

TWC/2011/0827

Land To The North Of, Audley Avenue, Newport, Shropshire.

Outline application to include access for the erection of up to 215no. dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings \*\*\*\*\*Revised Section 106 package to that considered by Planning Committee\*\*\*\*\*

**APPLICANT**

St Modwen Properties I Sarl,

**RECEIVED**

06/10/2011

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South, Newport South and East

**OFFICER** Kate Stephens

**BACKGROUND:**

This is an update to Members of Planning Committee following the announcement that a five year housing land supply exists for the Borough, evidenced in the Telford and Wrekin Five Year Housing Land Supply Statement 2014-2019 published on 20<sup>th</sup> March 2015 and following the receipt and publication of Telford & Wrekin Objectively Assessed Housing Need report by Peter Brett Associates earlier in March 2015.

The consequence of having a five year housing supply is a new material consideration that requires the Local Planning Authority to ask Members to revisit applications which have resolutions to grant planning permission subject to the signing of a S106 legal agreement, and to review the original decision in the light of the change in the five year supply position.

This proposal is an outline application (to include access) for the erection of up to 215 dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings. The application was initially considered by the Planning Committee on 14 November 2012 where it was resolved to grant permission subject to a Section 106 agreement. The application was then taken back to Planning Committee on 23 July 2014 to seek variations to some of the s106 contributions including a reduction in the amount of affordable housing provision to 17%.

The original report to the Planning Committee is attached for information.

**CONSULTATION RESPONSES**

Following the announcement regarding housing land supply the Council has undertaken a period of consultation with interested parties. All statutory consultees, local residents and any other parties who previously made comments on the application were re-consulted and given the opportunity to make further comments; all new comments received have been summarised as below;

## STANDARD CONSULTATION RESPONSES:

### Sport England

- The additional information relating to the Council's deliverable five year housing supply does not affect Sport England's previous consultation response dated 12 September 2012.
- It is therefore considered that, subject to appropriate conditions and legal agreement, the proposal meets Policy Exception E4 and our consultation response dated 12 September 2012 still forms the formal consultation response to this proposal.
- The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

### Severn Trent Water - Comment

I can confirm we have no objections to the proposals subject to the inclusion of the following condition. 'The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or prevent the creation or exacerbation of a flooding problem and to minimise the risk of pollution.' There is a pumping station close to the planning application site. Furthermore, any new development must not restrict our access to the sewage pumping station. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

### Shropshire Council (historic) - No comment

### Environment Agency - no objection

- For completeness, we previously formally commented on the above application on 3 November 2011 (our letter reference SV/2011/105810/01-L01).
- Further to your Council's identification of a 5 year housing land supply and based the additional information which has been submitted at this time, we would re-iterate our previous comments.

### Chetwynd Aston and Woodcote Parish Council - objects

- It is on a greenfield site (see reason given for refusing a development at Mere Park) and there is insufficient infrastructure to cope with a development of this size.
- This development would ruin the character of this Parish

### Newport Town Council - comment

- Members agreed that the previous comments made on this application were still pertinent and would re-iterate the comments.
- Members did however, discuss the wider implication of each of these large scale developments in Newport, and consider that should the LPA be minded to overturn or reduce the scale of housing on any of the Application sites, there is a

need for consideration of exchanging land to provide more recreational provision, a football pitch, business site and employment provision.

- There is an overriding requirement for cemetery land if the local authority is to carry out its statutory obligation in such matters beyond the next 3 years.
- Members were also disappointed that the bus barrier on Audley Avenue was to be removed.
- With particular reference to TWC/2011/0827 Mr Lee Jakeman, Town Clerk has provided further comment (detailed below) in order to bring to your attention and that of developers, the urgency of need for the availability of land use other than housing, the current application does provide for the use of some of the land as an extended cemetery boundary: "The original application and subsequent approval provided for an arrangement to extend the use of the current cemetery which adjoins the proposed development. The additional cemetery land requirement remains extant and needs a prompt resolution if the service is to be provided within the boundary of Newport for future generations. Should the reconsideration of this application lead to any reconfiguration of the use of the land then it is considered to be of the utmost importance that the requirement to provide sufficient, suitable burial land that is contiguous with the current cemetery is paramount"

#### TWC Environmental Health (Contaminated land)

As per previous comments and condition suggestions.

#### The Applicant has written in support of the application as follows:-

- The outline proposal is for a residential development of up to 215 dwellings and associated infrastructure on 8.8ha at Land North of Audley Avenue, Newport. The site has a lengthy policy history, having originally been allocated in Telford & Wrekin Council's (TWC) Land Allocations Development Plan Document (Preferred Option). The site was allocated in this draft document for approximately 270 dwellings under site reference Hsg14.
- The National Planning Policy Framework (NPPF) aims to boost significantly the supply of housing, which is to be a material consideration in the determination of planning applications. Paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development.*"
- Whilst RPS offers no views at this stage of the Council's claim that it now has a five year housing land supply, as you will be aware, under the terms of the NPPF a presumption in favour of sustainable development exists. This is irrespective of whether TWC has a five year supply or not.
- Land North of Audley Avenue was approved consent at Planning Committee, and was considered by the Planning Officers in respect of the proposal's sustainability, in accordance with relevant policies within the NPPF, saved policies in the Wrekin Local Plan, adopted Core Strategy and the emerging Shaping Places DPD.
- The documents previously submitted to support the planning application have demonstrated that the proposed development is sustainable development and will bring significant benefits in terms of housing provision to the Town, and that any adverse impacts caused by the loss of a greenfield

Sustainable Development

- The NPPF Paragraph 7 states that there are three dimensions to sustainable development:  
*“an economic role: contributing to building a strong, responsive competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*  
*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*  
*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waster and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

#### Benefits of the Proposed Development

- It is necessary to consider whether the proposed development would give rise to any adverse impacts which would demonstrably and significantly outweigh the benefits identified in the context of the presumption in favour of sustainable development. As set out below, the development would deliver significant benefits to Newport supporting each of the three dimensions to sustainable development which would not be outweighed by any negative impacts.

#### Economic Role

- The proposal for up to 215 dwellings will support Newport’s role as a market town, providing a choice of housing and affordable housing to improve choice and competition in the market place, meet housing needs and support growth. The development will assist in ensuring that housing land of the right types is provided at the right time and place. The delivery of 215 new homes will also benefit TWC through the New Homes Bonus.
- Based on the average household size of 2.3 people per dwelling from the 2011 Census, the development will generate in the region of 495 persons. By improving the spending power in Newport this will have some benefits in improving business conditions for local businesses and the wider area.
- The ONS Family Spend Survey gives information on average spends per week. Using the December 2014 edition, the average retail spend per dwelling of £517 per week would provide an additional £5.78m of spending power per annum from the proposals. Whilst not all of this would be spent in Newport a significant proportion would be.
- Other benefits will include financial contributions, such as towards off-site education provision, secured through the S106 agreement.
- The development will provide an extension to the existing community to the east of Newport and assist in sustaining and enhancing local services due to the number of new residents in the area. This will assist in strengthening the Town economically.
- A large number of employment opportunities will also be created through the construction of the development, in both FTE employment and potential apprentice positions.

#### Social Role

- New developments are to be located close to services and facilities, be easily accessible by public transport, walking and cycling, and improve social cohesion through enhancing access to homes, employment, recreation and other facilities, as the Core Strategy and emerging Shaping Places DPD indicate. In accordance with policy requirements, the proposed development will improve social cohesion as the site is located to the south-east of Newport adjacent to the urban area, and within walking distance of Town Centre. The development could therefore be easily integrated with the existing community within the Town.
- Access into the site is off Audley Avenue, which provides easy access into the Town and wider transport links to surrounding areas. The cycleway along the Audley Avenue road frontage is to be extended which will enhance sustainable modes of transport in the immediate area.
- The proposed development for up to 215 dwellings will include a mix of house sizes, types and tenures to cater for both small and larger households. The development would include 2- to 4-bed properties to reflect the character of the area and requirement in the SHMA for family housing of 2- to 4-bed properties in this part of Newport. The dwellings will mainly be 2 storeys with some 2.5/3 storey dwellings.
- It is acknowledged that there is a shortfall of affordable housing in Newport. It is proposed that the development will include 17% affordable housing of which 40% is to be shared ownership and 60% social rented properties, in accordance with identified affordable housing needs. The amount and mix is to be determined through the S106 agreement.
- The proposed development includes the enhancement to existing sports pitches, play areas and associated facilities on the adjoining Shukers Playing Fields site. These enhancements include a new sports pitch to be provided off site, and the transfer of a sports pitch extending to 1.6ha from private to public ownership. This will provide significant benefits to the local community increasing the sports facilities publically available to the Town.

#### Environmental Role

- Whilst it is acknowledged that the proposal would result in the loss of a greenfield site, as demonstrated through the submitted technical reports, the site is not an area of high ecological or nature conservation value.
- There will be a significant amount of formal and informal open space provided as part of the proposed development, including a balancing pond to the north which will create an additional wildlife habitat on the site. The development has been appropriately designed to ensure minimal impact on biodiversity within the site. It has been demonstrated through the application submission that any adverse impacts caused can be appropriately mitigated.
- The development's design is sympathetic to the Town's cemetery which lies adjacent to the development site. The land immediately adjoining the cemetery will be graded to enable the full use of the cemetery extension land.

#### Shaping Places DPD

- The emerging Shaping Places DPD is to replace the adopted Core Strategy, and underwent consultation on Proposed Housing and Employment Sites in May/June 2014. The consultation document included Land North of Audley Avenue on Map 5.1 as an existing housing commitment. Although the Shaping Places DPD is an emerging plan, the inclusion of the site as an existing commitment should be taken into account as a material consideration, and indicates the direction of land for the total level and general location of housing.

- As the site has been included within the Proposed Housing and Employment Sites consultation document as an existing commitment with planning consent granted, it has therefore already been determined by TWC to be an appropriate location for a housing use development.

## NEIGHBOUR CONSULTATION RESPONSES

13 letters of objection have been received and are summarised below:-

- As the Council does now have sufficient land for housing to meet forecast housing needs over the next 5 years, up to 2019, any decision made now by the Planning Committee would be premature and is not required.
- In addition, this particular site should now be considered as a potential development site as part of the forthcoming new Local Development Plan, Shaping Places, the draft for which is due to be published in late June 2015 for consultation and which will identify proposed development sites over the period up to 2031. - this site should be retained as open space in line with the Council's current Development Plan, Core Strategy and saved policies from the Wrekin Local Plan, which remains in force until 2016.
- Accept Newport needs to grow, but in a controlled planned way rather than the free for all that has characterised the last few years.
- So far houses recently built or in the process of being built represent a 12% increase in the size of Newport - that will serve Newport now for a few years.
- Need to let Newport adjust and assimilate the extra people involved because all these houses represent new people to Newport, they are not for current Newport housing needs.
- Greenfield sites should not now be used and appropriate brown field sites should be used instead.
- There are too many applications for the wrong type of housing required at the present time & for at least a further 5 years.
- Land around Audley Avenue, Newport, should be kept for industrial use/employment.
- There are lots of new houses being built presently in Newport and this will make things extremely difficult with the extra parking required in the town centre itself - at surgery times it is very difficult already to park anywhere near the Wellington Road Surgery in Newport, and if further houses are built this will only make matters worse than they are at present.
- Little thought has been given about supporting the infrastructure, schools, doctors.
- A portion of this proposed site was a well-used sports field ( Football & Archery) and prior to the developers' initial application it was fenced off & has remained so, hence a loss to the community.
- Why build on green field sites when if occupied there are no jobs available in the immediate area.
- If all the applications are approved it will result in a work force requirement in excess of 1000 - this would result in a daily mass exodus every work day, south to Telford, Wolverhampton & possibly Shrewsbury & Stafford.
- Newport is short of green open space and formal and informal leisure areas so please keep these fields open for public use.

- The penultimate paragraph of the consultation letter to the applicants seems to imply a pre-disposition to re-grant permission - trust this is not the case and that the application will be considered on its merits.
- The agent's response to that letter mentions sustainable development under the NPPF on economic, social and environmental grounds. None of the points mentioned there are appropriate to this application as all these points have already been adequately covered by the recently completed and ongoing developments within the Newport boundaries.

