trees). The reason for refusal does make reference to Core Strategy Policy CS11 (Open Space) which is linked to Policy OL6 and it is considered that the inclusion of Policy OL6 to the reason for refusal will not prejudice the appellant.

## 4.0 **CONCLUSION**

- 4.1 Since the refusal of planning application TWC/2014/0612 in December 2014 there have been several changes that are material considerations to the forthcoming appeal inquiry and to the Council's case, namely the announcement that the Council has a housing land supply in excess of 5

years and the publication of the draft Telford & Wrekin Local Plan. It is considered appropriate that the reasons for refusal, and the approach that the Council takes in defending the appeal, reflect those changes.

## **RECOMMENDATION**

That the Planning Committee resolves to defend the decision to refuse application TWC/2014/0612 at the forthcoming appeal for the following reasons:

1. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.
2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the draft Telford & Wrekin Local Plan. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF Wrekin Local Plan Policy H9 and Core Strategy Policies CS7 and CS9.

\*\*\*\*\*ORIGINAL REPORT & UPDATE\*\*\*\*\*

## **UPDATE**

Since the preparation of the report the following information has been received.

### **Applicant's further submission**

- There must be planning balance to establish if there are any adverse impact that would significantly and demonstrably outweigh the benefits.
- Submitted table of material benefits and negative factors.
- Council must start by seeking to approve rather than looking for reasons to refuse.
- Council unable to demonstrate five year supply of housing land so housing supply policies out-of-date.
- There must be a presumption in favour of sustainable development.
- Proposal would boost housing supply by building new houses of range of types and sizes.
- Provision of affordable housing contributes to social role.
- Location of site allows people to walk and cycle to variety of purposes including employment, leisure, shopping and school.

- Local bus stops 500m away for regular services to Telford, Donnington, Oakengates - bus timetables submitted.
- There will be economic benefits with jobs, extra expenditure from approximately 275 extra residents and the housing scheme would be eligible for new homes bonus.
- Gladman will enter into a planning obligation to make the scheme acceptable.
- Scheme would result in loss of 50% of species-rich grassland, but would also result in the implementation of long-term sympathetic management and possible enhancement, which is a unique opportunity to achieve positive biodiversity gain. And any loss would be compensated for by green infrastructure and other factors such as bird and bat boxes.
- The part of the site that will be built on has little landscape value.
- The proposed housing will relate well to residential edge of Muxton and provide a backdrop for new housing that will be set within generous green infrastructure to create a more gradual transition.
- Inevitable that greenfield sites beyond an existing settlement boundary will be required to address the five year housing land shortfall.
- There will be a modest increase in traffic flows, but there is ample capacity on the road network and there are no highways or transportation related reasons to justify a refusal.
- The only tree loss would be to create the Muxton Lane access points and a link road between the two parcels of land.
- The option to translocate hedge/tress a few metres to the east into the field behind the new road alignment could be achieved through coppicing and laying to create a hedgerow which could then be more easily translocated and hopefully would survive the operation.
- New tree planting would also be proposed for trees that could not be translocated.
- The details of the translocation could be written into an Arboricultural method Statement and be a planning condition.
- There are numerous benefits of the scheme which should be given considerable weight as well as the presumption in favour of sustainable development.
- The adverse impacts, even when taken as a whole, do not “significantly and demonstrably” outweigh the benefits of the scheme.
- The NPPF advises that permission be refused only when adverse impacts “significantly and demonstrably” outweigh the benefits of the scheme - this is not the case here and as such there are substantial benefits and compelling reasons to approve the scheme.

#### **1 letter of comment**

- The roadside hedge is of better quality than Gladman claim - they have used the northern end to categorise the hedge.
- Surprised there are no Great Crested Newts as have them in my pond (32 Lytham Drive) - suggest another survey is undertaken.
- The effect on the Crooked House has not been properly considered - suspect the Council.

#### **Affordable housing & viability**

- The applicant is now offering 29% affordable housing, which is an increase on the 23 and 25% offered, having removed design code costs.
- The Council's Development Delivery Group Specialist has gone through their viability assessment and has concluded that there are mitigating reasons supported by a viability appraisal including abnormal costs of a pumping station, statutory service upgrades and foundation solutions amounting to over £500,000.

- The affordable housing provision offered equates to 32 units out of the 110 total split between the Council's preferred mix of 80% affordable rent and 20% shared ownership.
- The resulting affordable housing mix for 32 units would be:-
  - Rented 2 bed = 13 units
  - Rented 3 bed = 13 units
  - Shared ownership 2 bed = 3 units
  - Shared ownership 3 bed = 3 units

#### OFFICER COMMENTS:

Officers acknowledge that 29% affordable housing is an improvement on the initial 23% and that 29% is more than some sites that have come before members. However, officers still consider that the provision of 29% affordable housing does not outweigh the adverse impacts cited in the two refusal reasons and as such the development should still be refused.

