

TWC/2015/0220

Site of Roden Nurseries, Roden Lane, Roden, Telford, Shropshire

Outline application with all Matters Reserved for residential development for up to 9 no. dwellings \*\*Amended Plans and Additional Information\*\*

**APPLICANT**

Roden Nurseries, Mike Oldfield

**RECEIVED**

18/03/2015

**PARISH**

Ercall Magna

**WARD**

Edgmond and Ercall Magna

**OFFICER** Ian Lowe

**THIS APPLICATION WAS DEFFERED PRIOR TO MEMBERS CONSIDERATION ON THE 3<sup>rd</sup> JUNE 2015**

1.1 Members of Planning Committee at the meeting on 3<sup>rd</sup> June 2015 were requested to defer the application due to a late proposal which came forward from the applicant for the development to provide a supply of mains water to the Village of Roden. Both the applicant and Officers concurred that the application be deferred to allow investigations to take place regarding the provision of a new water supply to assess the wider community benefit to the village of Roden.

1.2. Following the meeting, the applicant has been in discussions with Severn Trent Water (STW) regarding the costs involved in laying a new water main through the village of Roden, not only to serve the proposed development but that also allows occupiers of other properties within the village to connect to it at normal Severn Trent costs. Roden is currently served by a privately owned bore hole.

1.3. The applicant has supplied a quote received from Severn Trent Water on 10<sup>th</sup> November 2015 which confirms the following:

- The proposed main will supply up to 9 houses on the proposed development and will be available for other connections off the highway within the village.
- The length of the new main would be 1,260m with an internal diameter of 100mm (minimum) connecting to the existing 125mm MDPE main on the B5062.
- The cost of the new main would be £131,400 (inclusive of connection cost).
- The new main will have a developer contribution of £108,700. This contribution will be reduced by the income STW receive from connected properties (estimated asset payment of £23,700).
- The Severn Trent Water quote calculates, as a 'rough estimate', that each private connection within the village will cost £1500+ VAT plus an infrastructure charge of £353.88.

- 1.4. Officers have considered that the installation of a new water main into the village, and the costs associated to individuals to tap into this supply and consider this will be a significant community benefit, and as such must be a material consideration when determining the application.
- 1.5. Members are reminded that policy CS7 states that development within the rural area will be focused on the three identified settlements, and elsewhere will be limited and in the open countryside strictly controlled, therefore on face value examining this principle alone the proposal is contrary to the saved local development plan, and should be resisted in principle. However the committee is required to consider whether there are other material considerations associated with this proposal that would outweigh the above policy objection. Officers consider that the planning balance of the development bringing about the proposed community benefit would outweigh those posed by CS7, in that the development would bring about a service which is an essential part of any use, whether residential development or business use, that has so far only been catered for through a water tower. Officers have considered in detail the costs associated with the installation of the water supply, and the costs that would be payable by any private individual that wishes to tap into this supply. Based on the approximated costs, circa £2000, of connecting to the main, Officers consider that these are realistic and achievable costs for the occupiers/owners of properties in the village, making this a viable supply that is available to the wider community and not just the proposed residents. Officers also consider that the installation of a standard, pressurised water supply will be a major boost to the village, both residents and businesses and will help to encourage further investment within the area.
- 1.6. Officers also raised concerns with regard to the proposed indicative layout, however it is also noted that the viability of the scheme to come forward and bring about the water supply would need to bring forward this quantum of development; in this case officers considered that this balance again is weighed in favour of the 9 units, over the proposed layout and loss of the protected trees, which could be replaced through appropriate replanting / landscaping scheme to come forward in any reserved matters application.
- 1.7. In order to ensure the delivery of the water main within the village, the applicant has agreed to a condition stipulating that the installation of the main shall be completed and made available for connection by occupiers of properties within the village prior to first occupation at the new development. Members are therefore requested to determine the application based on the applicant supplying the installation of a water main through the village of Roden.
- 1.8. Accordingly the officer recommendations has been amended to reflect the community benefit that will come forward from the proposed development, which

outweighs the principle issues, and that relating to the layout and loss of protected trees. Officers therefore recommend approval of this application.