#### Newport & District Civic Society - object

- We confirm that the objections contained in our email of 6/12/ 2011 and subsequent correspondence, still apply.
- In addition, we would also ask that the following points are brought to the attention of Plans Committee when it reconsiders the outline planning approval previously granted, particularly in light of the fact that the provisions of the Core Strategy 2007 now apply :-
  - because the Council does now have sufficient land for housing to meet forecast housing needs over the next 5 years (to 2019), then any decision made now by Planning Committee would be premature, and that the particular site should now be considered as a potential development site only as part of the forthcoming new Local Development Plan (Shaping Places), for which a draft for consultation, outlining proposed development sites over the period to 2031, is to be considered by T&W Cabinet on 25 June 2015 and published for public consultation before the end June 2015;
  - many of the supporting technical documents for the application are out of date. They need to be represented to Plans Committee in an updated form to take account of changes since they were first produced in 2011/2012 not least of which will be the information in the draft Local Plan referenced above.
  - the whole process has the appearance of a smoke screen and we believe the main aim is to make the applicants safe from any future legal challenge as suggested in the letters issued by T&WC to the various applicants in April 2015.
- We urge the Plans Committee to reject the application.

#### PLANNING CONSIDERATIONS

##### Five year land supply

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 significant and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Since the time of the previous approval, 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. The development plan, which includes the housing supply policies, is the starting point for any decision-making and any development proposals need to be considered against national policy and the NPPF's "golden thread" of sustainable development which requires LPAs to 'boost significantly the supply of housing' and approve development proposals that accord with the development plan 'without delay'.

This report examines the economic, social and environmental issues and concludes that the proposed mixed use of the site creates a sustainable form of development that will help maintain and promote Newport's role as a market town and as a rural service centre for its rural hinterland as well as boosting its economic base, and that technical issues can be resolved through conditions and S106 planning obligations to ensure the appropriate implementation of certain aspects such as alleviating the impact on local schools, highway network and facilities etc.

#### Consideration of consultation responses

As the reasons for bringing this application back to committee are the material changes arising as a consequence of the Borough no longer having a five year housing supply, it is not considered that there is a need for the applicant to be required to revisit, update or resubmit technical information.

Local representations have been made questioning the need to develop the site now that the council has announced a five year housing land supply, and suggesting that Newport has had a disproportionate amount of new housing granted in the last couple of years; that brownfield sites should be developed first before greenfield sites are considered, and that development of this site and others in Newport should only be secured through the emerging Local Plan process.

Whilst the local authority has identified a five year housing land supply based on the Objectively Assessed Housing Needs study, this does not imply that development which is sustainable should not be granted approval, and does not remove the NPPF requirement to 'boost significantly the supply of housing'. In response to the assertion that Newport has experienced a disproportionate amount of new housing permissions, it should be noted that Policy CS1 establishes the level of delivery expected across the borough for the period 2006-2016. Policy CS1 identifies a specific figure for new homes to be delivered in Newport, at approximately 60 dwellings per year, equating to approximately 600 dwellings over the 10 year plan period. When comparing actual delivery of new homes over the latest monitoring period (2006-14) with the requirement of 600, there is a shortfall in delivery. This is due to the fact that in the 8 years between 2006-14 only 304 dwellings were actually built against the requirement for 480 dwellings (60 dwellings x 8 years) which gives a

shortfall of 176 dwellings and equates to a delivery rate of 38 dwellings per year (compared to the required 60 per year). Therefore, whilst it is accepted that a significant number of sites have been brought forward through the planning application process in recent years, overall delivery still falls short of the policy requirement of 60 dwellings per year. It is recognised that there is an existing supply of commitments of 442 dwellings in Newport, as stated in the Annual Monitoring Report (2014). However, only 64 of these were under construction at April 2014. As of April 2015 the AMR is indicating approximately 87 dwellings have been completed, 118 are under construction and there are 625 dwellings with permission but not yet started (this is still a work in progress, still subject to checks and has not yet been published). There and there is no certainty or guarantee at this time that the remainder will be built out in full. Consequently, this site will assist in the delivery of additional homes in Newport as required under Policy CS1. The Borough now has a five year supply of deliverable housing but this does not mean that it should now refuse planning applications for housing development. In the context of the NPPF, the Council as LPA should seek to ensure that it continues to maintain this five year supply going forward.

When considering the delivery of affordable housing in Newport since the start of the plan period, Policy CS6 requires 35% of all homes provided on housing developments in Newport to be affordable. For the 10 year period 2006-2016, this equates to 210 affordable homes (35% of 600), or 21 units per year. However, based on the latest monitoring figures provided by the Council's Housing Department, the actual delivery of new affordable homes (including social rented and shared ownership) during the first nine years (2006-15) was 55 affordable dwellings. Based on an annual average rate of 21, the number required would be 189 dwellings, creating a shortfall of 134 over the last 9 years. Furthermore, the Strategic Housing Market Assessment (2014) for the borough continues to identify a need for additional affordable housing in Newport due to the significantly high ratio between house prices and incomes in the town. Developing on brownfield sites alone will not deliver this need and this was discussed in the original committee report. Hence, residential development on greenfield sites such as this and the other two applications on this agenda (Station Road and Willow Cottage) is a clear means of providing affordable housing in Newport. Consequently, the development of this site will help alleviate the deficit in provision of affordable homes to meet local need, in line with the development plan and the NPPF.

### Emerging Local Plan

The preparation of the new Local Plan is more advanced than it was when the application was originally determined at Committee. It has been suggested that it would be premature to determine this application until land allocations under the emerging Local Plan have been more formally progressed. However, it has also been argued that the fact that this site has already been identified by the Council in certain proposed land allocation documentation should be taken into account as a material consideration. It is the Local Planning Authority's duty to consider housing provision over the longer term as well as secure a short term five year housing land supply. With the draft Local Plan not having yet been subjected to public consultation and not having been submitted for independent examination, no significant weight can be given to what may or may not be set out in the draft Local Plan, so the 'prematurity' argument should not be advanced in this case.

### Sustainable development

Under the NPPF new development still needs to be sustainable and indeed the Core Strategy, which pre-dates the NPPF, has sustainable development principles at its heart, which is why new housing development is to be focused in Telford (policy CS3), Newport (policy CS6) and certain named rural settlements (policy CS7), all of which have a wider range of services and facilities.

The proposal comprises of a number of elements to create a sustainable addition to Newport with housing, open space and play provision and an increased amount of publically accessible sports pitch provision to off-set loss of existing provision (i.e. new sports pitch at Burton Borough School for dual school/community use, and transfer of privately owned Shukers Field into public ownership together with various infrastructure improvements), as well as allotments. The site lies part within and part adjacent Newport's built-up boundary and close to the Burton Borough secondary school and existing employment facilities along Audley Avenue, as well as new proposed employment facilities, subject to the requisite consents and S106 agreements being signed. The aims and objectives of local and national policy and Newport's role as a market town supporting a rural hinterland would be supported by this proposed development.

There is a pressing need to support and encourage living and working in Newport as well as to support and encourage a younger working population in Newport. To do so it is necessary to provide both market and affordable housing within Newport to help achieve a balanced sustainable community, which this application will do. Officers therefore maintain the view that the proposal represents a sustainable form of development in accordance with the Core Strategy and policy aim of promoting Newport's market town status and the NPPF's focus on promoting sustainable development.

### S106 contributions

The development will have a number of impacts on the local community and infrastructure. The provision of affordable housing is necessary in order to be consistent with Core Strategy Policies CS1 and CS6, Local Plan Policy H23 and the NPPF. The contributions towards highway and footpath 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 numbers and is consistent with Local Plan Policy H22.

The developer has agreed to contributions that are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

S106 agreements now need to be more specific regarding the matters on which planning obligation monies will be spent. This is in order to ensure compliance with the Community Infrastructure Levy (CIL) changes that came into force from 6<sup>th</sup> April 2015. The regulations restrict the "pooling" of financial contributions to no more than five contributions to a single type of infrastructure.

Previously in Newport, to deal with the number of housing and supermarket applications, the Council's Highways officers proposed a strategic solution of a series of improvements to the highway network around Newport and that each application would contribute a financial proportion to a comprehensive solution. This would then have resulted in the necessary highway works being done in a co-ordinated fashion with the benefits of cost savings from economies of scale.

However this approach can no longer be used under the recent CIL changes. In view of the "pooling restrictions" the S106 contributions may need to be reconsidered and applied to specific elements of the highway infrastructure which will require infrastructure works to be reviewed in terms of funding and delivery over future years - similarly with education contributions.

- Affordable Housing - 17% for viability reasons
- £314,072 for Highway works to A41 southern junction and the A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue;
- £120,000 towards Newport Town Centre bus subsidy;
- £10,000 towards Public transport infrastructure for bus shelters along Audley Avenue;
- £5,000 towards Travel Plan Monitoring;
- Primary education element (£291,433) to Newport Infants Expansion and secondary element (£238,445) to Burton Borough Expansion;
- £162,000 off-site NEAP Children's Play Area on Shuker's Field;
- The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.
- Transfer of land to the Council for new sports pitch at Burton Borough school for dual school/community use.
- £225,000 towards improvements to Shuker's Playing Fields with any underspend to go towards affordable housing
- Transfer of 0.22 ha of land to the Council for extension to existing nearby allotments.
- Transfer of 1.6 ha of land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area.
- £9,000 towards planning & financial monitoring of planning conditions and section 106 (this is a maximum figure and may be changed if, in the opinion of the Service Delivery Manager of Development Management, such change is required) monitoring costs.

#### CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Council announced in March 2015 that it now has a five year housing land supply.

This means that housing supply policies in the development plan can now be used, taking into account the presumption set out in paragraph 14 of the National Planning Policy Framework (NPPF), where applications that accord with the development plan should be granted without delay.

There is a need to increase employment land provision in Newport and a pressing need to support and encourage living and working in Newport as well as to support and encourage a younger working population in Newport. To do so it is necessary to provide both market and affordable housing within Newport to help achieve a balanced sustainable community, which this application will do. Officers judge that the site and development proposal accord with planning policy (including the Council's housing supply policies) and continue to represent a sustainable form of development. Using green field and agricultural land for housing development was always envisaged to be the case for Newport as part of the Core Strategy Examination and this site, which is contiguous with the built up edge of Newport, constitutes a sustainable form of development in compliance with policies CS1 and CS6 and the long-term spatial objectives of the Core Strategy, and remains consistent with the NPPF. It is considered that through the use of appropriate planning conditions and a S106 agreement, the proposed development would not cause harm to the immediate or wider area. Consequently it is considered that the proposal as a whole creates a suitable and sustainable form of development that will help maintain and promote Newport's role as a market town and rural service centre in accordance with both local and national policy, and should be approved.

**RECOMMENDATION:** that DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT OUTLINE PLANNING PERMISSION subject to:

- A) The applicants/Council as landowner entering into a Section 106 agreement/Memorandum (signed by the Assistant Director Development Business and Housing) with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:-
- Affordable Housing - 17% for viability reasons
  - £314,072 for Highway works to A41 southern junction and the A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue;
  - £120,000 towards Newport Town Centre bus subsidy;
  - £10,000 towards Public transport infrastructure for bus shelters along Audley Avenue;
  - £5,000 towards Travel Plan Monitoring;
  - Primary education element (£291,433) to Newport Infants Expansion and secondary element (£238,445) to Burton Borough Expansion;
  - £162,000 off-site NEAP Children's Play Area on Shuker's Field;
  - The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.

- Transfer of land to the Council for new sports pitch at Burton Borough school for dual school/community use.
- £225,000 towards improvements to Shuker's Playing Fields with any underspend to go towards affordable housing
- Transfer of 0.22 ha of land to the Council for extension to existing nearby allotments.
- Transfer of 1.6 ha of land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area.
- £9,000 towards planning & financial monitoring of planning conditions and section 106 (this is a maximum figure and may be changed if, in the opinion of the Service Delivery Manager of Development Management, such change is required) monitoring costs.

B) Conditions as previously agreed (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

\*\*\*\*\*ORIGINAL REPORT & UPDATES\*\*\*\*\*

UPDATE PRESENTED TO MEMBERS FOR COMMITTEE ON 23 JULY 2014

Further correspondence received since publication of report to Planning Committee:

TWC Affordable Housing Officer – Comment.

There has been considerable dialogue and background work over a period of time since the original outline consent was granted.