Hence there is **no change to the officer recommendation**, namely the application is still recommended for refusal for the two reasons set out in the officer committee report.

NOTE: If members are minded to grant outline consent, then there would need to be a review clause in the s106 such that prior to the submission of any Reserved Matters application the s106 viability is re-assessed (for example it may be that there is not be a need for a pumping station and this may mean that affordable housing provision could be increased).

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### ORIGINAL REPORT

OBJECTIONS RECEIVED: YES

MAIN ISSUES:

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

PROPOSAL:

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

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

The two eastern-most fields (4.10ha) of important species-rich grassland will not be built on and instead will become a nature conservation area to include areas of habitat creation. These fields will be separated from the proposed housing development by the existing mature hedgerows that run along the small brook that bisects the site. Within the smaller northern parcel of land (at the end of Granville Drive) there will be a further area of open

space adjoining the stream which runs through the site as well as a balancing pond, that will be an amenity feature as well as helping with site drainage.

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

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

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

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

#### THE SITE:

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

The site lies outside but contiguous with the built up boundary of Telford, as defined on the Wrekin Local Plan Proposals Map, and so lies in the rural area. The site is in agricultural use and comprises pastoral grassland fields with mature hedgerows running long part of the

road side elevation and within the site. These fields are species-rich unimproved neutral grassland, which are of ecological importance.

Muxton Lane leads off Wellington Road and continues to the Shropshire Golf Club. There is a mix of housing types and styles along Muxton Lane, including several listed buildings. Muxton Lane has housing and roads leading directly off it on both sides of the road, as far as the site. Then from the site to the Golf Club, housing is only on the western side of Muxton Lane, but this housing is not directly accessed off Muxton Lane - instead it is accessed off Marshbrook Way and set behind a hedge. There are also hedgerows long the western side of Muxton Lane, so the character and feel of Muxton Lane does change from being suburban to more rural.

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

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

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

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

## CONSULTATION RESPONSES:

Lilleshall, Donnington & Muxton Parish Council

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

- Highway unsuitability – Muxton Lane is unable to support the extra number of vehicles that this development would bring. There have been a number of traffic incidents along this road especially where there is a dangerously narrow bend by Muxton Cottage which is a listed building. Telford & Wrekin Council has previously objected to planning applications within this area due to improper highway capabilities. The footpaths along the entire length of Muxton Lane are narrow and numerous children walk along the road on their way to school. Extra vehicles would increase the danger to them.

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

#### Natural England - No objection

- This application is in close proximity to Muxton Marsh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified and therefore this SSSI does not represent a constraint in determining this application.
- The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision, as multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.
- Note the submission of the outline Biodiversity Management Plan - support the aims to enhance biodiversity and welcome the intention to ensure there is no net loss to biodiversity.

- Not assessed this application and associated documents for impacts on protected species, as Natural England has published Standing Advice, which is a material consideration and should be applied.
- Note that Standing Advice should not be treated as giving any indication or providing any assurance in respect that the proposed development is unlikely to affect any European Protected Species present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.
- Expect the Local Planning Authority (LPA) to assess and consider other possible impacts on local sites (biodiversity and geodiversity); local landscape character; and local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application, in accordance with Paragraph 118 of the NPPF.

The Coal Authority - no objection subject to condition

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

TWC Highways

Initial comments:-

- Whilst the Local Highway Authority (LHA) did not agree the scope of the Transport Assessment (TA) can confirm it follows the normal format for this type of report - the accompanying traffic counts were carried out on 25 March 2014 and the volume of traffic is within the range one would expect to see on Muxton Lane so accept this as the basis for the TA.
- Other modes of travel are discussed (bus/peds/cycle) and various mitigation measures are discussed to enhance these - for the most part these measures are reasonable although the proposed new bus stop on Marshbrook Way will serve no purpose as the 33 bus route does not pass that point.
- The TA also provides a future year assessment at 2026 which is the end of the new plan period. Whilst the growth factor used is correct, no specific committed developments have been considered in the assessment with the assumption that the growth factor will cover additional traffic and there has been no consideration of any sites in the emerging Shaping Places document.
- The TA shows the impact of this development on the surrounding junctions and that the proposal can be accommodated on the local highway network. But they have not included an assessment for the Wellington Road/School Road junction - whilst the

impact at this junction is low it is the one junction which will be sensitive to queues and delays.

