

TWC/2013/0685

**Land adjoining Waters Upton Village Hall, Waters Upton, Telford, Shropshire
Erection of 5no. detached dwellings with the erection of associated garages,
provision of open space with associated access ***AMENDED PLANS AND
DESCRIPTION*****

APPLICANT RECEIVED
Andrew Davies 23/08/2013

PARISH WARD
Waters Upton Ercall Magna

OFFICER Libby Harper

OBJECTIONS RECEIVED: Yes.

**THIS APPLICATION IS TO BE RECONSIDERED BY MEMBERS FOLLOWING A
MATERIAL CHANGE IN POLICY**

Background

This is an update to Members of Planning Committee following the announcement that a five year housing land supply exists for the Borough following the receipt and publication of Telford & Wrekin Objectively Assessment Housing Need Peter Brett Associates, March 2015. The consequences of having a five year housing supply are a new material consideration which requires the Local Planning Authority to ask Members to revisit applications which have resolutions to grant subject to signing of a S106 agreement, and to review the original decision in the light of the change in the 5 year supply position.

This outline application comprised five dwellings presented on an illustrative layout with permission for access sought, it has latterly been indicated that through a Reserved Matters application, permission would be sought for four dwellings; hence the description has been changed to 'up to five dwellings'. The application was unanimously approved at the Committee meeting of 11th December 2013 subject to a S106 agreement for the transfer of a parcel of land within the site to Waters Upton Parish Council in lieu of provision of affordable housing. Negotiations have been ongoing with a prospective new landowner regarding arrangements for the transfer of land to the Parish Council (Waters Upton) as the timing of the transfer needs to be sufficiently early to ensure that the transfer takes place before all 4 houses are sold and occupied. The Parish Council have recently agreed to the final section 106 agreement wording.

NEW CONSULTATION RESPONSES:

Following the material change in policy the local authority has undertaken a period of consultation through direct notification to interested parties.

Built Heritage Conservation: No comment

Waters Upton Parish Council: Object

- History of application – originally totally rejected by community, revised August 2013 with minimal community gain / details regarding trees / position of houses, drives and turning point, November 2013 informed development would be permitted on the site due to Telford & Wrekin not having a five year land supply, Parish Council reluctantly supported the application against the wishes of local residents
- TWC delayed agreement of S106 with landowner until recently
- Considered at Full Council – most but not all local residents received a consultation letter, local residents in attendance informed WUPC understood that as there is a 5 year land supply that TWC working within existing policies and therefore (as in the NPPF) there is no longer a presumption in favour of development and no requirement to consider greenfield sites for development
- ‘Significant weight’ of Waters Upton Neighbourhood Plan as at the end of the Publication Period and ready to go to Independent Examination
- Neighbourhood Plan and TWC policies do not support such a development on a greenfield site in the village, only support for one or two dwellings on infill plots
- Requirement for houses in the rural area exceeded – Waters Upton has a significant number of unimplemented consents
- Resolved to oppose application taking all comments into consideration, WUPC and members of the local community to attend if application to be taken to Planning Committee for determination.

Waters Upton Neighbourhood Plan Steering Group: Object

- Residents of the Parish of Waters Upton have spent over two years producing a Neighbourhood Plan, which reflects the views of residents, on the shape the Parish should take and covers a period until 2031
- Plan has been produced to reflect the existing policies of Telford & Wrekin Council and to anticipate future requirements with specific attention to housing, in line with NPPF guidance
- Current policies of T&W are covered by WUNP policy WUH1 - restricts current housing to infill sites of 1 or 2 dwellings, not extending into open countryside, in line with T&W policies H9 H10 CS1 & CS7
- WUNP policy WUH2 looks beyond existing T&W policies and covers the possibility of infill being exhausted and provides for small scale development, but with a suitable mix of properties including bungalows or single floor units
- WUNP policy WUH3 covers the future possibility of larger scale development being needed to meet Borough demand. The preferred sites, selected by residents, are listed and the largest of these sites is already subject to a planning application and is a brownfield site [Crudgington Creamery TWC/2015/0157]
- The rural housing target, included in the Core Strategy, has already been exceeded and the latest Borough wide survey indicates little future additional rural housing

needed with the majority demand being affordable housing in the urban central Telford area. There is no demand for additional affordable housing in the Parish although there is some allocated within the 50 dwellings already with planning approval, but not completed

- Both the DCLG and a QC confirm that as the WUNP has now been submitted for Examination (this was in July 2014) the Plan must be included when planning applications are being determined that are in the area covered by the Plan. Applications granted, that are in conflict with a Neighbourhood Plan, can either be reviewed by the Secretary of State or be subject to a Judicial enquiry. The WUNP steering group consider that the application TWC/2013/0685 is in conflict with the Plan submitted and therefore request that the application is refused by the Planning Committee.