In terms of the revised proposal, my main comments are as follows:

- Note that the enhanced construction cost of the affordable homes reflects a higher physical specification.
- Within the reduced proportion of Affordable Housing, the 60% social rented and 40% low cost home ownership is broadly retained.
- The proposed dwelling mix is not appropriate and should be revised:
  - there should be a proportionate mix of two and three bedroom homes for rent and shared ownership.
  - the appraisal could be rebalanced by replacing the 10 three bed detached homes with mid or end terrace homes (also see point below)
- Most of the proposed affordable house types (apart from the detached homes) are extremely small and somewhat below what is expected nationally [Housing Quality Indicators]. These should also be revised as part of the above.
- The dwellings identified as 'shared equity' should be 'shared ownership' - with a minimum entry level of 25% equity. It should be noted that any home provided under the 'Help to Buy' scheme will not meet the NPPF definition of 'affordable'.
- The remaining principals set out in the developer's letter of 10 March 2014 (relating to integration of tenures, Local Lettings Plan and Shared Ownership receipts) should continue to apply.

TWC Parks and Open Spaces – Support.

Further to confirmation from the applicant through amended proposals P & OS are happy to support the proposal.

TWC Highways – no response received.

Sport England – No response received.

Newport and District Civic Society – Object.

Urge that the Plans Committee to reject the reduction and the applicant can either build the original affordable percentage or let another house builder take on the site i.e. let market forces decide given all the house builders over the last 18 months or more are reporting soaring profits and large land banks.

Newport needs the affordable homes for young people and those families who are not able to get a mortgage.

Sport England have not been able to comment before the listing has been released as regards what appears to be far reaching departures for the provision off alternative sport pitch arrangements which the applicant was to provide.

Local residents:

4 letters of objection received. The objections can be summarised as follows:

- Loss of affordable housing, there remains significant deficit of affordable homes in Newport.
- Affordable housing supply in Newport has been the cornerstone of every application that has been passed. Developers should stick to their original plans.
- The incremental basis of the £2M offered would limit and delay the ability to purchase appropriate land for affordable housing in the town.
- To redress the balance of the number of affordable homes lost if the current planning applications succeed, would require a further large scale mixed housing development in Newport.
- Allowing this reduction would provide a green light to try the same on the 350 homes application on land either side of Station Road.

The objections raised above are duly noted. However, the view of Officers is that the points raised have been considered in the report to Planning Committee and the Conclusions and Recommendation to Committee remain as per the report before Members.

It is noted that Parks and Open Spaces now support the application after initially objecting to the proposals.

Points raised by the Affordable Housing Officer regarding dwelling mix and house types are matters which would be considered and addressed by Officers in the detailed Reserved Matters stage and in the discharge of condition details required that relate to Affordable Housing (see condition 8 of Recommendation).

**REPORT to Planning Committee on 23 July 2014  
followed by ORIGINAL REPORT to Planning Committee on 14 November 2012**

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Development viability, planning obligations, affordable housing provision.

THE PROPOSAL:

This report to Planning Committee relates to an outline application for the erection of up to 215 dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings which was previously presented to Plans Board on the 14<sup>th</sup> November 2012. A copy of the report to Plans Board is attached as Appendix 1 to this report. The decision of Plans Board was to follow the Recommendation in the report to grant permission subject to the following:

- A.) Confirmation from the Secretary of State that he does not wish to call-in the application for determination;
- B.) The applicants/Council as landowner entering into a Section 106 agreement/Memorandum (signed by the Assistant Director Development Business and Housing) with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager); and
- C.) A number of planning conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

The Secretary of State confirmed that he did not wish to call in the application for determination. However, permission has not been issued to date as the applicant/Council as landowner has not entered into a Section 106 agreement/Memorandum despite discussions with the Local Planning Authority (LPA).

In March 2014 the LPA received correspondence from the applicant's agent stating that they had gone into considerable detail in relation to the costs associated with the Audley Avenue proposals.

Based on this work a commercially confidential development appraisal, prepared by applicant, has been submitted to the LPA. This has lead the applicant to conclude that in order to ensure that the development proposals for the site are not stalled and consistent with the advice in the National Planning Policy Framework (paragraphs 173-177 and 205) the requirements of the Section 106 package which the

landowners/developers are able to agree to have been reconsidered, to ensure the development is deliverable.

The correspondence received states that whilst the site specific requirements, as indicated through the indicative masterplan remain unaffected by these proposals, the Section 106 requirements previously considered by the LPA (as recorded in the minutes of the 14 November 2012 Plans Board meeting) for the development make the scheme unviable, which has been particularly affected by the requirements to provide for significant off-site sports provisions.

As a result a revised Section 106 package was tabled to the LPA for consideration. Following this initial approach and further discussions with Officers, an updated revised Section 106 package has been received for consideration by Planning Committee. This package is as follows:

(i) Affordable Housing:

Based on the enclosed revised development appraisal, dated 8 July 2014, provisions ensuring that 17% of the dwellings to be built shall be affordable housing.

(ii) Highways works:

Off-site highway infrastructure improvements up to a maximum of £314,072.  
Public Transport Improvements & Travel Plan Monitoring of up-to a maximum of £135,000.

(iii) Education infrastructure

Funding of up to maximum of £529,878.

(iv) The provision of Open Space

The provision of the open space and recreation areas to be managed and maintained by a residents' management company.

(v) Off Site Children's Play Area

A financial contribution of £162,000 towards an off-site NEAP.

(vi) Land for Allotments

Offer for transfer to Newport Town Council an area of land of 0.22 hectares to be used (if taken by NTC) as an extension to the existing allotment site north of the application site.

(vii) Transfer of Land at Shukers Fields

The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area.

(viii) Provision of a New Sports Pitch

The transfer to Telford and Wrekin Council of approximately 0.3 hectare of privately owned land adjacent to Burton Borough School

The layout and provision of the land to form a new football/sports pitch for dual/community use.

(ix) Improvements to Shuker's Fields Playing Fields & Facilities

A maximum financial contribution of £225,000 towards improvements to Shuker's Fields. Any underspend will go towards off-site affordable housing.

(x) Provision of a Planning and Financial Monitoring  
A financial contribution of £9,000.

#### SITE AND SURROUNDINGS:

The site is the same as described in an earlier report to Plans Board as set in Appendix 1 to this report.

#### PLANNING HISTORY:

The site itself does not have any relevant planning history other than the earlier report to Plans Board reproduced as Appendix 1 of this report.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Saved Wrekin Local Plan policies

Policy H22 - Community Facilities

Policy H23 – Affordable Housing

Policy T22 – Planning Obligations

Policy OL12 – Open Land and Landscape – contributions from new development

Policy LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

Policy CS9 – Accessibility and Social Inclusion

Policy CS10 – Community Facilities

Policy CS 11 – Open Space

#### SUMMARY OF CONSULTATION RESPONSES:

For all consultations received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Committee via the Council's eplanning system.

Highways – Comments awaited – to be reported in update to Planning Committee.

Drainage – Support subject to conditions.

Parks and Open Spaces – Object but revised comments expected - to be reported in update to Planning Committee.

This application is contrary to policy and any permission should be accompanied with conditions to either provide the NEAP onsite (preferable) or it amends the current plans for the offsite NEAP to that of an agreed LEAP design to refurbish the existing play area so this reflects what is able to be achieved with the proposed reduced funding and does not obligate the Council to provide the full NEAP on its land.

Affordable Housing - Comments awaited – to be reported in update to Planning Committee.

Inward Investment & Housing Group Manager – Comment

The Appraisal dated 8th July 2014 by St. Modwen Properties is based on a residual valuation basis which identifies values and costs allowing for a reasonable return to the developer.

The response states they have assessed the Gross Development Value (the sales values) and found these to be reflective of the current market-place. The appraisal includes 37 affordable units with affordable rent values at 55% of OMV and Shared Equity/Ownership values at 70% of OMV. Both of these figures are at the top end of the scale paid by RP's but probably reflective of the premium attached to a Newport location.

In terms of construction costs, the appraisal has a rate of £80.64 for the market units and £85.64 for the affordable units which represents the higher specification demanded by RP's. The remaining costs of land, abnormalities, fees, marketing and finance are all comparable to current market conditions. The appraisal also has included the following Section 106 contributions;

Shukers Fields	£225,000
Provision of Football Pitch	£110,000
Monitoring Fee	£9,000
Legal Costs	£25,000
Acquisition of Land	£160,177
Provision of NEAP	£162,000
Off site Highways	£314,072
Education	£529,878
Public Transport Improvements	£135,000
<b>Total</b>	<b>£1,670,127</b>

The residual element of profit is consistent with the benchmark figures established in the Appeal Case of Reading University versus Wokingham Borough Council in January 2013 where the Inspector agreed that a figure of 20% of GDV is reasonable to allow. In this instance the blended profit margin between market and affordable units is actually less than that figure and therefore entirely permissible.

Education – No objection.

Arboriculture (Trees) – No Comment.

Ecology – No Comment.

Sustainability - No comment

Urban Design Officer – No Comment

Sport England – Comments awaited – to be reported in update to Planning Committee.

Environment Agency – No Comment.

Shropshire Archaeology – No Comment.

#### Local consultation and representations

Newport Town Council – Comment.

Members considered this application in the context of the letter to the LPA dated 10th March 2014, relating to the viability and deliverability of the development. They were disappointed with the reduction by 15% in the affordable element of housing. They welcomed the land for allotment use providing it is contiguous with the existing allotment land provision. Members are cautious as to what facility would be provided in the form of “continued sports pitch provision” and where exactly the 1.6 hectares is situated on Shukers Field with the close proximity of this area to the Cemetery.

#### Representations from Local residents

One representation has been received objecting to the proposal based on the loss of existing buildings used for employment resulting from the replacement pitch planned adjacent Burton Borough School. Also comment that as the northward Cemetery extension sold to Newport Town Council is unsuitable for burials this area could be used housing and some of the housing land on the ex Audco field adjacent to the Cemetery could be used instead for the burial extension.

#### PLANNING CONSIDERATIONS:

This report to Planning Committee relates to an outline application for the erection of up to 215 dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings that was previously presented to Plans Board on the 14th November 2012. A copy of the report to Plans Board is attached as Appendix 1 to this report. The decision of Plans Board was to follow the Recommendation in the report to grant permission subject to the following:

- A.) Confirmation from the Secretary of State that he does not wish to call-in the application for determination;
- B.) The applicants/Council as landowner entering into a Section 106 agreement/Memorandum (signed by the Assistant Director Development Business and Housing) with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
  - (i) Affordable housing, to include:
    - Provisions ensuring that 35% of the dwellings to be built shall be affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);
    - Of the above 80% to be Rented Social Housing dwellings and the remaining 20% in Shared Ownership unless otherwise agreed with the Council;
    - Provisions ensuring that the affordable housing is provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters;

- Inclusion of details to ensure lettings are prioritised to Newport area based residents;
- Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing.

(ii) Highways works, to include:

- Off site highway infrastructure improvements - up to a maximum of £314,072;
- Public transport service enhancements – up to a maximum of £120,000;
- Public transport infrastructure (bus shelters) – up to a maximum of £10,000.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

- Travel Plan monitoring - £5,000.

(iii) Education infrastructure funds up to maximum of £529,878 provided the average number of bedrooms per dwelling across the development is under 3.35.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

(iv) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.

(v) Index linked financial contribution of £162,000 for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site as indicated on submitted drawings.

(vi) Provision of new allotment land of 0.22 hectares to be provided as an extension to the existing allotment site north of the application site and offered for transfer into the ownership of Newport Town Council.

(vii) The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area.

(viii) The transfer to Telford and Wrekin Council of land owned by the applicant that is developed as a new sports pitch adjacent to the Burton Borough School as indicated in the Playing Pitch Assessment Report; and

(ix) Provision of a Planning and Financial Monitoring contribution of £9,000.

C.) A number of planning conditions (with authority to finalise conditions and

reasons for approval to be delegated to Development Management Service Delivery Manager).

The initial revised Section 106 package that was submitted to the LPA for consideration by the applicant in March 2014 resulted in the following changes to the package endorsed by the Plans Board:

- Reduction in the percentage of affordable dwellings from 35% to 20%;
- Of the above 60% to be Rented Social Housing dwellings and the remaining 40% in Shared Ownership (previous figures 80% and 20% respectively);
- Removal of a contribution towards public transport service enhancements – up to a maximum of £120,000;
- Removal of a contribution to public transport infrastructure (bus shelters) – up to a maximum of £10,000;
- Removal of a contribution to Travel Plan monitoring - £5,000;
- Reduction of the contribution towards the provision and maintenance of a Neighbourhood Equipped Area of Play on land adjoining the application site from £162,000 to £50,000; and
- Inclusion of a contribution of £125,000 towards improvements to Shukers Fields for pitch drainage and levelling and also to ancillary facilities to replace the need for conditions requiring such works to be undertaken.