- The current capacity assessments show so much spare capacity that with the required corrections it will not alter the conclusions of the TA.
- Various mitigation measures proposed.
- Widening Muxton Lane across the site frontage would be acceptable in principle, although would continue the widening across the whole frontage - these works would need to provide highway drainage and street lighting and the 30mph zone already covers this part of Muxton Lane.
- The Applicant proposes to illuminate the path that runs from Muxton Lane to Marshbrook Way and which gives the most direct link to the primary school - no objections in principle to this and would also look to improve the surface at the northern end and incorporate a safe crossing point in conjunction with the aforementioned highway works - in this instance a raised table junction would be appropriate.
- The applicant has offered to provide a new bus stop on Marshbrook Way. The 33 bus service does not reach this point - it enters Marshbrook Way at the western end then turns along Saltwells Drive and back down Fieldhouse Drive in a one way loop before returning to town. But to encourage the use of the 33 recommend that the nearest local stops are enhanced with bus boarder kerbs and possibly shelters - £15,000 would secure this.
- The applicant proposes improvements to the carriageway markings along Muxton Lane - no objections in principle but it should include some physical measures as well such as speed cushions and measures for Wellington Road. £25,000 would secure this.
- The proposed development site includes some public footpaths. At this stage the Applicant does not intend altering the alignment of these. Any future layout should accommodate those routes in the design so that they are overlooked and remain desirable to use.

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

- The supplementary Technical Note has corrected the various issues identified in my initial response and there are no capacity issues identified in the results.
- In terms of mitigation the Developer has agreed to all the measures discussed.
- Disagree with developer about how much of Muxton Lane is to be widened - to narrow down so quickly after the southern access would not be sensible and I have conditioned this out.
- Recommend the following conditions relating to design and construction of roads/footways/cycleways, parking, widening of Muxton Lane, street lighting and surface improvements to footway to Marshbrook Way, details of Public Rights of Way and submission of a Travel Plan.
- In addition would seek the following contributions through a S106:
  - £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site;
  - £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road, and
  - £5,000 for travel plan monitoring.

Note: Objectors have criticised the traffic survey used in the TA as being inaccurate. Residents have submitted their own passing count as evidence. The TA has carried out a turning count at the junction of Wellington Road and Muxton Lane - the residents' survey is a passing count at a point south of Saltwells Drive. As the two survey sites are different it is impossible to make a direct comparison between the two counts and draw any particular conclusions. Whilst there are differences in the level of flows it is not beyond what would be expected for this road and the higher of the two flows still does not exceed the capacity of

the Wellington Road junction or the practical link capacity of Muxton Lane. Reading of TA79/99 would put the combined two way capacity below 1250 vehicles per hour. This is still well in excess of the total observed and development flows.

#### TWC Ecology

##### Initial comments - object

- Additional information and surveys are required relating to bats, reptiles, great crested newts, ongoing management of the retained grassland areas, site design and justification against National Planning Policy Framework.
- The site comprises 4 unimproved species rich neutral grassland fields, 3 of which are currently managed for hay and grazed afterwards and the fourth is grazed by horses and supports ridge and furrow features, according to FPCR.
- There are mature hedgerows and tree belts between the fields and around the boundaries associated with small stream features. Some of the trees are of sufficient age to be classed as veteran.
- The fields have all been assessed during the Grassland Survey by FPCR as being between MG5 and MG6 grassland. MG5 grassland (lowland meadow) is a priority for nature conservation and is a habitat of principal importance under the NERC Act 2006. The fields fall slightly short of being MG5 habitat, but could recover to that grassland type through appropriate management, and are assessed as being MG6b. All the fields meet the criteria for designation as a local wildlife site for neutral grassland and lowland meadow habitats.
- There are 16 individual hedgerows which are generally species rich according to FPCR. 60% of the hedgerows on the site meet the definition of being 'important' under the Hedgerow Regulations and most have high ecological value and diverse ground flora.
- 60 individual trees were identified on the site including ash, pedunculated oak, alder, crack willow and field maple. Some trees on the site have features suitable for use by roosting bats and several could meet the definition of veteran trees.
- In the absence of additional information, object to the proposed development since it is not possible to assess or conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and contrary to the National Planning Policy Framework.

Additional ecological information and surveys have been received.

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

For information taken from applicant's ecology reports:-

##### Great crested newts (GCN)

- Initially fourteen potential off-site ponds were mapped as being within 500m of the site boundary. However, further investigation revealed some of these ponds were in fact further away to be relevant, some had been misinterpreted and were not ponds, some were severed from habitats by roads and housing and hence unlikely habitats. Ponds 2 & 7 had access issues.
- Pond 2 was located on the other side of Hedge 11 and it was possible to view enough of this pond to establish that it was a lined ornamental garden pond with

a pumped water feature and surrounded by hard landscaping and was considered to be of poor suitability for GCN.