To date neighbour representations comprise six objections, raising the following summarised issues:

- Non policy compliant – original decision made when believed Council did not have a 5 year housing land supply and NPPF presumption permission should be granted, application against CS1-CS7 and H9-H10, conflict with Waters Upton Neighbourhood Plan
- Not infill development – open field boundary leads to open countryside / extension to open countryside, even if were infill should be for no more than 2 houses
- Increase in traffic and access on to bend / opposite busy butchers – proximity to village hall run as a pre-school and collection point for children attending Charlton School [secondary school in Wellington], five garages included, average family own at least two vehicles
- Lack of need – house of similar design remained unsold for a number of years
- Impact on wildlife - infilling of green spaces in the village
- Loss of green space, impact on trees
- Decrease property values
- Impact on character of neighbourhood

In addition an Agent representation further to LPA letter advising of Council's five year housing land supply and application to go back to Planning Committee has been received and is set out below:

With regards to the invite of commenting against the 5year land supply, we very much appreciate this, however would ask that it is noted we do not, nor have previously linked this scheme to what was the shortfall in housing supply. Waters Upton is a identified within the core strategy as a rural growth location and this scheme provides not only what is set out within the core strategy, but also the neighbourhood plan (un adopted) which supports infilling along the ribbon strip forming the main spine of Waters Upton.

As you are aware the Parish Council have agreed, and are progressing to complete on the exchange of the parcel to the North of our site. This will be exchanged to provide the Parish with additional area to the Village hall whilst

also having ownership of the front hedgerow for guaranteed maintenance to the local street scene. Therefore this scheme positively contributes to the local community and Parish assets.

Whilst this application has been redirected to committee following non completion of the S106 and TWC meeting their 5year land supply, this scheme adheres to planning policy, is of significant benefit to the local community, and therefore is not reliant on the governments housing targets.

PLANNING CONSIDERATIONS:

The context of a lack of a five year housing land supply featured within the Planning Committee report through the representation of Development Plans. Specifically, at the point the comment was made, it was identified that an inability to demonstrate 5 year housing land supply meant policies CS1 (Homes) which identify dwelling requirements for Telford, Newport and the rural area, and potentially CS6 (Newport) and CS7 (Rural Area) which seek to direct housing into certain locations in line with the strategy, were not considered to be up-to-date. This meant that applications could not be refused on the grounds of housing supply alone and there would be a presumption in favour of sustainable development, taking account of paragraph 14 of the NPPF, 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.

The Planning Considerations section of the original report (below) elaborates on the relationship between a lack of supply and its implications for proposals in the rural area. The lack of supply meant that CS7 was deemed to be out of date meaning that, as well as the three identified villages of High Ercall, Tibberton and Waters Upton, other rural locations could be considered favourable for residential development. Because the Borough now has a 5 year housing supply, CS7 is now considered to be up to date. However, and in any event, it identifies Waters Upton as a location where development can be focussed. Fundamental to the test of acceptability of a residential scheme in the rural area, with or without the required housing land supply, is whether it would promote a form of sustainable development in a location where it would enhance or maintain the vitality of rural communities (paragraph 55. of the National Planning Policy Framework NPPF). In addition, there is a presumption in favour of sustainable development lying at the heart of the Framework (para 14.) and paragraph 215 of the NPPF states that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the NPPF i.e. the closer the policies in the development plan are to the policies in the NPPF, the greater weight that may be given. Minutes of the meeting on 11th December 2013 record that reference was made by the Planning Officer in their summary as to requirements regarding housing land supply, together with the sustainability of Waters Upton Village.