The initial views from the Inward Investment & Housing Group Manager who considered the development appraisal submitted, was that the values and costs in the document appear satisfactory. It appears that the S106 requirements previously considered by the LPA (as recorded in the minutes of the 14 November 2012 Plans Board meeting) for the development would indeed make the scheme unviable. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.

The advice in the National Planning Policy Framework (NPPF) states that where obligations are being sought or revised, LPAs should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

The more recently published National Planning Policy Guidance (NPPG) states that in decision making viability can be important where planning obligations or other costs are being introduced. It goes on to say that in making decisions, a LPA will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the LPA that the planning obligation would cause the development to be unviable, the LPA should be flexible in seeking planning obligations.

The Guidance states this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. In relation to planning obligations the Guidance is clear that where affordable housing contributions are being sought, obligations should not prevent development from going forward.

Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.

Given the advice provided in both the NPPF and NPPG there appears to be a clear steer for flexibility when requiring planning obligations where this affects development viability, particularly with regard to affordable housing. However, where obligations are necessary to make a particular development acceptable in planning terms, and these should be secured otherwise planning permission should not be granted for unacceptable development.

On this basis Officers have made it clear to the applicant that any revised Section 106 package for consideration by Planning Committee should include provision for all the obligations that are necessary to make a particular development acceptable in planning terms. This includes contributions to the public transport service enhancements and infrastructure that were specified by TWC Highways together with a contribution to Travel Plan monitoring; the full contribution towards the provision and maintenance of a Neighbourhood Equipped Area of Play on land adjoining the application site; and an increased contribution figure towards improvements to Shukers Fields for pitch drainage and levelling and also to ancillary facilities.

Accordingly the applicant has updated their revised Section 106 package for consideration by Planning Committee. This is the package described earlier in this report under the heading of "THE PROPOSAL". The inclusion of all the obligations that are deemed necessary to make a particular development acceptable in planning terms has resulted in further reduction of the level of affordable housing from 20% to 17%, below that which is required by Policy CS6 Newport (35%).

In addition to revised Section 106 terms, there would be a need to revise the draft conditions and remove the two conditions relating to Shukers Fields and Facilities because the Section 106 would provide for a financial contribution to be made to the Council to undertake the improvements.

## CONCLUSIONS

The applicant contends the Section 106 requirements previously considered by the LPA (as recorded in the minutes of the 14 November 2012 Plans Board meeting) in relation to this proposed development make the scheme unviable, which has been particularly affected by the requirements to provide for significant off-site sports provisions.

An updated development appraisal submitted by the applicant has been prepared on the basis of a revised Section 106 package that includes provision for all the obligations that are considered necessary to make a particular development acceptable in planning terms as well inclusion of an enhanced financial contribution towards Shukers Fields for pitch drainage and levelling and also to ancillary facilities previously to be secured via planning conditions agreed with Sport England.

However, this updated revision to the Section 106 package has resulted in a further reduction to the level of affordable housing - from 20% to 17%.

The Council's Inward Investment & Housing Group Manager has considered the development appraisal submitted and states this is based on a residual valuation basis which identifies values and costs allowing for a reasonable return to the developer. The conclusion reached is that the residual element of profit is consistent with the benchmark figures established in the Appeal Case of Reading University versus Wokingham Borough Council in January 2013 where the Inspector agreed that a figure of 20% of Gross Development Value is reasonable to allow. In this instance the blended profit margin between market and affordable units is actually less than that figure and therefore entirely permissible.

The advice provided in both the NPPF and NPPG gives a clear steer towards flexibility when requiring planning obligations where this affects development viability, particularly with regard to affordable housing. Planning obligations should not prevent development from going forward. Therefore, the reduction in the amount of affordable housing can be justified given this advice to Local Planning Authorities.

Whilst the requirement for the development to provide affordable housing at 35% in line with Core Strategy Policy CS6 (Newport) was a key factor in the consideration of the application in November 2012, this was before evidence on viability was put to the LPA for consideration and the advice given in the NPPG on this matter. It is also worth noting that since November 2012 the Council has undertaken a reassessment of the five year land supply position, particularly in terms of the deliverability of committed sites within five years. This has produced a lower, but more robust, delivery figure of 2.5 years. This has implications for decision-making on planning applications. Having a 5 year housing land supply shortage means that para 49 of the NPPF takes on greater significance as it states "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." This has implications for decision-making and means that with a housing land supply shortage, the Council's existing policies guiding housing targets and build rates in Telford, Newport and the rural area (policies CS1, CS6 and CS7) cannot be regarded as up to date.

### **Recommendation to Planning Committee**

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

- A.) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
  - (i) Affordable housing, to include:
    - Provisions ensuring that 17% of the dwellings to be built shall be affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);
    - Of the above 60% to be Rented Social Housing dwellings and the remaining

- 40% in Shared Ownership unless otherwise agreed with the Council;
- Provisions ensuring that the affordable housing is provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters;
- Inclusion of details to ensure lettings are prioritised to Newport area based residents;
- Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing;

(ii) Highways works, to include:

- Off site highway infrastructure improvements - up to a maximum of £314,072;
- Public transport service enhancements – up to a maximum of £120,000;
- Public transport infrastructure (bus shelters) – up to a maximum of £10,000.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

- Travel Plan monitoring - £5,000;

(iii) Education infrastructure funds up to maximum of £529,878 provided the average number of bedrooms per dwelling across the development is under 3.35;

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

(iv) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas;

(v) Index linked financial contribution of £162,000 for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site as indicated on submitted drawings;

(vi) Provision of new allotment land of 0.22 hectares to be provided as an extension to the existing allotment site north of the application site and offered for transfer into the ownership of Newport Town Council;

(vii) The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area;

(viii) The transfer to Telford and Wrekin Council of land owned by the applicant to be developed as a new sports pitch for school and community use adjacent to the Burton Borough School as indicated in the Playing Pitch Assessment Report;

(ix) Improvements to Shuker's Fields Playing Fields & Facilities

A maximum financial contribution of £225,000 towards improvements to Shuker's Fields. Any underspend to go towards off-site affordable housing; and

(ix) Provision of a Planning and Financial Monitoring contribution of £9,000.

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

1. A01 Time limit - Outline
2. A03 Time limit – Submission of Reserved Matters.
3. B02 Standard outline some matters reserved.
4. B10 Details of materials.
5. BCustom Details on Allotment area.
6. BCustom Phasing plan for the development.
7. BCustom No dwellings to be built overlooking NEAP until such a facility has been provided.
8. BCustom Affordable housing details.
9. B126 &7 Landscape Management and Maintenance.
10. B125 Details of earthworks to including for a gradual grading of the land within the application site boundary, where it adjoins the northern boundary of the cemetery extension land if necessary.
11. BCustom Highways details as specified by Highways Engineers (including Travel Plan).
12. BCustom Detailed Scheme of Noise Attenuation Measures for dwellings.
13. B57 Land contamination.
14. B150 Site Environmental Management Plan for construction works.
15. BCustom Details of surface water drainage to include requirements specified by Drainage Engineers and Environment Agency.
16. B130 Tree protective fencing.
17. B131 Trees Services root protection.
18. B134 TPO Extent of works.
19. B132 Trees No Dig Method.
20. BCustom Scheme of sustainable construction with regards to housing.
21. BCustom Details for the erection of bird boxes.
22. B141 Ecological Mitigation and Method Statement.
23. B/C 2 conditions as specified in the report regarding playing pitch
24. Custom mitigation off site adjacent to Burton Borough School.
25. C76 Landscape Implementation hard and soft.
26. C79 TPO Tree Suitable Contractor.
27. C70 Trees – no burning.
28. C71 Trees – Soil levels.
29. C72 Trees – Material Storage.
30. C38 Development in accordance with deposited plans.

31. DCustom Maximum number of dwellings permitted to be 215 units.

## **APPENDIX 1 – REPORT TO PLANS BOARD OF 14<sup>TH</sup> NOVEMBER 2012**

TWC/2011/0827

Land To The North Of, Audley Avenue, Newport, Shropshire.

Outline application to include access for the erection of up to 215no. dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings

### **APPLICANT**

St Modwen Properties I Sarl,

### **RECEIVED**

06/10/2011

### **PARISH**

Chetwynd Aston and Woodcote,  
Newport

### **WARD**

Church Aston and Lilleshall, Newport  
South

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Housing need and supply in the Newport area, principle of housing development in this location, highway and traffic issues, surface and foul water drainage, other infrastructure issues, open space and play provision, loss of existing sports fields, conflict with adjoining uses (including noise), effects on trees covered by Tree Preservation Orders.

### **THE PROPOSAL:**

This is an outline application with all matters other than the means of access (appearance, landscaping, layout and scale) being “reserved matters” for consideration at a later stage via a separate application(s). The application is accompanied by an Illustrative Masterplan showing the approximate location of buildings, routes and open spaces.

The application is applying for permission for up to 215 houses, public open space provision, an area for allotments and associated infrastructure following the demolition of some small storage/changing room buildings.

The application site extends to an area of 8.8 hectares. Overall, the density of the residential element (excluding strategic public open space provision) would be around 35 dwellings per hectare. Most of the dwellings would be 2 storeys in height but some town houses are also proposed and these would be a maximum of 2.5 – 3 storeys in height.

The applicant has proposed the following indicative mixture of house sizes:

2 bed dwellings – 43 units (20% of total)

3 bed dwellings – 86 units (40% of total)

4 bed dwellings – 86 units (40% of total)

As indicated on the Illustrative Masterplan, the housing types above could be delivered in a range of house types from terraced link/mews cottages to semi and detached properties.

The applicant has stated that an indicative affordable housing mix at the site concentrates on 2, 3 and 4+ bedroom houses. However, at this stage the applicant is proposing that an Affordable Housing Scheme is agreed with the Council at the reserved matters stage.

An addendum to the Planning Statement that the build out of the site is anticipated to take approximately 5 years, although this recognises this is largely dependant on the state of the housing market in Newport and availability of new build properties on that housing market.

The Illustrative Masterplan indicates that the proposals incorporate both formal and informal open space, landscaping and wildlife areas. Formal open space would total 1.98 hectares with informal open space (including balancing pond) being 0.56 hectares. The applicant proposes an off site Neighbourhood Equipped Area for Play adjoining the application boundary to the west of the site on recreational land owned by the Council.

It is not proposed that any open space provision is laid out with formal outdoor sports pitches and the applicant justifies this on the proximity of the site to the adjacent Shukers Fields pitches together with various enhancements to these sports pitches, play areas and associated facilities. This would also include placing a 1.6 hectare private sports pitch land at Shukers Fields into Council/public ownership and ensuring a new full size off-site pitch is provided for on land adjoining the Burton Borough School which the applicant indicates would fully compensate for the loss of the pitches within the application site. The applicants have stated these aspects can be secured through a Section 106 Planning Obligation and planning conditions.

The proposal also includes 0.22ha of land specifically for an extension to existing allotments in the north eastern corner of the site, as indicated on the Illustrative Masterplan. Access to the existing allotments is provided at the end of Meadow View Road. Following a request by the Town Council, the applicant has confirmed that pedestrian access to the allotment extension would also be provided for, through the proposed development. Within the applicant's Section 106 Heads of Terms it is stated that it is their intention that this land be provided to Newport Town Council who own and administer the existing allotment site.

The applicant states that pre-application discussions between them and the Town Council have established that drainage difficulties exist with the land in the northern part of the cemetery to be used as an extension area for burials. The applicants understand that these drainage difficulties, caused by the presence of a high water table are likely to necessitate the raising of the existing ground levels to ensure appropriate burial conditions are established.

The applicant says this is likely to result in the overall capacity of the cemetery extension land being reduced due to the need to grade the land around the site's periphery. Whilst the application proposals do not include land specifically for a

cemetery extension, they do provide for a gradual grading of the land within the application site boundary, where it adjoins the northern boundary of the cemetery extension land. A cross section indicating how this would work is provided in the Design and Access Statement. If ground levels need to be raised this would facilitate a greater area of the cemetery extension land to be used, should the Town Council seek to utilise this area. .