2. **RECOMMENDATION:** to **GRANT OUTLINE PLANNING PERMISSION** subject to the following conditions:

1. A01 – Time limit Outline
2. A03 – Time limit – submission
3. B001 – Standard Outline
4. B004 – Reserved Matters Details, including replacement planting of protected trees
5. B031 – Access and Details
6. B041 – Visibility Splays
7. B042 – Parking/Turning/Loading
8. B061 – Foul and Surface Water (including Soakaways)
9. B130 – Trees Protective Fencing / no dig method
10. B159 – Highways Access Gradient
11. B150 – Environmental site management plan
12. C071 – Trees – Soil Levels/ Materials Storage
13. C109 – Ecology Bird and Bat Boxes
14. C109 – Ecology Lighting
15. C119 – Provision of Water Main prior to first occupation of any dwelling
16. C38 – Approved plans

#### Informatives

1. I11 Highways
2. I39 Ecology
3. I40 Conditions
4. I44 Reasons for Outline Grant
5. RANPPF1 – Approval – NPPF

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#### **Original Report**

**COUNCILLOR STEPHEN BENTLEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED AT PLANNING COMMITTEE**

**OBJECTIONS RECEIVED: Yes**

#### **MAIN ISSUES:**

Location of development within the rural area, loss of agricultural land, Impact on the character of village, Arboriculture (including TPOs), Ecology, Highways, Water Supply.

#### **THE PROPOSAL:**

This application seeks outline planning consent for the erection of up to 9 dwellings with all matters reserved on pasture land south of Roden Lane and on the western

edge of Roden Village. The site falls within the existing boundary of Roden Nurseries.

Although not a requirement as part of an outline application, indicative layouts have been supplied to suggest how 9 dwellings could be laid out on the site with access proposed off Roden Lane. The access, appearance, layout, landscaping and scale however, are all reserved for later approval at Reserved Matters stage.

### **Background:**

At pre-application stage, officers advised that the principle of small development may be acceptable on the basis that Telford and Wrekin did not meet the 5 year housing land supply at that time. As such, it was advised that there was the potential for a small development on this site providing it could be justified as being sustainable in accordance with guidance contained within the NPPF.

### **SITE AND SURROUNDINGS:**

The application site lies to the west of Roden Village and South of Roden Lane, opposite the junction between Roden Lane and an unnamed road leading north towards Great Wytheford. The site is currently used as open pasture land within the boundary of Roden Nurseries. The site measures approximately 1.29 acres and extends southwards away from the highway.

There is no existing access from the main road with the site enclosed by a low rail and post wooden fence and a post and wire fence. There is a grass verge up to the highway with no existing footpath.

Within the site there are 7 Oak Trees which have recently been protected by a Tree Preservation Order. Three of these trees are sited close to the front of the site with the remainder set in a linear pattern towards the rear boundary. There are also a couple of minor agricultural buildings located towards the rear of the site.

To the east of the site is a run of 8 terraced dwellings fronting Roden Lane which currently form the western boundary of Roden Village. These properties are designed with rear wing elements and have small gardens to the front, and rear garden/parking areas separated by a shared access. The entrance point to this access road is located immediately to the east of the application site. No.8 is the nearest property to the application site.

To the west of the site is an open field which separates the application site from the main entrance to Roden Nurseries. The nurseries site contains a number of large glass houses including one located directly to the south of the site. This site also comprises a 5 pitch caravan location and 200 pitch caravan storage area.

Roden contains a mixture of mainly terraced and detached houses of varying architectural styles. There is also a timber yard and a residential care home in the village. The site is located approximately 8 miles from Wellington and 12 miles from Telford. The site is also approximately 8 miles from Shrewsbury and less than 2 miles from the nearest village, High Ercall. There is a bus stop located directly

opposite the application site which offers a service between Newport and Shrewsbury.