The Planning Committee report in this respect identifies that 'The site to which this application relates is located towards the centre of the village, has clearly defined boundaries with built development to the north, east and west, and will deliver a notable form of community benefit. The principle of the proposed development and its scale is

therefore considered appropriate in this location.’ The village retains its classification as a service centre under CS7 with a number of services and facilities available in the locality; it is reaffirmed that the development itself would provide notable benefit to the community, with the land parcel proposed for a number of uses. For instance, the land parcel itself includes a presently rented area of outdoor play and learning space for the children’s nursery (Apple Trees) residing in the Village Hall, and if this were removed, then it has been suggested that the nursery would be lost. A commitment to ensuring the provision of the community gain elements was also made by the Parish Council (5th November 2013) further to ongoing liaison which had taken place prior to the Council’s announcement identifying a lack of five year housing land supply (29th November 2013). Whilst the target envisaged by CS1 of 170 dwellings for the rural area has been exceeded through completions and existing commitments, having regard for the provisions of the NPPF (including the requirement to promote sustainable development in rural areas), acknowledging that this proposal is for only 5 dwellings in one of the settlements identified in CS7 as a location where residential development should be focussed and noting the NPPF presumption in favour of sustainable development, the principle of development of this site in the way proposed remains acceptable.

Other matters

A number of objections received identify that the scheme conflicts with the Waters Upton Neighbourhood Plan. The plan proposal has been submitted to the Local Planning Authority, and duly subjected to a period of public consultation which ended on 6th March 2015; the requirements of Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 have therefore been completed. The next stage identified within the Regulations relates to the examination process. Until an independent examiner has considered the Plan, reported to the Council (as LPA) and the Council has confirmed that a version of the Plan can proceed to referendum, the policies contained in the Plan is not formally part of the development plan for the area. The Independent Examiner and the Council as LPA are going to be considering whether the policies within the Waters Upton Neighbourhood Plan are in conformity with the Borough’s development plan and there is a need for the policies to be considered against national policies and Secretary of State Guidance.

The NPPF states that, from the day of publication, decision-takers may 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).

In spite of a number of exchanges, meetings and discussions, the Borough Council as local planning authority has continuing concerns about whether some of the proposed policies within the latest version of the Waters Upton Neighbourhood Plan meet the statutory basic conditions which have to be met before it can proceed to referendum and be made. Thus, whilst it is a material planning consideration, in all the circumstances, it is considered that limited weight can be attached to the Waters Upton Neighbourhood Plan at this stage of its creation.

Local representations have also identified reasons for refusal based upon an increase in traffic and access on a bend / opposite busy butchers, impact on wildlife, impact on the character of the neighbourhood, loss of green space, decrease in property values, and that the proposal does not represent an infill form of development (as also raised by the Parish Council and Neighbourhood Plan Steering Group). However, these issues were considered in the previous Planning Committee report.

For clarity, policy H10, whilst a saved policy of the Wrekin Local Plan, has not been applied since the adoption of the NPPF. Having regard for the terms of CS 7 and the guidance contained in the NPPF, it is considered that H10 should not be applied in the determination of this application.

With reference to the comments regarding consultation undertaken, consultation included neighbours consulted previously, and beyond this with those who also made a representation previously.

Conclusion

The target envisaged by CS1 of 170 dwellings for the rural area has been exceeded for a number of years following the adoption of the Core Strategy in December 2007. Development having since being considered acceptable where located in the three key settlements as pertinent here relating to Waters Upton, comprising a site that follows the linear form of development characterful of the village, and particularly where notable community benefit would be derived. Officers therefore recommend that the previous decision to grant outline planning consent subject to a S106 agreement be maintained by Members of Planning Committee.

RECOMMENDATION: to GRANT OUTLINE PERMISSION subject to the applicant entering into a S106 agreement to transfer the ownership of land as shown on Drawing No. 15 Land Transfer Plan to Waters Upton Parish Council for community benefit for the sum of £30000, grant delegated authority to the Manager of Development Management subject to the following conditions and informatives:

1. A01 Standard Outline
2. A02 Submission of Reserved Matters
3. B11 Samples of Materials
4. B12 Sample Brick Panel
5. B019 Details of windows and doors

6. B049 Custom highways condition – improvement to footway
7. B061 Foul and surface water
8. B064 Soakaway test – incl. soakaways more than 5m from buildings or boundary
9. B121 Landscaping Design
10. B130 Trees – Protective Fencing
11. B145 Lighting Strategy - amended
12. B150 Site Environmental Management Plan
13. C13 Parking, loading, unloading & turning
14. C14 Visibility splays - 2.4m x 43m
15. C38 Development in accordance with plan Nos.
16. C71 Trees – Soil Levels
17. C109 Ecology Custom - bird and bat boxes
18. CCustom Transferred land landscaped to a suitable standard agreed by the LPA
19. CCustom Provision of access through to land for community gain

Informatives

I11	Highways
I23	Bats
I25b	Nesting birds (construction)
I25e	Trenches
I25h	Vegetation cutting
I33b	Broadband
I35	Custom informative - soakaways
I35	Custom informatives - Secured by Design
I40	Conditions
I44	Reasons for Outline Consent
RANPPF1	Approval - NPPF

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APPLICANT RECEIVED

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PARISH WARD

Waters Upton Ercall Magna

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OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Policy, community gain, suitability of site for development, residential amenity, layout, access, landscaping.