Vehicular access into the site would be from a single priority junction serving the site from Audley Avenue, with an emergency access also onto Audley Avenue. The existing bus gate along Audley Avenue towards Newport town centre shall be retained and therefore all vehicular access into and out of the site will lead along Audley Avenue to the Newport by-pass (A518) which is near to the point where it meets the A41.

Pedestrians, cyclists and buses would still be able to travel directly through to Newport town centre and a combined foot/cycleway is also proposed along the frontage of the site. Further pedestrian access into the site would be provided to the north west of the site to the adjoining public open space of Shukers Fields and the footpath accessing Meadow View Road.

Within the proposed site the Illustrative Masterplan envisages a single main street with an internal loop provided to aid circulation off which they would be secondary roads to service residential development blocks.

The 'associated infrastructure' in the application description is also likely to include a pumping station and electricity sub station, the details of which would be provided for in any reserved matters application.

The application has been submitted with the following documents in support of the proposals:

- Amended Planning Statement (including S106 Heads of Terms);
- Site Location Plan, Illustrative Masterplan, Framework and Open Space plans and Highway Access Plan (as amended);
- Design and Access Statement (as amended);
- Transport Assessment (plus addendum);
- Framework Travel Plan;
- Drainage Strategy and Flood Risk Statement (plus addendum);
- Geo Environmental Report;
- Utilities Report;
- Noise Assessment (plus addendum);
- Air Quality Assessment;
- Ecological Appraisal (plus addendum);
- Habitats Regulations Report;
- Arboricultural Assessment (plus addendum);
- Landscape and Visual Appraisal (plus addendum);
- Statement of Community Involvement;
- Addendum to Planning Statement and S106 Heads of Terms; and
- Playing Pitch Assessment Report.

Prior to submission of a formal application the applicant has engaged in pre-application discussions with Council Officers through a Strategic Application Workshop meeting. There has been engagement with the local community on the proposals with the outcome of this exercise being provided in the Statement of Community Involvement.

Whilst this report concerns the application at Audley Avenue, reference in this report will be made to the fact that this application is one of four applications submitted to the Council in the last 14 months seeking consent for residential development in and around Newport. In addition to the Audley Avenue site, these are as follows:

- Outline application for up to 285 dwellings at Wellington Road (TWC/2011/0821);
- Outline application for up to 350 dwellings north and south of Station Road (TWC/2011/0871) as part of a mixed use development; and
- Full application for 34 houses at land to rear of Maynards Croft (TWC/2012/0211).

The location of all four applications is shown on a plan at the end of this report. Plans Board at their meeting on the 1<sup>st</sup> August 2012 resolved to grant permission for the first and third of the applications above subject to the signing of Section 106 agreements which remain under discussion between Officers and applicants at the time of writing of this report. The second application is yet to be considered by members of Board

In analysing the housing need and supply situation in the Newport area this report will consider the wider implications of all the residential applications and the cumulative effects of the proposed developments in relation to provision of physical and social community infrastructure. In responding to these applications both Highways and Education consultations have likewise considered the cumulative effect of the number of dwellings proposed should permission be granted.

#### SITE AND SURROUNDINGS:

The site is located within the administrative boundary of Newport Town Council. Newport town centre lies approximately 1km to the west.

The application site extends to 8.8 hectares in total. Upon the advice of the applicant, the southern part of the site was until May 2011 used as private sports fields comprising 2 football pitches with associated outbuildings and parking. The larger part of the site comprises small to medium sized rectangular fields. The north-eastern corner appears to be used as a pony paddock. There are a number of hedgerow and mature trees on site, some of which are covered by Tree Preservation Orders.

Boundaries are well defined and contained by existing landscape features, development and roads. An existing hedgerow defines the site's northern boundary beyond which is an existing area of public allotments. The pony paddock area also adjoins the allotments but shares a boundary with an embankment of the A41 bypass.

The eastern boundary of the site in part adjoins on area of open land where there is a small brook into which ditches from the site drain. The rest of the eastern boundary adjoins an area of industrial land and premises.

The southern boundary of the site forms Audley Avenue the other side of which are further areas of industrial land and premises. Audley Avenue runs north west to south east from the centre of Newport towards to a junction with the A518 bypass.

The majority of the site's western boundary is shared with Newport's cemetery and also with an area of public open space forming part of the wider Shukers Field pitches. The topography of the site is broadly flat.

#### PLANNING HISTORY:

The application site was included in the Telford and Wrekin Land Allocations Development Document Preferred Options Report of September 2005 as a Housing Allocations site with a potential capacity of 270 dwellings to be delivered during 2006-2011. However, the Land Allocations DPD did not progress beyond the Preferred Options stage.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework

Saved Wrekin Local Plan policies

- Policy NR6 – Waste Disposal and Recycling facilities
- Policy UD2 – Design Criteria
- Policy UD5 – Public Art
- Policy H9 – Location of new housing
- Policy H10 – Scale of new development
- Policy H22 - Community Facilities
- Policy H23 – Affordable Housing
- Policy T22 – Planning Obligations
- Policy OL6 – Open Land
- Policy OL12 – Open Land and Landscape – contributions from new development
- Policy OL13 – Maintenance of Open Space
- Policy LR4 - Outdoor recreational Open Space
- Policy LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

- Policy CS1 – Homes
- Policy CS6 – Newport
- Policy CS7 – Rural Area
- Policy CS9 – Accessibility and Social Inclusion
- Policy CS10 – Community Facilities
- Policy CS 11 – Open Space
- Policy CS12 – Natural Environment
- Policy CS13 – Environmental Resources

## Policy CS15 – Urban Design

### CONSULTATION RESPONSES:

For all consultations received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Board via the Council's eplanning system.

#### Internal consultations from within Telford and Wrekin Council

##### **TWC Highways Engineers**

In acknowledgement of the number of major planning applications currently being considered by the LPA in and around Newport, the Council's Highways Engineers are concerned that the cumulative impact on the local highway network, should these developments all receive planning consent, will be such as to cause capacity and safety issues on parts of the strategic highway network.

The Highway Authority is concerned that the cumulative impact on the local highway network, should these developments all receive consent, will be such as to cause capacity and safety issues on parts of the strategic highway network. In light of this the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments.

These monies would be secured through a suitably worded Section 106 agreement with the works delivered at appropriate trigger points based on phasing of development. In terms of this application the proportional impact will require a contribution of £314,072.

Physical works that have been identified for access are not included and will need to be delivered by the relevant development under S278 Agreement.

The site does not currently have the benefit of access to any public transport. However the development proposals currently being promoted on adjoining land will require enhancements to the public transport provision and the associated infrastructure and this site will benefit from this. This would encourage sustainable travel around the town and would provide linkages between residential, retail and employment areas.

The total level of development proposed will take a number of years to completely build out. To ensure the enhanced services are still running at that time it is proposed to pool all the bus subsidies. The development will need to provide a subsidy of £120,000. Infrastructure such as bus shelters and bus boarder kerbs will be additional to this. Suggested that a figure of £10,000 is required on the basis of two stops on Audley Avenue. The Passenger Transport Team would procure the service and would agree the timetable.

The proposals include the provision of a footway/cycleway link along the site

frontage running from Parkland House to the Cemetery. This will link into the adjoining facility provided for by TWC/2011/0853 & W2009/0312 (or TWC/2011/0632 & TWC/2012/011 if approved) and the new alignment for the Sustrans NCN 55 being carried out by others.

As the application is in outline, conditions should include:

- Details of site layout in connection with roads, footpaths, cycleway, parking, street lighting and furniture and drainage etc and their construction;
- Provision of the new site access junction and emergency access from Audley Avenue;
- The site frontage footway/cycleway to Audley Avenue widened to a minimum of 3.0m between Parklands House and the Cemetery as generally indicated on drw.no.PSHARN-007G;
- Details of a Travel Plan for the development shall be submitted to and approved in writing in addition to £5,000 financial contribution to Travel Monitoring.

### **TWC Drainage Engineers**

There is no objection to the development in principle. However the proposed development should comply in full with the recommendations of the Flood Risk Assessment.

The reserved matters application should include:

- Details on the levels of groundwater on site. This must include winter levels.
- Full design details for the lining on the attenuation feature based on the above borehole information.
- Full calculations in electronic format on how the site will be restricted to a maximum discharge rate of 44l/s whilst attenuating all flows up to and including the 1 in 100 year +30% storm event.
- Full drainage layout with numbered pipe runs that correspond to the above calculations.
- Details on the proposed point of connection to the existing watercourse and evidence of agreements with any 3<sup>rd</sup> party land owner.
- Details on the proposed future ownership of any SUDS feature. If this is to be TWC, evidence is required that a management plan has been provided and commuted sums have been agreed.
- Exceedance flood routing plans for all flows above the 1 in 100 year +30% storm event. Exceedance flows should be directed away from properties and into areas of public open space.

### **TWC Geotechnical Engineers**

Support subject to conditions. The site is affected by high ground water levels. This must be considered when designing the foundations and BRE Protocol 1 must be followed especially in relation to high ground water. Careful consideration must also be taken to the adjacent cemetery site which is currently monitoring ground water levels for a cemetery extension. Condition B57 contaminated land is recommended.

### **TWC Parks and Open Spaces Officer**

Updated response following Playing Pitch Assessment Report. The current layout proposes the provision of an off site NEAP (Neighbourhood Equipped Area of Play) which would meet the needs arising from the development. Off site provision adjacent to the site is accepted (if a commuted sum for maintenance is secured) and has been agreed on the basis of the financial contribution of £162,000, although this is subject to clarification on a few matters.

Consideration should be given to whether it would be appropriate to include a requirement of a condition to require developers not to sell any overlooking properties to the proposed play provision until the play provision has been built. This is to ensure prospective purchasers are fully aware of the play provision in proximity to these properties at the time of purchase.

An overall landscape management strategy would need to be conditioned as part of any approval. There is a significant amount of open space proposed and this needs to be managed effectively. It appears the applicant wishes for the council to adopt any POS and provide a commuted sum for ongoing maintenance. However, as stated above, the POS proposed is extensive and any commuted sum request would match the scale of area / POS to be adopted. Should you be minded to approve, P & OS will need to ensure a suitably agreed commuted sum can be provided. At outline stage P & OS are unable to supply costs as the sum is calculated on a site by site basis and there is no landscape detail provided. Therefore a schedule of rates needs to be agreed.

There are a number of proposed improvements to the Shukers playing field and changing room / car park. Although these are welcome, the detail provided is insufficient to fully evaluate what exactly is being proposed. i.e. refurbishment of the existing changing rooms – what is the extent of the refurbishment. I would request that these are agreed in more detail prior to commencement of development. There is also a need to identify the timing of the funding for these improvements and confirm who is to carry out these improvements (the developer / Telford & Wrekin Council / Nova). In addition, will the proposed container require planning permission and is this to be paid for by the developer? The same may need to be applied to the ball stop fencing.

A number of obligations (as highlighted above) will require a S106 agreement to be approved. This will need to be approved prior to commencement of development and where figures are unable to be provided (as in POS commuted sum costs) a schedule of rates provided.

Overall the proposed application has addressed a number of original concerns. However, there are some minor queries in regards to P & OS issues in regard to this application and we would be happy for you to approach the applicant for a response.

### **TWC Sports and Leisure Services**

Leisure Services support the view of Sport England, as detailed in their response to the application that the proposed mitigation package (contained within Playing Pitch Assessment Report) is considered sufficient to outweigh the loss of playing field on the Audco site and therefore are supportive of the development assuming the

required obligations detailed by Sport England and those requirements below are met. Further detail to the planning conditions required by Sport England is also requested

### **TWC Housing Policy & Enabling Officer**

Has supplied a joint Affordable housing needs in Newport report in light of the three large planning applications in Newport. The need for 35% affordable housing in Newport is supported by information from the following sources:

- Strategic Housing Market Assessment (SHMA)
- Telford & Wrekin's Choice Based Lettings scheme
- 2005 housing needs summary
- A profile of the existing affordable housing stock
- A profile of the current housing market
- A profile of the population of Newport

This information supports the need for a high level of affordable housing provision in Newport, and shows that this need has increased over the last decade. The rise in property prices, together with consistently low incomes and difficulty in obtaining mortgages even when house prices have fallen, has led to the current situation where local people, particularly young couples and families have left the town to find accommodation elsewhere or remain in overcrowded and unsuitable accommodation. There are also many older people who need alternative accommodation.