- Pond 7 appears to be heavily shaded and within an area of GCN-optimal terrestrial habitat (dense scrub/wooded areas). This habitat borders Field 1 which is to be retained as a nature conservation area. The presence of GCN within this pond cannot be discounted, but the stream represents a barrier to dispersal of GCN, if they are present.
- The applicant's ecologist considers that obtaining a Licence from Natural England to undertake trapping within Field 4 is unnecessary, and would most likely be unsuccessful. But to comply with best practise methodologies the ecological report recommends that works within Field 4 and Field 3 take place under an appropriate Method Statement and this can be conditioned.
- The proposed construction activities provide no risk of killing/injury to GCN with no subsequent loss of GCN terrestrial habitat
- As a result of the proposals the Favourable Conservation Status of any GCN population that may be present within the local area would be enhanced as a result of the proposals.

#### Bats

- All the trees on site have been assessed for their potential to support roosting bats - no evidence of bat roosting was found in any of the trees.
- However 'Caution during works' is recommended for trees T10, T22, T28, T29, T53 and T60 and if trees T1, T3, T13, T21, 27, T42 are to be removed, then further surveys will be required.
- Overall bat activity indicates small numbers of bats foraging within the site and a limited number of bats commuting through the site, with the majority of activity in the north and eastern extents of the site and with fields 1, 2 and 3 supporting the highest levels of activity.
- The hedgerows within the site provide foraging and commuting habitat and these features provide connectivity into the wider landscape with bats utilising the hedgerows within the site to commute to foraging grounds further afield - most of the hedgerows and their associated mature trees are to be retained and will be managed sympathetically as outlined in the Biodiversity Management Plan which forms part of the submitted application.
- Proposals to translocate a length of hedge adjacent to Muxton Lane - losses are minor and will not have any impact on the integrity of the hedgerow network within the site and its value for bats.
- To reduce the potential impacts on foraging and commuting bats new lighting on the site should be placed away from foraging areas and commuting routes, be directional and low impact.
- To enhance the site for bats, the report recommends the inclusion of 'integrated bat boxes within some of the buildings and bat boxes on retained trees as indicated in the Outline Biodiversity Management Plan.'

#### Nesting birds

- Thirty-two species of birds have been recorded during the surveys, eleven of which have some conservation concern.
- The loss of nesting sites for swallows should be compensated for by the inclusion of artificial nest cups under the eaves of buildings, or inside outbuildings of some of the proposed new houses.

- The Ecology report advises that the design of the final development will incorporate green infrastructure features that will deliver enhancement for birds including: grassland management, creation of an attenuation pond connected by swales as part of the SuDS and maintenance and enhancement of existing hedgerows and trees.

#### Reptiles

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

#### Badgers

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

#### Other species

- Small numbers of common toad were recorded during the reptile survey - but as the development proposals will retain the habitats where they were found they are unlikely to result in any adverse impacts to the population of this species.
- The stream habitats on the site were considered to be unsuitable to support water voles or white clawed crayfish.
- None of the reports consider the site's importance to hedgehogs (a Species of Principal Importance) or to invertebrate species. The Ecology report recommends hedgehog boxes and boxes suitable for a range of invertebrate species are included in the final design.

#### Biodiversity Management Plan

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

#### Hedgerows

- The Ecology Report advises there is a need to undertake a long-term hedgerow restoration and maintenance programme to maintain and enhance the current biodiversity value of the hedges and retained grassland. To allow, the development design will be such that private drives and other access roads will

border hedges to ensure that they can be easily accessed for management purposes and to prevent garden encroachment and anti-social rubbish dumping.

#### Waterbodies

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

#### TWC Drainage

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

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

#### TWC Arboriculture

- The main arboriculture impact of this proposed development will be the loss of the group of trees (TG2) adjacent to Muxton Lane.
- Within the tree report the author offers two options to either translocate the group (TG2) further east into the field or to fell and replace. Given the size of a number of the trees and their proximity to each other within the hedge, I do not feel that translocation would be viable option. Therefore a mitigation replacement scheme will need to be established which should also include a replacement planting scheme for H1 and will need to include a number of semi-mature trees to make an instant impact.
- The housing layout at the detailed design stage should take into account the presence of the retained trees so as to avoid the usual conflicts of new homers and mature trees. This could be achieved on the northern boundary of the larger of the two field parcels by installing a path on the northern boundary.
- The smaller of the two parcels of land contains 3 of the largest Oak trees on the site - these have now been made the subject of Tree Preservation Orders to ensure that they paid due diligence throughout the planning process including their branch spread and potential growth, leaf drop and shade in summer.
- If consent is granted, impose conditions relating to landscape design, Arboricultural Method Statement, ducting services, tree replacements, soil levels, and tree & hedge protection.