PROPOSAL

The original outline application was for a residential development comprising 7no. detached dwellings, including 2no. affordable houses, and a parcel of land provided for community benefit to serve the village adjacent to the neighbouring village hall. The proposal would entail ownership of the community benefit land being transferred to the Parish Council further to a S106 agreement.

Following concerns with regard to the limited level of land for community benefit arising from the proposal (than had been anticipated during discussion between the applicant and the community), and no requirement in the village for more affordable homes, the application has been amended. The form of development proposed now comprises the erection of 5no. detached dwellings (all open market), with the land to be provided for community benefit having been extended.

Detailed matters include access and layout; with appearance, landscaping, and scale reserved for later approval. The proposal would retain the existing hawthorn hedgerow fronting the site (measuring in the region of 3 to 4m along the northern boundary), with the exception of the north western corner (where contained within a private garden), forming part of the community gain through proposed transfer of ownership to the Parish Council. Use of the existing vehicular access is proposed with an internal service road serving the driveways of each property, and providing gated access to the community benefit land.

In respect of appearance, an indication of proposed materials has been provided with provision of elevations showing brick and render dwellings.

SITE AND SURROUNDINGS

The site is currently an unused grassed field formerly used for grazing purposes, with the exception of the north eastern corner which is fenced off as a children's play area used by the Apple Trees Nursery operating from the neighbouring village hall. The site is of a fairly linear form adjacent to the road running through the centre of the village of Waters Upton (with a footpath at this point), covering approximately 0.49 ha as relatively level ground with a modest downwards north - south slope.

The frontage to the north is bounded by an established hedgerow punctured by an existing gated access point towards the centre of the site. The residence of No. 34 Waters Upton lies opposite classified as a Building of Local Interest, with a butchers shop to the rear, and neighbouring field. Residences of Orchard Close lie beyond. No. 33 Waters Upton also lies opposite the site, again being a Building of Local Interest.

The eastern boundary is formed of post and rail fencing with Waters Upton Village Hall and car park running parallel beyond, the southern boundary comprises a mix of post & rail and post & wire fencing with open countryside beyond. Similarly, the western boundary is bounded by a mix of treatments, with hedging and post & rail fencing with neighbouring residential properties beyond, No's 9 and 10 Waters Upton immediately beyond the site boundary being Buildings of Local Interest. A number of trees protected by Preservation Orders are located to the immediate west of the site, with canopies falling across the site; further trees are dotted around the boundary and immediate locality.

The wider surrounding area is predominantly residential, and is located relatively central to the village, approximately 7 miles to the north west of Telford.

SUMMARISED CONSULTATIONS

Standard consultation responses

Waters Upton Parish Council: Originally objected;

The Parish Council has held meetings in the community and had a meeting with the landowner and agent. There were strong objections to the original proposal for 8 properties and work and negotiation has taken place, producing a proposal for no more than 5 dwellings with a community area, play area and car park for use by the Village Hall. There is no requirement for more affordable homes in Waters Upton, considering that permission has already been granted for a number of affordable homes meeting the current need. The withdrawal of a requirement for affordable homes will allow the inclusion of the three elements of community gain under a section 106 agreement. Should the officer continue to be working towards an approval of 7 homes on this site, the Parish Council wishes to Green Card the application.

Following the submission of amendments they support the reduction in numbers to 5 and inclusion of the community gain area (equating to 3 plots). The Parish Council agrees to fund £30,000 for this facility which will include a village green, an extension to the Village Hall Car Park and a children's play area. However, they ask if Plot 5 could be specified as a single storey, due to the proximity to Wentwood House, children's play area and Village Hall; as a single floor development would be less obtrusive and with the additional ground available at that location fit better under the tree. The Parish Council accepts the offer of the front hedge and verge and agrees to maintain this in the future.