In particular the SHMA, updated in 2009, showed that 124 dwellings are required each year over a twenty year period to meet the needs of Newport residents. This is considerably higher than the need shown in the 2005 housing needs summary and takes into account the lack of suitable existing provision and the backlog need.

Data from the Choice Based Lettings scheme shows a high level of bids for properties in Newport from local residents as well as applicants from a wider area. An analysis of bids over the last five years shows that the greatest need for local people is for three-bedroom houses and two-bedroom bungalows for rent, with lesser degree of need for two and four-bedroom houses for rent. In terms of tenure, the evidence points to a need for mostly rented accommodation with very little evidence of local demand for shared ownership.

Data regarding the existing social housing stock shows that there are very few two and four-bedroom houses, and only one of each has become available in the last twelve months. Although there is a higher number of three-bedroom houses, the waiting time for these is seventeen months with only three having become available in the last twelve months.

Local Estate Agents have confirmed that the "lower end" of the housing market in Newport is not moving. There are several properties which, despite a reduced asking price, are not selling, largely due to the difficulties in obtaining mortgages and the level of deposit required. Estate Agents do however receive a high level of demand for rented accommodation particularly from young families who wish to remain in Newport.

Data regarding the population of Newport (see Appendix 6) shows that approximately 30% of households fall into categories which are highly likely to have incomes of less than £30,000 per annum and would therefore be unable to afford to buy.

It is also worth noting that it has been very difficult to achieve increased affordable provision in Newport as most of the sites which have come forward over the implementation period of the plan have been below the 15 unit threshold for affordable provision. Any provision which has been achieved has mostly been on small infill sites, and there have been an average of only seven affordable completions per annum over the last seven years. Opportunities such as these large schemes are therefore critical to meeting the long term affordable needs of the town and its rural hinterland.

In conclusion, it was clear through the Core Strategy process that 35% affordable housing provision would only address a proportion of the affordable housing need in Newport. In reality, in order to meet the backlog of affordable need in the town as well as newly arising need, a greater percentage would have been required.

It is also clear from the 2009 Strategic Housing Market Assessment that since the Core Strategy evidence base was produced, the need has increased and the affordable housing shortfall has worsened. It would therefore be essential to achieve 35% on each of the three Newport proposals in order to help meet identified needs and enable local households to remain in the area.

As outlined above, the 35% required by policy is supported by evidence of need from a range of sources, therefore these three schemes in Newport would be required to provide no less than 35% affordable housing.

The greatest need is for three-bedroom social rented houses, with a smaller number of two and four-bedroom houses. There is also an identified need for two-bedroom bungalows and for a small amount of wheelchair standard provision for all household types and sizes.

The suggested proportion of shared ownership is 20%, as recommended in the Strategic Housing Market Assessment. There are no indications from the evidence available that there is a market for a greater number of shared ownership for existing residents of Newport, given the ongoing issues with mortgage availability.

Within the required 35% provision, the following proportions of house types, sizes and tenures would best meet identified affordable housing needs in Newport:

#### Social rented

2 bedroom 4 person houses – 20%

3 bedroom 5 person houses – 30%

4 bedroom 7 person houses – 7%

2 bedroom bungalows for older people – 20%

Full wheelchair standard properties – 3%

(For older and/or disabled people of any age. These could be 2, 3 or 4 bed sizes and could consist of houses with a lift, or bungalows - ideally a mix of both)

*Social rented = 80% of total affordable provision*

Shared ownership (depending on market)

2 bedroom 4 person houses – 15%

3 bedroom 5 person houses – 5%

*Shared ownership = 20% of total affordable provision*

### **TWC Education**

In acknowledgement of the number of large residential planning applications currently being considered by the LPA, TWC Education has prepared a “Position Statement” as updated in July 2012. In summary, the following represents their position:

The Newport area at secondary level is served by:

- Burton Borough secondary school (LA maintained)
- Adams Grammar School (Academy)
- Newport Girls High School (Academy)

As at July 2012, there is an oversubscription of pupils of over 3% in the Newport area at secondary level. This is set to continue for the foreseeable future.

The following table details our 6 year projections for the maintained secondary school and includes housing currently under construction, strategic sites, and the following developments: Wellington Road, Audley Avenue, Station Road and Maynard’s Croft.

<b>Combined Newport Area Projection 2012</b>											
	<b>Sept Yr</b>	<b>Y 7</b>	<b>Y 8</b>	<b>Y 9</b>	<b>Y1 0</b>	<b>Y1 1</b>	<b>Y1 2</b>	<b>Y1 3</b>	<b>Total</b>	<b>Net Capacity</b>	<b>Surpluses %</b>

<b>Total Newport Area</b>	<b>2012</b>	37 1	36 3	37 4	37 3	38 5	21 6	19 6	227 8	<b>2260</b>	<b>-1</b>
	<b>2013</b>	33 5	37 3	37 1	37 0	37 1	22 0	20 6	224 5	<b>2260</b>	<b>1</b>
	<b>2014</b>	35 5	33 7	38 1	36 8	36 9	21 2	21 1	223 3	<b>2260</b>	<b>1</b>
	<b>2015</b>	35 5	35 9	34 7	38 0	36 9	20 8	20 3	222 1	<b>2260</b>	<b>2</b>
	<b>2016</b>	37 6	35 9	36 9	34 6	38 0	21 9	19 8	224 8	<b>2260</b>	<b>1</b>
	<b>2017</b>	38	37	36	36	34	21	21	227	<b>2260</b>	<b>-0</b>

		2	9	8	7	5	9	0	0		
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As there are two grammar schools situated in Newport who take children from a very wide area, Burton Borough, as the only comprehensive school, takes the vast majority of secondary aged children living in Newport. Although the school will benefit from Building Schools for the Future funding, this is not providing additional accommodation, rather it is modernising and refurbishing current provision.

The Newport area at primary level is served by:

Church Aston Infant  
 Edmond St Peters CE Primary  
 Moorfield Primary  
 Newport Infant  
 Newport Junior  
 SS Peter & Pauls Catholic Primary  
 Muxton Primary  
 Lilleshall Primary

As at July 2012, there is a surplus of primary places of above 5%, however projected within the next 5 years is a reduction in this surplus to under 5%.

In line with the Audit Commission's review on the supply of school places, "Trading Places: The Supply and Allocation of School Places" (published December 1996, reviewed 2002), a school should be considered to be at full capacity when at 5% surplus capacity or less.

TOTAL S	Census Yr	Rec	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total	Net Capacity	% Surplus
	<b>2012</b>	224	244	258	242	244	265	272	<b>1749</b>	1906	8
	<b>2013</b>	255	236	257	263	249	254	270	<b>1783</b>	1906	6
	<b>2014</b>	261	267	248	266	273	259	258	<b>1831</b>	1906	4
	<b>2015</b>	229	271	279	258	273	281	262	<b>1853</b>	1906	3
	<b>2016</b>	200	238	283	279	266	281	284	<b>1832</b>	1906	4
	<b>2017</b>	234	208	249	290	288	274	284	<b>1827</b>	1906	4

Not all proposed housing for the area is included in this 5 year projection. This includes all sites under construction, strategic sites and all know housing as at July 2012 (including Wellington Rd, Audley Avenue, Station Rd and Maynard's Croft).

Much of the planned housing is set to be provided beyond this 5 year period, therefore the percentage surplus is likely to decrease still further.

The projections provided were completed June 2012. Data is updated annually therefore it is expected that projected numbers for both primary and secondary school will be updated between March and May 2013 for the whole Borough.

The Primary schools included which are located in the rural area outside the Newport town boundary tend to attract applicants from the Newport urban area. These pupils tend to be the nearest children outside the rural schools' defined attendance areas, and as such get priority over other children living further away.

Parents are able to express a preference for any mainstream school, and if there are places available the school are obliged to offer them a place. If a school is going to be full, the admissions authority have to then apply the published admissions criteria to decide which pupils will get places. When schools are full parents have the right to appeal to an Independent Appeals Committee who can decide to place a child over the admission number.

Some schools, for instance Moorfield Primary, are oversubscribed with pupils who are from outside their own attendance area, but are still living within Newport. If development is located in close proximity to such a school, then the pupils generated by the new housing will displace those living further away but who are still within the Newport boundary. These pupils will then have to seek places either at their own local Newport school or schools outside of the area. In these cases, it may in fact be necessary to provide additional accommodation at schools which have no new housing development within their own geographical attendance area in order to ensure that there are sufficient places.

An Education contribution calculation has been provided using current numbers and based upon an average 3.35 beds per dwelling for the following sites:

- Wellington Road - @ 285 houses (TWC/2011/0821);
- Audley Avenue - @ 215 houses (TWC/2011/0827);
- Station Road - @ 350 houses (TWC/2011/0871);
- Maynards Croft - @ 33 houses (TWC/2012/0211).

The total contributions being required allowing for surplus provision is £1,216,036 in respect of Primary School provision and £960,160 for Secondary School provision with a combined contribution of £2,176,195. The combined cost per dwelling for all of the four developments is £2,464.55p. The Council would not be seeking an education contribution for the Wellington Road application if this is the only development that proceeds.

Ideally, the Local Authority would want to provide accommodation before need arises, particularly as Newport is somewhat isolated geographically and it is undesirable for very young children to have to travel to access reception class provision.

In the current financial climate it is no longer possible for Local Authorities to 'bank roll' schemes pending receipt of Section 106 contributions on the completion of sites. Education would seek to negotiate when the release of funds would best suit the Council and the developer. Considering the limited options for Newport residents in accessing out of area places, we would require 50% upon commencement of development, 25% on 25% occupancy, and the remaining 25% at 50% occupancy.

As with other education contributions, we would expect the agreed sums to be subject to indexation to ensure future value is not eroded by inflation.

### **TWC Arboricultural Officer**

Support subject to conditions. Following receipt of the updated information, if consent is afforded to the application the following conditions should be imposed as pre-commencement.

I am happy that T13 (TPO'd Oak) is now to be retained however greater detail will be required as the illustrative master plan does not show enough detail e.g. currently T13 appears to be growing out of the proposed balancing pond, the root protection area for the tree has been specified as 11.8 metres. Therefore as the applicants are providing a Tree Protection Plan T13 should appear on this now that it is to be retained.

### Landscaping

**B121** Landscaping Design.

**B126 & B128;** Landscape Management & Maintenance; plans detailing species selection, planting schedule, location, watering regime and boundary treatments, 20% of the proposed planting adjacent to the balancing pond are intended to be Grey poplar, ideally we would request a different choice of species either Swamp cypress or Dawn Redwood, which in turn would offer brighter autumnal colours greater longevity and a better safety factor.

**C76** Landscape Implementation hard & soft

### Trees

**B130** Tree Protective Fencing; Prior to the commencement of the development and following the proposed remedial tree works, HERAS fencing as depicted on page 33 of FPCR Arboricultural Assessment will be installed around all retained trees within or adjacent to the site, in relation to the Tree Protection and Tree Constraints Plan produced by FPCR which will be produced by FPCR subject to approval.

**B131** Tree Services Root Protection; Plans detailing all service runs, where they are to run adjacent to or through the RPA of trees within or adjacent to the site.

As referred to within the September Arb Assessment point 4.40 services near any existing or proposed trees, should be ducted for future ease of access and maintenance.

The use of root barriers is encouraged where trees are planted adjacent pavements and roads to ensure that surface roots will not create trip hazards in the future.

**B134** TPO Extent of Works; All proposed tree works should be carried out prior to the erection of the HERAS fencing and the commencement of any construction within the site.

There are further proposals required for **T9** is the tree to be retained for its ecological value within the site as suggested within the Arb Assessment?

A full definitive list of proposals for tree works should be submitted for approval.

**B132** Trees No Dig Method; The illustrative master plan shows a number of areas within and adjacent to the site where roads or pedestrian rides are to run either in close proximity or through the RPA of trees within the site. Therefore an Arboricultural Method Statement will be required to demonstrate how the applicants intend to do this without damaging the roots of the trees.

As referred to within the September Arb Assessment if the proposal is granted consent then an Arb Method Statement would be produced in conjunction with a Tree Constraints Plan and a Tree Protection Plan.