#### TWC Parks & Open Spaces

- New residents to the area will increase demand upon the existing play / recreational resource.
- The proposed development may exceed the trigger level highlighted in WLP policy LR6 for a NEAP but with the outline process it is difficult to ascertain with any assuredty.
- The development is partially within acceptable walking distance of some nearby play provision which is in need of upgrading - however, parts of the proposed development exceeds this accessibility standard.
- An offsite contribution of £600 per property (including affordable) towards upgrading existing nearby children's play areas - should this not be provided in full then the development should meet the need by providing onsite play provision (possibly a NEAP).
- There is a significant amount of Public Open Space (POS) proposed in this application and this would require management / maintenance - if adopted by the Council there

would need to be a commuted sum for maintenance - but this is hard to calculate from an outline plan.

- The proposed Nature Conservation Area which appears to indicate grazing as part of the management proposal - would need clarification about the proposed management before we are able to ascertain if it is something the Council would wish to manage.
- There is incidental open space (around car parking bays / gable ends etc) within the development but no indication as to whether this is to be conveyed to individual property owners or how and who is to manage this - if the council are requested to adopt we would need a commuted sum for maintenance.
- It should also be noted that Highways request £350 per tree for maintenance in addition to any transfer / adoption agreement.
- If the POS areas are not to be adopted by the council there will be a requirement for a landscape management plan which not only identifies how the area is to be managed but also identifies how this is to be funded for the long term.

#### TWC affordable housing

- The development should provide 38% or 40% affordable housing (subject to wider viability considerations).
- The tenure of the affordable housing should be 80% affordable rent and 20% shared ownership (minimum 25% initial equity stake) – not *shared equity*. The shared ownership properties should be offered with a lease that restricts staircasing to no more than 80%, or, which obliges the landlord to repurchase the property where the leaseholder wishes to sell.
- The affordable homes should be a mix of family houses – mainly 2 bed 4 person and 3 bed 5 person. These should achieve the Level 1 Space Standard (as a minimum) as set out in the consultation stage of the National Housing Standards Review. N.B. The minimum Gross Internal Floor Areas are 77 square metres and 90 square metres respectively. There should be further discussion on the specification of the affordable homes as part of any Reserved Matters application (if appropriate).
- The affordable homes should be fully integrated within the overall development in clusters of no more than six to eight.
- The affordable homes should be transferred to a Private Registered Provider (PRP) – preferably one that is already active in the borough.
- The method of advertising/marketing the affordable homes should be agreed between the Council and the RRP at least six months prior to their completion. A comprehensive Local Lettings Plan should be agreed between the Council and the PRP at least six months prior to completion and before the allocation of any homes.
- There should be an appropriate mechanism to link the delivery of the affordable homes to the construction of the open market housing.

#### TWC Education

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

#### TWC Urban Design

- The opening statement in the Design and Access Statement suggests that the vision for this site is *“to create a distinctive high quality sustainable development which enhances the quality and character”* of surrounding area - this is a very generic vision statement and the D & A statement fails to convince that this vision will be delivered.

- The impact of highways and access is particularly crucial to the creation and delivery of a development. The possible removal of the existing boundary treatments opens the site up and effectively changes the look and feel of it.
- The overall vision is commendable, but it needs to be backed up by more substantive work so there needs to be a condition which requires further work to be undertaken and agreed before any Reserved Matters scheme.

#### Shropshire Fire Service

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

#### Telford & Wrekin Local Access Forum

- Two Definitive Public Rights of Way pass through the site and as yet there is no indication as to how these are to be managed should the development go ahead.
- The developer should engage with the Local Access Forum as well as the Telford & Wrekin Senior Rights of Way Officer concerning this issue.
- It would be unlawful for the development to go ahead without first legally diverting/extinguishing this route if it is to be moved.
- The surface of the original route cannot be changed without permission of the Highway Authority.
- Any diversion must be placed on the Definitive Map to preserve it for posterity.
- It is suggested that the developer should upgrade the route to minimum of bridleway status if possible as this allows a greater number of legal users to gain a safe off road route and allows for cycle use if required - this would be a suitable recompense for a route that was rural now having to pass a large development as well as improving/developing sustainable transport links.
- The route should, wherever possible, use least restrictive access design to enable those that are less mobile to access the route.
- The T+W Local Access Forum have a statutory duty to advise on the improvement of public access to land for the purposes of open-air recreation.
- Whilst the forum cannot directly oppose the development the above comments should be taken into consideration.