Development Plans:

Comment on this application, defining that development would be within a suitable settlement for purpose of Policy CS7 of the Core Strategy. Policy CS1 sets out a target of 170 over the plan period (17 dwellings a year) for the rural area, with 163 dwellings having been built since the start of the plan period. The Authority is however, dealing with a shortfall in house building – 5 year land supply, including factoring in a shortfall (as Borough has not delivered its target historically), this equates to five year target of

8,612 (1,722 annually). Inability to demonstrate 5 year housing land supply means policies CS1 (Homes) which identifies dwelling requirements for Telford, Newport and the rural area and potentially CS6 (Newport) and CS7 (Rural Area) which seek to direct housing into certain locations in line with the strategy should not be considered to be up-to-date. This means that applications cannot be refused on the grounds of housing supply alone and there will be a presumption in favour of sustainable development.

Noted that the scheme originally included an element of affordable housing, however the application has now been amended so that this has been removed but a greater amount of land is to be used for community benefit. Therefore the proposal would therefore conform with policy CS10 of the Core Strategy by providing improvements to existing community facilities within a key rural settlement. As the application would appear to aid the 5 year supply and provide improvements to community facilities, no objections would be raised to the proposal.

Highways:

Supports the scheme subject to improvement works to the footway across the frontage of the site - noted as in poor condition with cracks and uneven surface during a site visit. Whilst it is probably fit for purpose for its existing use, with the construction works on this new development and increase in use, the Highways Officer has requested that as part of the development it should be planed and resurfaced (along the entire frontage of the site and up to the entrance to the village hall) through the imposition of a condition. Further conditions are requested relating to parking, loading, unloading & turning, and visibility splays, alongside an informative requesting contact be made with the Highways & Transport Maintenance Department prior to commencing work on the adopted highway.

Drainage:

Support subject to conditions requiring the provision of further details to be agreed in terms of foul and surface water drainage, soakaway tests and the agreement of the position of any proposed soakaway prior to the commencement of development. An informative is further requested identifying that the surface water system in Waters Upton is known to be in poor condition, therefore should it not be possible to utilise soakaways on site, full details of an alternate method of surface water disposal should be submitted for approval. Subject to any alternate method being acceptable, offsite improvements to the existing drainage network may be required. If a suitable method of surface water drainage cannot be found, development should not be permitted.

Ecology:

No objections subject to Conditions and informatives requiring the provision of bat and bird boxes to compensate for lost nesting and roosting opportunities and to enhance the site for biodiversity; alongside provision of an external lighting plan to minimise disturbance to bats, and informatives relating to vegetation cutting nesting birds; excavation of trenches; bat survey.

Arboricultural

Originally objected to the layout of the scheme with regard to the impact on T4, a large TPO'd Oak tree which is approaching veteran and as such it is unacceptable to place the turning circle for the site underneath its canopy; issues may also arise from the height of tree standing at 22m tall casting a shadow on unit 5. Following the submission of amended plans no objections are raised subject to conditions.

Built Heritage Conservation: No objection

Shropshire Fire Service: No objection subject to standard informative.

West Mercia Constabulary;

Supports the scheme subject to the inclusion of a condition relating to achieving Secure by Design standards.

Neighbour consultation responses

Following consultation, 18 letters of objection have been received, raising concerns on the following grounds (summarised):

- Need/demand for properties questioned – existing properties for sale/to let over lengthy period, no. of sites with approved planning permission
- Capacity of Crudgington school given existing approvals
- Increased traffic, traffic management problems and traffic noise, narrow road with a number of bends
- Existing drainage problems – needs upgrading
- Development on greenspace/greenbelt/greenfield – last in village, loss of wildlife habitat (impact on number of priority biodiversity species)
- Community benefit land insufficient for viable use to the community – minimum of area designated for “affordable housing” be awarded to village for community use
- Loss of privacy and view
- Property value decrease – with housing and increased noise
- Loss of rural feel to/change in character of village
- All land should be designed at community gain space – provide pre-school playing area, car park for village hall, village greenspace
- Over development of village, too large, out of character to other dwellings on village street
- Reduced facilities - diminished since identified as a key settlement in Local Development Framework in 2005, reduced employment if Crudgington Creamery closes
- Light pollution
- Provision of bungalows better – reduced height, not such a ‘blot on the landscape’ – afford opportunities to downsize
- Inappropriate design – houses random design and size with spacings between and large gardens in this part of the village
- Small mixed development of 4 or 5 houses or bungalows leaving a space for wildlife corridor and additional parking next to the Village Hall better

- Importance of hedgerows
- Not agreed form of scheme

Following receipt of the revised plans, four representations (3 objections, 1 comment) raising concerns on the grounds of:

- Should remain as greenspace – only greenspace in the village,
- Highways issues – more access points to small village adjacent to a pre-school
- Lot of villagers already opposed plan
- Lack of need
- Alternative uses – establish playgroup area, car park for villagers who use hall, extend the small village hall
- Questioned why properties can't be bungalows – elderly person wanting to downsize won't want to such a large property with an upstairs
- Loss of privacy.