Following the updated junction arrangement Drawing No. PSHARN-007 the applicants are proposing a 'no dig' construction technique to install the foot and cycle way around the Oak to the front of the site.

**B133, 135 & 136** TPO Replacements, Planting details & Scheme;

Within the tree report 35 trees are proposed for removal a number of these are subject to TPO's, and a large proportion of these are Lombardy poplars which have been identified as approaching the end of their safe useful life, **therefore in mitigation for there loss replacements will be required**. This is to ensure that the amenity of the site is upheld for future generations.

**C79** TPO Tree Suitable Contractor. To carry out all proposed tree woks within or adjacent to the site prior to the commencement of the development if approved by the authority.

**C70** Trees – No Burning

**C71** Trees - Soil Levels

**C72** Trees – Materials Storage

### **TWC Sustainability Officer**

A statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to develop residential buildings to achieve Code for Sustainable Homes standards.

As such, the built development will need to meet the environmental standards outlined below:

The development must be completed using CSH.

- CSH assessments for the scheme will need to be undertaken at the design stage and also at post-construction review.
- The development will be required to meet CSH rating 4. Please note that CSH is updated regularly. The developer must refer to the latest version or the prevailing sustainable standards - whichever is the higher at the time of submission of reserved matters.
- Developers and designers should involve a CSH assessor as early as possible in the design process, to ensure the rating is achieved in a cost effective manner.

Due consideration must be given to the Habitat Regulation Assessment (HRA), as the scheme has the potential to impact habitats of European importance.

### **TWC Planning Ecologist**

Support subject to conditions.

#### Bats

Two nocturnal transect surveys were carried out, one in 2010 and one in 2011, each using two surveyors. Whilst this isn't ideal, the results are unlikely to differ greatly if further surveys were carried out.

Relatively low bat activity was recorded across the site during both surveys, with foraging mainly associated with the hedgerows and mature trees. During the second transect there were "slightly higher concentrations [of activity] along the western side of hedgerow H5 and adjacent pond P3 on the eastern boundary." Common pipistrelles were most commonly recorded, with soprano pipistrelle, whiskered / Brandt's, noctule, brown long eared and an unidentified myotis also recorded.

One tree with bat potential, T13, is proposed for removal as part of the development, and so an emergence survey was carried out on this tree in May 2011. Common and soprano pipistrelles were recorded foraging and commuting in the area, but no bats emerged from the tree.

A number of other trees on site were considered to have potential to support roosting bats, but the following paragraph from the Ecological Appraisal Addendum explains why focussed surveys on these trees are not considered necessary:

All trees offering some potentially suitable bat roosting habitat are to be retained and buffered by additional landscape planting. In addition, a commitment to the implementation of a wildlife sensitive development lighting scheme and careful design of the overall layout of the scheme including Public Open Space have also minimised the likelihood of potential long term impacts on the trees and any potential tree bat roost sites. Design features such as the retention of the majority of hedgerows, significant bolstering of the eastern and western boundary hedgerows, provision of a wet ditch along the eastern boundary, provision of significant Green Infrastructure along the eastern site boundary and buffering of retained hedgerows

are considered sufficient to allow the continued use of the site by the low numbers of commuting and foraging bats observed. As such, it is considered that all trees highlighted as potentially offering potential to roosting bats will not be directly or indirectly affected by the development proposals.

As long as these provisions are delivered I am satisfied that bats won't be adversely affected by the development.

#### Amphibians

The three ponds on site were assessed as having poor potential to support great crested newts. No amphibians were recorded during the presence/absence surveys undertaken in spring 2008. Surveys were going to be repeated in 2011 but the ponds had dried up.

An additional pond was later identified 205m south-east of the site boundary. However, this pond "is isolated from the development by industrial buildings, hardstanding and a road which are considered to constitute a significant barrier to dispersal. Therefore, it is considered that no further assessment of the pond is required in relation to GCN."

#### Reptiles

No evidence of reptiles was observed on site. The site has limited value for reptiles due to grazing, management and isolation from other suitable habitats.

#### Water voles

No evidence of water voles was observed on site. The ditch was dry in 2010 and unsuitable to support water voles.

#### Badgers

No evidence of badgers was observed on site or within the site boundaries.

#### Mitigation, compensation and enhancements

The mitigation, compensation and enhancement measures proposed in the ecological assessment should be written into a management plan, with appropriate funds set aside to carry out long-term management of the site. If this is not deemed appropriate then the recommendations in sections 4.15-4.23 of the report should be conditioned.

I also recommend the following condition for the erection of nest boxes to compensate for lost nesting and roosting opportunities, and to enhance the site for biodiversity.

#### **TWC Environmental Health (Pollution Control)**

The original advice made below remains the view of the Environmental Health Officer even after consideration of representations made by Mornflake operators and owners of Audley Business Park, as described later in this report.

There are no grounds for objection in relation to Air Quality, as the submitted Air Quality Data shows acceptable levels are to be maintained. We would request that

any Section 106 agreement include provision for ongoing work on Air Quality at a level to be agreed.

There are issues regarding noise which need to be considered.

Planning Permission was granted on 29/12/2011 for an Industrial Development on the eastern boundary of the proposed development. The permission granted is for a Car Auction and Class B2 use. Class B2 includes operations which are capable of being detrimental to the amenities of sensitive receptors by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit. There are no restrictions on hours of operation or noise levels for these units.

These buildings are situated on the Eastern Boundary of this application and as such there will be minimal distance attenuation. As the Industrial Estate has not yet been constructed we have no measureable noise levels specific to this site.

In relation to noise it would be technically possible to provide Noise Attenuation Measures for a residential development adjacent to typical B2 use, even using the Quiet Borough standards. These measures would however place severe constraints on the design, layout and construction of any properties along the eastern boundary of the site.

It is important to note however that this is based on a typical B2 Class Use and it is possible that a process may be undertaken in this development which is particularly annoying to the human ear. If Plans Board are minded to approve this application it is recommended that the following condition be incorporated into any such permission granted.

No development shall commence until a Detailed Scheme of Noise Attenuation Measures, including but not restricted to, the design, layout and form of construction of any Noise Sensitive Receptors be submitted to, and agreed in writing with, the Local Planning Authority.

Any such Scheme may also need to include suitable noise bunds and or barriers.

Any Class B2 industrial use is capable of affecting the amenity of sensitive receptors by reason of vibration, smell, fumes, smoke, soot, ash, dust or grit in addition to noise.

As there are currently no details available of the exact processes which may be carried out we cannot accurately comment on the extent to which this may occur. If either the noise levels or any of the above factors cause Statutory Nuisance to the Proposed Residential Development then Public Protection will be under a legal duty to take Enforcement Action.

This could involve the service of legal notices which could restrict the activities carried out within the B2 Units or involve the operators in considerable financial expense in installing appropriate mitigation measures.

**TWC Environmental Health (Contaminated Land)**

Support. In accordance with Environmental Health policy due to the scale of development a standard land contamination condition (B57) should be attached any permission granted.

### **TWC Urban Design Officer**

No comment.

### **Principal Planning Officer (Minerals and Waste)**

The site is in a Mineral Safeguarding Area in relation to underlying deposits of sand and gravel. It is noted that it is adjacent to road infrastructure, substantial housing development and industrial units (B class use) and Newport cemetery. Given the need for standoffs from theoretical extraction limits and graded batters on a theoretical quarry face from existing road infrastructure, built development and consecrated ground, it is considered that any mineral which may be present within the site is already effectively sterilised. In addition, there would be major environmental concerns about working any mineral present so close to major residential development, industrial units and Newport Cemetery. As a fall back position, it is always possible to work a small amount of any valuable minerals present during prior to construction of the other designated developments and avoid some sterilisation of minerals in the process. In conclusion, there is no objection to the site being developed on minerals sterilisation grounds.

### External consultations

#### **Severn Trent Water**

In acknowledgement of the number of planning applications currently being considered by the LPA, Severn Trent Water has prepared a "Position Statement". In summary, the following represents STW's position:

Under the Water Industry Act, developers have the right to connect foul and surface water flows to public sewers and STW have a duty to provide additional capacity. Where there is insufficient capacity, STW cannot refuse connection but can ask the LPA to delay development pending upgrading. STW have to fund any capacity improvements, but also have a duty to minimise the impact on customers' bills - they also don't want to delay new development but need to avoid abortive expenditure associated with speculative development. STW also has a duty to comply with discharge consents issued by the Environment Agency (EA).

In terms of the sewerage network, Newport is split into two sewerage sub-catchments – one to the north-west and the other to the south-east. There are known capacity issues within the SE catchment with records of sewer flooding affecting properties and gardens etc Mitigation to properties has been successful but risk to external areas - gardens and highways - remain. Preliminary investigations suggest that additional flows from proposed development in the western catchment are likely to exacerbate existing problems. Investigatory work to look at solutions and options will be completed early summer 2012. Possible solutions include the developers reducing the amount of surface water (rain water) that enters the foul sewers, which will free up capacity for additional foul flows, and/or replacing parts of the sewerage system with larger sewers. The costs and benefits of each of the options will be assessed and the most suitable solution will be selected. STW may invite the LPA to delay commencement or occupation of any

development until sufficient capacity is provided. STW recommend that the Council uses appropriate conditions on planning applications to ensure that developers provide details of foul drainage that the Council would then approve.

In terms of sewage treatment, STW confirm that the sewerage network problems are not linked to the capacity of the existing sewage treatment works in Newport. Spare capacity exists for an additional 670 new dwellings within the existing discharge consent for the treatment works. The current treatment process is anticipated to have sufficient capacity for later development phases. Any additional capacity requirements would be provided on site at the existing treatment works. The impacts on air quality will be negligible.

With regards to *surface water management*, this should be managed on site rather than being discharged to the sewerage system or where necessary, restricted to "greenfield rates". Such sustainability measures will reduce the demand on the existing sewerage network capacity.

In terms of *water mains system*, a study is underway for Telford as a whole, which will report in April 2012. It is anticipated that STW along with TWC will manage the impact of new development. Water consumption is now being managed through the Code for Sustainable Homes Level 3 requirements. It is finally recommended that a Water Cycle Study be prepared by TWC for development across the Borough.

### **Environment Agency**

The site lies in Flood Zone 1 on our Flood Zone Maps which is the zone of low risk of fluvial flooding. As it is primarily a greenfield site and the development will increase the area which is impermeable, we recommend that a condition is included in any permission you may be minded to grant to ensure that surface water run-off from the site will be controlled to greenfield run-off rates of 5l/s/ha with attenuation storage for the 100 yr flood event plus a 30% climate change allowance. This is stated within para 1.2.2 and section 4 of the Drainage Strategy / FRA dated September 2011 ref PSHARN 1006 v3 by Halcrow but requires to be enforced.

Care should be taken in the detailed design following the outline permission, to ensure that any/all of the existing drainage from the surrounding area is picked up. The indicative layout shows a conveyance channel through the site and improvements to the existing surface water ditch on the east side of the site and both these must be incorporated into the detailed design.

The proposed development site lies over a major aquifer, is in an outer source protection zone for public water supplies and appears to have a high water table. We would therefore recommend ground investigation is undertaken prior to submission of reserved matters to inform the detail of the drainage strategy and to ensure that no pathways are created to contaminate groundwater (see para 4.2.2 of the above Drainage Strategy).

To increase ecological benefit as well as flood risk benefit from the balancing pond, we recommend that it be designed with a variety of depths and bank profiles to provide a range of habitats for submerged and emergent vegetation. The inclusion of deeper sumps within the pond will help to ensure that during drier summers

aquatic habitat are sustained, enabling amphibians and invertebrates to survive from year to year. Additionally these deeper areas may help to prevent certain emergent plants (Reedmace) from spreading across the pond.

As many aquatic invertebrates have terrestrial life stages, it would be beneficial to have a buffer strip of longer or tussocky grass round the pond to provide some continuity of habitat for such species. It is important in introducing aquatic plant species, that non native and invasive species should be avoided, both in the specification and inadvertently introduced with legitimate species.

### **Natural England**

Designated Sites (European Sites (Natura 2000 Network) - The application site is within 5 km of Aqualate Mere Site of Special Scientific Interest (SSSI). This SSSI forms part of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites. PPS9 makes clear that Ramsar designated sites are to be considered of equivalent status to European Sites (SPA/SAC).

Natural England has no objection to the development proposal in relation to designated sites (International Sites and UK Sites of Special Scientific Interest).