#### Neighbour representations

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

#### Need and brownfield land

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

#### Traffic and access

- Muxton Lane is not suitable for extra traffic - it is already narrow and windy such that two cars can't always pass and drivers often speed.
- Access/egress will be created onto a dangerous narrow part of Muxton Lane.
- Extra traffic (200 extra cars a day) will make road safety and traffic speeds worse,

- especially as there is already Golf Club traffic (and they have consent for a hotel).
- Muxton Lane is national cycle Route 55 so lots of cyclists use it - extra traffic will be a danger.
- Construction traffic will make matters worse - for the Golf Club construction traffic was conditioned to NOT use Muxton Lane.
- Getting out of Muxton Lane onto Wellington Road is already difficult at peak times. Then exit on to the A518 at peak periods or weekends is impossible resulting in driving through Lilleshall Village and joining the A518 at the Red House roundabout or exiting the Wellington Road at the opposite end which is equally as busy and dangerous with the Donnington junction almost opposite and the shops and pedestrians. This will get worse.
- No pavements along full length of Muxton Lane.
- Road widening will mean loss of roadside hedgerows.
- Extra traffic will affect the listed buildings along Muxton Lane, including the timber framed Crooked House which is on a bend.
- Muxton Lane is not a designated bus route, so this will mean people have to use their cars.
- Painting "slow" on the roads won't alleviate traffic problems.
- When Ryder Drive was built, there was no vehicular access onto Muxton Lane.

#### Wildlife and countryside

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

#### Impact on local services/facilities

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

#### Other

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

PETITION containing 503 signatures has been received concerned about:-

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

#### PLANNING POLICY CONTEXT:

National Policy:

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Core Strategy DPD:

CS1 – Homes

CS3 - Telford

CS6 – Newport

CS5 - District and Local Centres in Telford

CS7 - Rural Area

CS9 – Accessibility and Social Inclusion

CS10 - Community Facilities

CS11 - Open Space

CS12 - Natural Environment

CS13 - Environmental Resources

CS14 - Cultural, Historic and Built Environment

CS15 –Urban Design

Wrekin Local Plan (saved policies):

UD2 – Design Criteria

UD3 - Urban Design Assessments

UD4 - Landscape Design

H9 - Location of New Housing

H23 - Affordable Housing

T22 - Planning Obligations

OL2 - Designated Areas

OL11 - Woodland and Trees

OL12 - Open Land and Landscape Contributions from New Development

OL13 - Maintenance of Open Space

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

## PLANNING CONSIDERATIONS

The planning application raises the following main issues:

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

### Principle of development and five year land supply

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

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

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

### Traffic and highways

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

Muxton Lane runs from Wellington Road in the north to the Shropshire Golf Club in the south, after which the road becomes less well maintained, but does continue to Granville Country Park. Visitors to the Golf Club are encouraged to use the route from the Granville direction instead of Muxton Lane and the Golf Club are to improve the route as part of the planning permission for expansion of facilities and will improve the route from Granville, which would then be eventually adopted by the Council.

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

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

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

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

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

The applicant's TA proposes highway mitigating measures and the Council's Highway engineer has agreed to the widening of Muxton Lane on the development side of Muxton Lane across the site frontage, with the provision of pavements. These works are necessary to make a safe and suitable access to the site. In addition he recommends planning conditions and has requested s106 financial contributions for £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site, £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road and £5,000 for travel plan monitoring.

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

aforementioned highway works - in this instance a raised table junction would be appropriate.

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

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

#### Landscape and settlement coalescence

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

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

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

The applicant's landscape consultant concludes that views of the site and its impact will be limited mainly to properties that currently adjoin or overlook the site and those using public footpaths, and that long distant views of the site are limited, even from Lilleshall hill due to the intervening topography and matrix of fields and hedges. The consultants conclude that the development will relate well to the residential edge of Muxton and the new development will be on the least visually sensitive parcels of land, with the most visually sensitive parcels being retained for the proposed nature conservation area. The applicant's landscape consultant considers that the proposed development will respond well to the character of the site and that the illustrative layout has responded to opportunities to retain views of Lilleshall hill and provide enhanced areas of public open space and landscaped routes and vistas across the site.

In assessing the site, the applicant has also used the Telford & Wrekin Landscape Sensitivity and Capacity Study (the Study) published in May 2009. This Study was undertaken to determine the capacity of the landscape to accommodate housing

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

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

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

Officers acknowledge that most development will have an impact on its surroundings, but in this instance officers consider that development of the site would result in a significant impact as it would result in undesirable encroachment into the countryside and into the land that acts as "buffer" that separates the built up edge of Telford from the village of Lilleshall. There are mature boundary hedgerows around the site that serve to lessen views of the site and the two fields proposed as the nature conservation area are well screened. However, when viewing the site from the public footpath from Lilleshall, the smaller parcel of the application site at the end of Granville Drive is more prominent and built development will be more visible even when the hedges are in summer leaf. Furthermore, built development along Muxton Lane does not appear as a unduly visible, even in winter, and the nearest built form of Granville Drive and properties further north along Muxton Lane appear as loose and undefined built form. As a result, the impression from this public vantage point is one of still being in the countryside and of not yet meeting the urban edge of Telford. Consequently built development will reduce that sense of openness and separation between Telford and Lilleshall and would be a visible and physical encroachment into the countryside. This impact cannot be adequately mitigated against.