RELEVANT HISTORY

With the exception of the following pre-application enquiry, there is no relevant planning history recorded against this site:

PE/2013/0054 – Proposed erection of 8no. dwellings.

RELEVANT POLICIES

National Planning Policy Framework (NPPF)

Core Strategy:

CS7 Rural Area

CS10 Community Facilities

CS11 Open Space

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

OL11 Woodland and Trees

PLANNING CONSIDERATIONS

Principle of development and Community Gain

Policy CS1 Homes of the Core Strategy defines the context for the level of new dwellings in the rural area to be delivered over the plan period 2006-2016, limiting the number of new dwellings in the rural area that can be developed over said period to approximately 170 new dwellings.

Policy CS7 Rural Area provides the spatial interpretation of this housing target identified, with an emphasis on helping to sustain rural communities. On this basis, policy defines that new development be focussed on the three suitable settlements of High Ercall, Tibberton and Waters Upton.

Further to the context afforded by local planning policy, the significant change to planning policy at the national level has implications for this planning application. The emphasis of the National Planning Policy Framework (NPPF) being that Local Planning Authorities should consider housing applications in the context of the presumption in favour of sustainable development as fundamental. More specifically, para 55. states 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'

The housing target envisaged by CS1 has been reached for the rural area through development completed and committed. However, a further issue arises through the requirements of the NPPF - Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years worth of housing against its housing requirements set out in the adopted development plan, namely the Core Strategy (2006-2016). Evidence has now come to light demonstrating only a 2.5 year supply exists, meaning that where the LPA cannot demonstrate a 5 year land supply, then relevant policies for the supply of housing should not be considered up-to-date.

This has implications for policies CS1 (Homes) identifying dwelling requirements for Telford, Newport and the rural area, and potentially CS6 (Newport) and CS7 (Rural Area) which seek to direct housing into certain locations in line with the strategy, being deemed out-of-date. Thus applications cannot be refused on the grounds of housing supply alone, and there will be a presumption in favour of sustainable development. The site to which this application relates is located towards the centre of the village, has clearly defined boundaries with built development to the north, east and west, and will deliver a notable form of community benefit. The principle of the proposed development and its scale is therefore considered appropriate in this location.

The original submission included the provision of 2 affordable houses and a parcel of land to be provided for community benefit. The application has been subsequently revised, reducing the proposal to 5 open market dwellings and in turn increasing the scale of land provided for community benefit; this land shall vbe transferred to the Parish Council in addition the transfer of the majority of the road frontage hedge and adjoining verge. The revised approach will deliver the form of community gain desired locally, and has led to the removal of the objection by the Parish Council, and is considered to address a number of concerns raised locally. Retention of the hedge will help maintain a softer edge to this part of the village. Further, the alternative use proposed for the community benefit land - with a desire by the Parish Council and Waters Upton Village Hall Management Committee to provide a village green, extension to the village hall car park and the children's play area to compliment the neighbouring Village Hall, will provide a more accessible and functional form of open space on the

land, providing an enhancement to the community facility of the Village Hall in line with policy CS10.

Amendments to the layout have also been sought to address the concerns of the Arboricultural officer, thus moving unit 5 and the turning head away from the tree canopy has led to the removal of the objection of said officer, and subject to appropriate conditions requested, the scheme is considered to be in accordance with OL11 Woodland and Trees.

Highways

Access is a matter where approval is being sought at the outline stage, the proposal utilises the existing site entrance with an internal service road providing access to the individual drives of the properties. The Highways officer is satisfied with the principle of the development subject to a condition securing improvement works being undertaken to the neighbouring footway, and standard highway conditions. The proposed layout indicates sufficient parking can be achieved for each dwelling and as such will not lead to any on street parking. Whilst it is accepted that the development will lead to an increase in traffic locally, this is not considered to be the extent that it will adversely prejudice the safety and free flow of highway users, and that the site can be adequately accessed.