## **SUMMARISED CONSULTATION RESPONSES:**

Standard consultation responses:

Ercall Magna Parish Council: No comments received

Cllr Stephen Bentley supports the application on the grounds that this proposal provides:

Sustainable development

Benefits to the community

Accommodation for a more youthful community

Furthermore it is acceptable under NPPF guidelines within rural communities

Is a Brownfield site

Includes secure rural employment provision

Highways: Comment:

Confirm that in principle there are no highway objections to the development subject to conditions requiring parking and turning details, details of refuse collection and location of bin stores, restrictions on gradient at access, visibility splays of 2.4m x 60m and 2.4 x 65 metres at the access from Roden Lane and an informative requesting contact with the highways department prior to commencing work on the adopted highway.

Drainage: Support Subject to conditions:

Requesting details of foul and surface water drainage, restricting the surface water run off rate to 5 litres per second per hectare and that any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. Details of soakaway including tests also requested. The drainage officer notes that the area of the development is served by a private water supply. Prior to the submission of a reserved matters application, confirmation that there is sufficient capacity in this system to cater for the new development should be submitted to the Local Planning Authority.

Ecology: Comment:

This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 10km of the European Designated Site at Hencott Pool Midland Meres and Mosses Ramsar Phase 2. In this case it has been concluded that there will be no likely significant effect and no effect on the integrity of the European Designated Site at Hencott Pool Midland Meres and Mosses Ramsar Phase 2. Request conditions relating to the erection of nesting/roosting boxes, details of a lighting plan and informatives regarding nesting wild birds, storage of materials and trenches and pipework.

Aboricultural: Object:

On the grounds that although the applicants have carried out a tree survey submitted with the application, the findings of the survey have been ignored as they propose to fell some or all of the trees to facilitate the proposal. A tree preservation order has been made to protect these trees for their current and future amenity value.

Shropshire Fire Service: No comment.

Neighbour consultation responses

Following neighbouring consultation including a site and press notice, a total of 6 objections have been received and the issues raised have been summarised below:

Highway implications including increased traffic, impact upon existing visibility splays, danger to road users

Lack of facilities within Roden, no schools, doctors or shop

Loss of open space

Loss of oak trees

Impact upon wildlife

Private water system would not cope, low pressure

### **PLANNING HISTORY:**

None

### **PLANNING POLICY CONTEXT:**

National Planning Guidance:

National Planning Policy Framework

Wrekin Local Plan:

UD2 Design Criteria

OL6

OL11 Woodland and Trees

Core Strategy:

CS1 Homes

CS7 Rural Area

CS9 Accessibility & Social Inclusion

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

### **PLANNING CONSIDERATIONS:**

#### **Principle of Residential Development**

In accordance with the National Planning Policy Framework (NPPF, March 2012), Telford & Wrekin Council is required to identify a supply of housing land deliverable over the next five years to meet its housing requirement. Prior to the submission of this outline application, pre application advice was sought as to the principle of residential development on this site. At the time of the advice, Telford and Wrekin was publishing a shortfall (2.5 years supply) and this was taken into account at the time, suggesting that although Roden was not considered a settlement for major housing development in accordance with policy CS7 of the Core Strategy some additional development may be acceptable providing that it could be proved that the

development was acceptable in accordance with paragraph 49 of the NPPF, taking account of para 14 bullet point 2, where applications would be granted unless the adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

On March 20th and following the submission of this application, Telford and Wrekin announced that a 5 year housing supply could now be achieved following an assessment carried out by consultants Peter Bret Associates. Although the presence of a 5 year housing supply does not determine whether a planning application should be approved or refused, it does mean that the council's policies in reference to the location of new housing can be more rigidly applied. In this example, the development site is proposed within a rural location on the edge of Roden Village.

Policy CS7 states that development within the rural area will be limited to that necessary to meet the needs of the area and will be focussed on the settlement of High Ercall, Tibberton and Waters Upton. Outside of these settlements development will be limited and within the open countryside strictly controlled. The application site sits within the open countryside abutting the built village boundary of Roden and therefore the application must be considered as a departure to the development plan for Telford and Wrekin.