Similarly when on Muxton Lane, the application site provides an openness and a rural feel. Again these fields provide a strong visual buffer and physical separation between the edge of Telford and the village of Lilleshall. This openness and separation is further endorsed by

the enticing view one gets of Lilleshall hill and its monument from various parts of the application site. Whilst the applicant endeavours to retain these views, as shown on the illustrative layout, these views would lose their openness and instead be framed and contained by built development.

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

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

#### Ecology and Nature Conservation

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

The site itself does not have any statutory wildlife or nature conservation designation. However, the site does possess a rare biodiversity asset that is of high ecological value as it comprises four unimproved species-rich neutral grassland fields, one of which supports ridge and furrow features. Whilst these fields do not have enough species to qualify as a national "Lowland Meadow Habitat of Principal Importance", they would meet selection criteria to be of sufficient ecological interest as a Local Wildlife Site for Shropshire with county importance. Species rich neutral grassland is also a Priority Habitat within the Shropshire Biodiversity Action Plan (BAP). Building on this land would result in the loss of an environmental asset of

county importance that just misses out on being of national importance) and potentially conflicts with the NPPF and policy CS12, which seeks to protect valued landscapes and minimise impacts on biodiversity and advises that development that results in the loss or deterioration of irreplaceable habitats should be refused. At a local level there is a need to demonstrate how the benefits of development of this land outweigh its current ecological importance.

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

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

With regards the impact on statutorily protected sites Muxton Marsh is the nearest SSSI and is located approximately 0.5km from the site and is separated from the application site by existing residential development. Both Natural England and the Council's Ecologist consider that the proposed development will not have a direct impact on the SSSI, although some indirect impact might arise from increased visitor pressure to the SSSI as it forms part of the Granville Country Park Local Nature Reserve. Hence there is no conflict with policy OL2 and CS12 on this matter.

The applicant has submitted an Ecological Appraisal of the site. The Council's ecologist initially raised objections due to the lack of supporting ecological information and surveys relating to bats, reptiles, great crested newts and ongoing management of the retained grassland areas. However, the additional information has now been submitted and overall the Council's Ecologist no longer has an objection, but recommends various conditions and informatives. In addition, Natural England has no objection to the loss of this undesignated pastoral grassland and the Council's ecologist is willing to accept the scenario of granting planning permission in order to secure the permanent retention and management of part of this rich habitat. There are no protected species or sites that can't be dealt with by an ecological mitigation strategy or planning conditions and there is no requirements for licenses to be sought. As such there is no conflict with the NPPF, policy OL2 and CS12 with regards the protection of statutorily designated sites or species.

The hedgerows are dominated by native species and are classified as a Habitat of Principal Importance under Section 41 of the NERC Act 2006 and are a Priority Habitat within the Shropshire BAP. A high percentage of the hedges were found to be of high ecological value, although the roadside hedge has the least value. The existing network of hedgerows within the site provides suitable habitat for many species, but is likely to be of particular importance to farmland birds and commuting and/or foraging bats and also provides a strong connectivity through the site and with the wider adjacent landscape. The applicant

recognises the importance of the hedgerows and intends to retain hedgerows within the development, as shown on their Development Framework plan, apart from the roadside hedge which they plan to move back. Detailed landscaping schemes would be required to be submitted under condition and subsequent Reserved Matters applications will require detailing landscaping proposals to be drawn up.

### Design

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

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

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

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

### Affordable housing

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

### Historic environment

The NPPF seeks to conserve heritage assets. Wrekin Local Plan Policy HE24 and seeks to ensure that historic parks and gardens and their settings are protected or enhanced. Core

Strategy policy CS14 seeks to protect and enhance the borough's unique built and cultural assets.

There are two scheduled monuments within 1km of the site - Muxton Bridge Colliery and Lilleshall Abbey. There is also a Registered Park and Garden located at Lilleshall Hall adjacent to the eastern edge of the Lilleshall Abbey scheduled monument. Officers concur with the applicant's findings that the type and location of the proposed development will have no significant effect upon these historic assets.