Drainage

Residents have raised concern over drainage problems in the village, this issue has been identified by the Drainage officer in respect of surface water with the system known to be in poor condition. In order to ensure that the development does not worsen the position, conditions have been requested to cover the submission of details relating to the provision of soakaways and full details of an alternate method of surface water disposal should usage not be possible. In this respect, the applicant is encouraged to provide details at the Reserved Matters stage in this respect to address the concerns raised.

Ecology

The application form identified reasonable likelihood of protected and priority species being affected on the development site, and in turn submitted an extended phase I ecology habitat survey. Whilst the proposal will develop a greenfield site, it is considered that the proposal will not harm the natural habitats of current wildlife with improvements being made through conditions recommended by the Ecologist further to review of the habitat survey; including the installation of bird and bat boxes.

Design

The layout of the scheme is considered to be in keeping with the crescent style of formation existing in the locality and with limited loss of privacy through the reduction in the number of properties and the layout proposed, with further detail as to the design of the scheme to be considered through a Reserved Matters stage application. In this respect, the indicative plans showing the appearance of the units have been reviewed and would need to be reflected to be considered acceptable through the introduction of

a number of features to secure the rural character present in this locality. This would include, but not be exclusive to, provision of chimneys, brick header and cills, sash windows, a window reveal, eave details, porch features, detached garages, with potential for a Duke of Sutherland style of property.

More of a mix of characteristics is desirable, and bearing in mind the number of historic buildings (with a no. being Buildings of Local Interest and Listed) the proposed materials are considered to be key as to the appropriateness of this scheme in accordance with design policies of the planning framework. The provision of balconies is not considered in keeping with this locality. Whilst the potential to explore the delivery of bungalows is open to the applicant bearing in mind the representations made in this respect, the Local Planning Authority cannot require this of a developer, taking account of the nature of buildings in the area which development is expected to reflect and reinforce.

Planning contributions

Due to the scale of development no request has been made for any education or offsite leisure and recreation contributions.

Conclusion

The Local Planning Authority considers that the principle of development is acceptable within the identified settlement of Waters Upton where new development in the rural area will be focused. The proposal will provide the transfer of land to the Parish Council for community benefit, it is understood that a range of different uses will then be sought to provide an enhancement associated with the neighbouring Village Hall in line with the emphasis of Policy CS10 Community Facilities. The proposal will not prejudice the safety or free flow of highway users. It is considered through appropriate conditioning and submission of an appropriate reserved matters application that the site can provide a scheme which will not harm the visual amenities or character of the area, nor harm the setting of the listed buildings and buildings of local interest in the locality, impact to any flora, fauna and protected trees can be appropriately mitigated against.

RECOMMENDATION: to GRANT OUTLINE PERMISSION subject to the applicant entering into a S106 agreement to transfer the ownership of land as shown on Drawing No. 15 Land Transfer Plan to Waters Upton Parish Council for community benefit, grant delegated authority to the Manager of Development Management subject to the following conditions and informatives:

1. A01 Standard Outline
2. A02 Submission of Reserved Matters
3. B11 Samples of Materials
4. B12 Sample Brick Panel
5. B019 Details of windows and doors
6. B049 Custom highways condition – improvement to footway
7. B061 Foul and surface water
8. B064 Soakaway test – incl. soakaways more than 5m from buildings or boundary
9. B121 Landscaping Design

10. B130 Trees – Protective Fencing
11. B145 Lighting Strategy - amended
12. B150 Site Environmental Management Plan
13. C13 Parking, loading, unloading & turning
14. C14 Visibility splays - 2.4m x 43m
15. C38 Development in accordance with plan Nos.
16. C71 Trees – Soil Levels
17. C109 Ecology Custom - bird and bat boxes
18. CCustom Transferred land landscaped to a suitable standard agreed by the LPA
19. CCustom Provision of access through to land for community gain

Informatives

- | | |
|---------|---|
| I11 | Highways |
| I23 | Bats |
| I25b | Nesting birds (construction) |
| I25e | Trenches |
| I25h | Vegetation cutting |
| I33b | Broadband |
| I35 | Custom informative - soakaways |
| I35 | Custom informatives - Secured by Design |
| I40 | Conditions |
| I44 | Reasons for Outline Consent |
| RANPPF1 | Approval - NPPF |