In paragraph 49 of the NPPF, it states that applications for housing should be 'considered in the context of the presumption in favour of sustainable development'. Furthermore it encourages Local Planning Authority's to deliver a wide choice of high quality homes identifying the size, type and range of housing that is required in particular locations. The guidance seeks the development of brownfield land first and gives weight to strong designs; advising LPA's to refuse development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 14 bullet point 2 as discussed above is no longer relevant.

There are three main threads of sustainability indicated in the NPPF, these relate to economic, social and environmental issues which must not be considered in isolation. Furthermore the NPPF clearly promotes sustainable development in the rural area where it will enhance to maintain the vitality of rural communities, and recognises the development in one village may support services in a village nearby. However it also recognises that housing in rural areas should not be located in places distant from local services. In regards to this site, it is located in the open countryside on the edge of an existing village. There are no shops or schools within Roden with the nearest of these located within the more suitable settlement of High Ercall 2 miles away. There is a bus stop opposite the site serving a route between Newport and Shrewsbury in addition to other local villages, however, given the location and lack of facilities within Roden, car use is likely to be the main form of transport from this site. The proposal would have a negligible impact on the local economy due to the scale and type of development. The site would also create an extension to the village and would cause the loss of an existing paddock and part of a field with the potential loss/harm to oak trees protected by a Tree Preservation Order. Furthermore the proposal has not demonstrated that it will have any innovative measures that will reduce the carbon footprint of the units. Although short term employment through construction would be created, no other jobs would be provided by this development. Also, whilst there are a couple of small employers

locally; including Roden Nurseries, there remain few job opportunities locally due to the lack of facilities within Roden. Officers do not consider this site to be suitable in this instance where at least a 5 year supply of suitable sites can be achieved in more sustainable locations within the Borough. Subsequently it is considered that the proposal has failed to address the key themes to create a sustainable development in this location and it would fail to enhance or maintain the vitality of this rural community. Furthermore, the development does not form an exception as recognised in para 55 of the NPPF.

Policies H9 and H10 of the Wrekin Local Plan are noted, however, whilst policy H9 suggests Roden as a suitable settlement for new development it was superseded on the adoption of CS7 in December 2007; and limited weight is now attached to policy H10 since the adoption of the NPPF in 2013. Accordingly Policy CS7 in line with the NPPF is the material policy considerations for the application.

### **Impact of the development on the character and appearance of the village**

Local Plan Policy OL7, Development in Open Countryside, seeks to protect open land in rural areas and advises that the Local Authority will protect the open countryside from any development that is likely to have an adverse effect on its character or quality and will protect the rural setting of settlement, buildings or features within the open countryside. In this instance, the application site provides an important piece of open land that has an important role in defining the edge of the village. The development would cause an unsuitable extension of this village into the open countryside contrary to OL7 and should therefore be resisted.

### **Layout, design and impact on residential amenity.**

Whilst the layout is not a matter for consideration at this stage, what may be considered is existing site constraints and how this may affect the final layout of the scheme. In this case the location of Oak Trees protected by a Tree Preservation Order is the main consideration. Their location, particularly the siting of 3 trees adjacent the highway, would prevent a suitable layout that would be acceptable to the Local Planning Authority. Officers consider that dwellings close to the front boundary, following the building line of existing houses adjacent to the site would be appropriate in this instance. The houses would need to be sited to the rear of these trees which would be contrary to the existing form of development sited within the adjacent land. Officers consider that approval of this outline application would lead to an unacceptable layout that would be contrived in order to ensure appropriate protection of all the protected trees. Therefore, the proposal would be contrary to Policy CS15 (Urban Design) of the Core Strategy which seeks to strengthen local identity and UD2 (Design Criteria) of the Wrekin Local Plan which seeks development that respects and responds positively to the context both visually and functionally and respect and relates to any adjacent buildings, reinforcing existing or historic street layouts.

However in assessing the indicative layout aside from matters of trees the proposal will not adversely affect the amenities of existing or proposed properties nor is the density unacceptable at this location.

### **Arboriculture & Ecology**

Following the submission of this application, a Tree Preservation Order (TPO) was placed upon the 7 Oak Trees located within the site. Although, the applicant has

raised objections to the TPO, it remains in place and should be taken into consideration as part of this application.