There are a number of listed buildings and structures recorded in Lilleshall village including the Sutherland Monument on top of Lilleshall Hill. The applicant's submitted Landscape & Visual Appraisal includes photographs of views from the monument. Views are expansive and due to the local topography and matrix of fields and hedges development of the site would not adversely affect the setting of the monument.

The nearest listed buildings are located on Muxton Lane are within 500m of the site's boundary - namely 45 Muxton Lane (known locally as The Crooked House), Muxton House and Muxton Manor. Due to the distance of separation between these properties and the site and the intervening existing residential development along Muxton Lane and Granville Drive, officers concur with the applicant's appraisal that there will be no adverse effect on their character or setting. Officers are therefore satisfied that there is no conflict with the NPPF, Wrekin Local Plan Policy HE24 and Core Strategy policy CS14 with regards historic environment.

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

#### NPPF and sustainable development

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

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

In terms of the site's location it is not on a bus route and the nearest railway station in Telford town centre is over 4kms away, as the crow flies. The nearest bus stops are at least 500m away on Marshbrook Way and 630m away on Saltwells Drive. The bus does a one-way loop along Marshbrook Way, Saltwells Drive and then back down Fieldhouse Drive. Bus stops for the half-hourly Arriva 481 service between Telford & Stafford (via Newport) lie over 600m away on Wellington Road. It is debatable whether these distances would actually

encourage bus patronage.

Muxton Lane currently forms part of the Sustrans National Cycle Network route 55 that runs from Ironbridge to Stafford via Muxton Lane and the Golf Club. However, route 55 is to be re-routed as part of future planned route realignments and will no longer pass along Wellington Road or Muxton Lane. Whilst this route downgrade won't prevent people cycling along Muxton Lane, it means there isn't a strategic cycle route in the immediate vicinity of the site.

The site is adequately located for the Primary School on Marshbrook Way as it is located some 250m away on foot taking the nearest route via the currently unlit footpath between Muxton Lane and Marshbrook Way. The nearest secondary school lies almost 2kms away and furthermore the nearest shops on Wellington Road/Donnington Way are approximately 1.4kms away - a distance that is likely to be undertaken by car. Despite financial contributions towards highway and bus stop improvements, essentially the site is located along a quiet rural lane without direct access to public transport, education and other social and community facilities and as a consequence does not meet with the social inclusion objectives set out in the Core Strategy and policy CS9.

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

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

The strategy the Council has decided to promote "good planning" is a cluster of PHES sites as a sustainable urban extension on the north eastern edge of Telford in the Muxton area, located close to an arc of strategic employment around the east of Telford and located either side of the A518, which is a strategic highway route through the Borough that links to Stafford via Newport. This cluster of sites would amount to some 83 hectares with a possible yield of some 2,538 dwellings and would represent a planned urban extension to Telford. It would also necessitate and include provision of a school and a local centre (comprising shops, health and other community services) and facilitate opportunities for high

degrees of connectivity with public transport and pedestrian and cycle routes. This *“integrated approach to considering the location of housing, economic uses and community facilities and services”* (NPPF para 70) brings benefits of allowing for planned infrastructure with more efficient and equitable use of resources and finances, economies of scale and helps manage and mitigate against the cumulative impact of development including controlling visual impact. Furthermore such an approach can increase opportunities for people to have greater accessibility to services and facilities and this engenders the Council’s social inclusion objectives outlined in Core Strategy policy CS9.

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

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

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

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

#### Drainage and other issues

##### a) Drainage

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

##### b) Mining

There is evidence of historic unrecorded underground coal mining activity in the area. The Coal Authority has not raised any objection, but recommends that site investigation works are undertaken prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if

necessary. The Coal Authority consider that the supporting ground investigation information is sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

c) Loss of agricultural land

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

Planning obligations and S106 contributions

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

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

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

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

**CONCLUSION:**

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

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

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

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

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

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

Therefore officers consider the development of the site and the resulting encroachment and coalescence will destroy the visual and physical separation and openness between the two settlements and the surrounding countryside and cause irreversible significant and demonstrable harm. Hence the development would be contrary to the NPPF, Wrekin Local

Plan policy OL11, and Core Strategy policies CS7 and CS11. The loss of agricultural land reinforces the site's unacceptability.

Furthermore, officers do not consider that the development represents sustainable development, despite some environmental, social and economic gains and despite financial s106 contributions. Essentially the site is located along a quiet rural lane without direct access to public transport and other social and community facilities and this further reinforces the site's unacceptability. Locating development here would further serve to undermine the Council's intentions for a sustainable urban extension to Telford in the Muxton area, as shown in the Shaping Places PHES document which officers consider should be afforded some weight. As such the development would not be in accordance with social inclusion objectives of Core Strategy policy CS9 and would be contrary to.

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

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

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