Saved policy OL11 (Woodlands and Trees) of the Wrekin Local Plan seeks to retain and enhance the contribution that trees make to the landscape character of the area. It does this by ensuring the TPO's are made to protect trees of significant amenity value and also to resist development proposals that would result in the loss of trees that make a valuable contribution to the character of the landscape, a settlement or its setting.

Although a revised layout plan has been submitted as part of the application taking into account the location of the trees, the Tree Officer has noted that this fails to take into consideration the potential full height and spread of the Oak Trees. Officers therefore consider that residential development on this land would have the potential to cause the harm to, or loss of trees protected by a preservation order and should be resisted. Whilst officers acknowledge that the site layout plan provided is only indicative, it is also considered that a suitable site layout could not be achieved that would be acceptable to the Local Planning Authority, without being out of keeping with the character and appearance of the local settlement.

A phase 1 habitat survey was carried out for the site in January 2015. The recommendations of this survey were to provide suitable bird and bat boxes and to provide suitable landscaping around the proposed dwellings. No concerns have been raised with regard to ecological matters that cannot be controlled through condition.

### **Access and Highways Issues**

Access to the site would be fully considered as part of a reserved matters application. The Highways Officer has raised no objections to the proposal at this stage subject to safeguarding conditions including a visibility splay to be provided at the new access which takes into account the speed of the road. Submitted plans suggest that this visibility splay could be achieved at the site. Notwithstanding the concerns raised by local residents, there would be no sustainable reasons to refuse the application on highways grounds in this instance.

### **Water Supply & Drainage**

At present, Roden is served by a private water supply and concerns have been raised that this system may not be able to cope with the additional demand created by the proposed development. The design and access statement submitted suggests that Severn Trent Water have confirmed that a connection to the mains system could be made at a cost viable for the scale of the development. Such information would need to be provided at reserved matters stage and confirmed as acceptable by the Council's Drainage Engineer. Furthermore no concerns are raised with regard to the surface water or foul drainage of the site.

### **Conclusion**

The principle of development on this site cannot be supported as it would be contrary to policy CS7 of the Core Strategy and policy OL7 of the Wrekin Local Plan and cannot be considered sustainable as per guidance contained within the National Planning Policy Framework for the reasons discussed within the report. Furthermore,

the development on this site could lead to the potential loss/harm to important Oak trees protected by a Tree Preservation Order and should be resisted. A suitable layout is unlikely to be achieved with the suitable preservation of these trees. Accordingly the proposal is contrary to local and national planning policies.

**RECOMMENDATION: REFUSE OUTLINE PLANNING CONSENT for the following reason(s):**

1. The Local Planning Authority considers the proposed residential development represents an unsustainable form of development within the open countryside, where by development in the rural area is focused on the identified settlements of High Ercall, Waters Upton and Tibberton, limited within the rural area and within the open countryside strictly controlled. The proposed development within Roden would not maintain or enhance the vitality of the settlement nor would it represent an exceptional circumstance. Furthermore the development of this site would therefore result in an undesirable encroachment into the surrounding countryside detrimental to the visual amenity of the area. Accordingly the proposal fails to address the three tests of sustainable development as set out in national policy and would therefore be contrary to the National Planning Policy Framework, Wrekin Local Plan policies UD2, and OL7 and Core Strategy policies CS1 and CS7.
2. The Local Planning Authority considers that the applicant has submitted insufficient information to demonstrate that the development will not have an adverse impact upon trees within the site which are protected by a Tree Preservation Order and are of significant amenity value and contribute to the character of the area. Furthermore, without this information the Local Planning Authority is unable to assess if the proposed level of housing suggested for the site can be adequately accommodated without the loss or detrimental harm to trees within the development site. Accordingly, the proposal is contrary to policy CS12 and CS15 of the Telford and Wrekin Core Strategy (2007) and 'saved' policies UD2 and OL11 of the Wrekin Local Plan and guidance within the National Planning Policy Framework.