It is their view that, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important interest features of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites or any of the special scientific interest features of the Aqualate Mere Site of Special Scientific Interest (SSSI). The detailed reasoning behind this view was provided in the response from Natural England.

Sites of Special Scientific Interest (SSSI) - Newport Canal SSSI is located close to the existing Severn Trent Water Ltd waste water treatment works. Based on the information discussed at our recent meeting with your council, the Environment Agency and Seven Trent Water Ltd regarding public water supply and foul drainage provision Natural England has no objection to this development in relation to these issues. This is because our discussions confirmed that there were no significant environmental impacts from water supply or waste water treatment on Aqualate Mere (part of the Midlands Mosses and Meres Ramsar site phase 2) or Newport Canal SSSI.

### **Shropshire Council Archaeologist**

No comment.

### **Shropshire Wildlife Trust**

The inclusion of a green infrastructure plan is very welcome. The area earmarked for a balancing pond and extension to the allotments would perhaps be more appropriately designated for accessible natural green space. As well as providing a benefit for wildlife this would go some way towards addressing the deficit of accessible natural green space identified in PPG17 studies.

We are aware of opinions that the field in this area, identified as improved grassland to the north (balancing pond area) has greater potential than may be suggested in the report. We would therefore suggest that some additional thought is given to this

area.

The proposal that a balancing pond will compensate for the loss of ephemeral ponds has some merit. It should include features such as shallow margins and marsh areas to maximise biodiversity gain as well as being able to retain any polluted run off and prevent it from entering the wider environment. Given the reports of water vole on the water course running alongside the north eastern boundary of the site (although the population appears to have been destroyed in recent years) this may be especially relevant.

Trees and hedgerows should be retained and lighting schemes designed to avoid disturbance to these and other areas of green infrastructure.

### **Sport England**

Support subject to conditions. Further to our letter dated 17<sup>th</sup> November 2011 (initially objecting to the application) additional information has been provided with regard to the impact of the proposed development on local sporting provision.

As set out in our previous correspondence, the proposal would lead to the loss of playing field provision and Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

Following discussions with the applicants and Council leisure officers, the proposals now include an off site replacement area of grass playing field. The proposed area lies adjacent to Burton Borough School and it is intended that once delivered, this area will form part of the playing field provision at the school. This will extend the quantitative area of the schools playing field. In addition, and importantly, it is also proposed that the whole playing field at the school, including the proposed additional replacement area will become formally available for structured community use.

In quantitative terms, the proposed replacement area would be approximately half of the size of the existing 'Audco' playing field. However, through the opening up the existing school provision and this additional land for structured community access, significant additional pitch provision can be made accessible for the local community when compared to the current position.

The Council's supply and demand data has indicated that this additional accessible supply will provide sufficient levels of pitch provision in Newport to meet peak time demand. In addition, the Council's supply and demand modelling indicates that the overall number of pitches available to the community has the capacity to meet additional demand generated by the potential future expansion of Newport.

In addition to the proposed quantitative area of replacement playing field area, a package of improvements is proposed in relation to The Shukers Fields. This site is understood to be subject to a rolling agreement with a local community Football Club (Nova F.C) under a 'Self Help Agreement'.

As part of this planning application process, the following priorities for investment have been identified. These are understood to have arisen from discussions with Council officers, representatives from Nova F.C and the F.A.

- Survey work leading to implementation of improved drainage system.
- Levelling of the site, including re-grading and re-seeding to deliver greater flexibility and facilitate the required pitch use.
- Provision of storage facility to securely store goals posts and maintenance equipment.
- Refurbishment of changing rooms
- Ball stop fencing at relevant points of the site
- Shutters provided to dug outs

A further aspect to the proposed improvements to the Shukers Fields Site is the transfer of the area currently in private ownership to Telford and Wrekin Council.

The package of overall mitigation measures partially consists of like for like quantitative replacement and partially consists of operational, qualitative and access improvements to existing provision in the area. Using the context provided by the Council's supply and demand information, it appears that the overall mitigation package will facilitate access of a greater range of pitches with improved quality. Importantly, it appears the proposed mitigation measures will maintain a local pitch stock which is sufficient in size and quality to meet current and likely future demand.

In principle, we therefore consider that the suggested mitigation package is sufficient to outweigh the loss of playing field at the Audco site. However, this position is subject to appropriate conditions and legal agreements which secure the delivery of the proposed mitigation measures. We suggest the following:

#### Legal Agreement

An appropriate agreement which secures the delivery of 1.6ha of land owned by The Haberdashers Company into public control prior to the commencement of development.

#### Planning Conditions

1. A condition which states that prior to the commencement of any development on the site of the Audco pitches, planning consent must have been granted for the proposed new area of playing field on land adjacent to Burton Borough School. The application should include details of the proposed structured community access to the whole playing field site in the form of an agreement that will be subsequently implemented.
2. A condition which states that the replacement area of playing field area must be implemented to the satisfaction of the LPA and stakeholders prior to the occupation of the 75<sup>th</sup> dwelling.
3. A condition which states that prior to the commencement of any development on the site of the Audco pitches, the details of the proposed improvements to the Shukers Fields involving pitch drainage and levelling are submitted and agreed in writing with the Local Planning Authority. The condition should also

state that the agreed works are implemented no later than occupation of the 50<sup>th</sup> dwelling.

4. A condition which specifies that prior to the commencement of any development on the site of the Audco pitches, full details of the package of improvements and funding for the ancillary facilities at Shukers Fields be agreed in writing with the LPA (in consultation with its stakeholders). The condition should also state that the agreed improvements shall be implemented on site no later than occupation of the 75<sup>th</sup> dwelling.

It is important to note that the proposed replacement area of playing field and the proposed improvements to Shukers field are considered to be mitigation for the loss of playing field. As suggested in our previous correspondence, we also encourage that consideration is given to the increased demands from the housing proposed and appropriate measures to off set this.

In summary however, Sport England withdraws our outstanding objection to the loss of playing field proposed by this application, subject to the above matters being addressed by suitable conditions being attached to the decision notice (if the Council are minded to approve the application). We would wish to agree the precise condition wording prior to the application being determined.

If the Planning Authority decides not to address these matters through relevant conditions, Sport England may wish to maintain an objection to this application. In such circumstances, please discuss with the undersigned. In the event of the Planning Authority being minded to approve the application without addressing these matters, the application should be referred to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011.

#### **National Grid (gas infrastructure)**

The proposed areas of development have been checked and currently we do not predict any major problems to the network, other than for one development for the North and South of Station road. Should this site be fully built then major reinforcement works will be required in the area. We will deal with requests to connect to our network on an individual basis as they come in from developers.

#### **Western Power Distribution (electricity infrastructure)**

As request they have checked the 3 locations for proposed developments in Newport at Wellington Road, Audley Avenue and Station Road. There is spare capacity at their Newport primary substation located at Longford Road (next to Vauxhall Farm) and both 11kV feeders called "Longford Rd Tees" and "Ford Road/Vauxhall ABI". It would only be necessary to overlay part of the 11kV cables which would feed new developments and which are mainly located in the footpaths in the adjacent area. They would deal with requests to connect to their network as they come in from developers and do not predict any particular problems with this development area from their point of view.

Regarding planning permissions which have already been granted for developments at Bromfield Road – TWC/2011/0179, Audley Road – TWC/2011/0334 and

Continuing Care Retirement Community – W2008/0934 they would deal with these in the same way as the 3 new applications which are being considered.

**Telford and Wrekin Primary Care Trust:**

The Primary Care Trust (PCT) has estimated that if all the major applications currently before the Council (and those where a resolution to grant permission has recently been given) then there would be around 2,800 new patients between 2012 and 2024.

Assuming this is halved between both Newport GP Surgeries -

a) Wellington Road Surgery

Current Patient list - 13450

Actual rooms currently available - 13 consult 3 treatment

Current requirement for above - 10 consult 3 treatment

Increased patient list size - 14850 (current + 1/2 possible increase)

Future requirement based on above list size - 11 consult 3 treatment

b) Linden Hall Surgery

Current Patient list - 12395

Actual rooms currently available - 8 Consult 2 treatment

Current requirement for above - 9 consult 2 treatment

Increased patient list size - 13795 (current + 1/2 possible increase)

Future requirement based on above list size - 10 consult 3 treatment

NB: Linden Hall patient list size also includes Harper Adams students who are seen at the Harper Adams branch surgery (1 consulting room & 1 treatment room).

The practice also has a branch surgery at Muxton (1 consulting room & 1 treatment room).

Therefore Linden Hall Surgery provides a total of 10 consulting rooms & 4 treatment rooms from 3 locations, therefore this combined total is suitable for the anticipated additional patients.

At Circa 18,500 patients a Surgery would require 13 consult/treatment rooms so anything above this then additional consult and treatment rooms would be required if at only 1 location.

The calculations/requirements above are based on the current guidance contained within the relevant Health Building Notice document *HBN 11-01 Facilities for Primary and Community Care Services*, this document provides best practice on the design & layout for primary (GP surgeries) & community care premises and community hospitals.

Therefore the overall impact of 2,800 patients to the actual premises themselves for both surgeries will be acceptable. However, the PCT cannot comment on the actual services provided from these or the types of healthcare provision. For example extra care home facilities obviously will require a different level and type of healthcare requirement for those needed by patients occupying starter homes for example e.g. young families etc.

Whilst the position of both practices above are currently suitable, healthcare standards and regulations however need to be met and premises kept up to date and with the forthcoming CQC registration (April 2013) both practice premises will require some improvements and minor modifications in the future to ensure no non-compliances are encountered with CQC registration. With this in mind the PCT wonder if they could please take forward conversations with regards the Community Infrastructure Levy and perhaps look at providing some additional funding to support the Newport practices and ensure they can accommodate the future increases to the population.

With regard to dental provision, as the PCT does not have an up-to-date Oral Health Needs Assessment Document, capacity for dental provision is measured against performance against contracted activity.

There are currently 4 Dental Practices/Contracts in place in the Newport Area. Two of these contracts persistently underperform which indicates that there is additional capacity for patients in the area. The Local Authority and the Primary Care Team at the PCT – soon to be the Local Office of the National Commissioning Board should work together to monitor current provision/capacity and put in place expanded capacity as and when the need arises. Unlike GP surgeries dental practices do not have boundaries and so patients can be seen at other practices within Telford and Wrekin.

### **National Casework Planning Unit**

Whilst the Council does not need to refer this application under the Consultation Direction to the Secretary of State for Communities and Local Government for consideration, the Council has received correspondence from this body (who act on behalf of the Secretary of State). This correspondence stated that should Plans Board be minded to approve this application (or the applications at Wellington Road and Station Road) the National Casework Planning Unit (NCPU) has requested copies of the relevant documents be passed to them to allow an assessment to be made, before any notification is issued to the applicant. This is to allow consideration of whether there are any issues of a significant enough nature to warrant intervention from the Secretary of State, that is, to “Call In” the application.

The application at Wellington Road (ref. TWC/2011/0827) has already been considered by Plans Board and because of a resolution to grant consent it was first referred to the NCPU. The NCPU have subsequently written to confirm that the Secretary of State does not wish to intervene, but nevertheless they state that would still wish the Audley Avenue application to be sent to them prior to any notification issued to the applicant should Plans Board be minded to approve this application.

### Local consultation and representations

#### **Newport Town Council**

Object with Comments. Members of the Planning Committee discussed the application in the context of the scale of development quoted in the LDF of 60 houses per years; the conclusion was that the number of up to 215 houses for this site is disproportionate. There are currently other permitted applications for the erection of houses that address the acknowledged short fall.

The site is a green field site and space, and is contrary to the recently adopted Planning Principals of this council that it is would seek to have Brown Field sites developed first.

Apprehension was expressed that should the initial infrastructure be established and no houses built, the site has potential to become a building site and a brown field site for many years.

Members were unanimous the bus bollard system, to prevent access and egress on to Audley Avenue remain in situ.

Should the application receive permission, the Town Council welcome the Planning Obligation for the provision of Allotment land. However, consideration should be given to the provision of an access from the development, to negate traffic increase and congestion on the residential roads in the vicinity of the existing allotments. Furthermore, the application discusses the transfer of ownership to Telford & Wrekin Council some of the football playing fields to Telford & Wrekin Council; the Town Council would wish some covenant placed upon the playing fields to ensure they are protected against development for a significant period, perhaps 99 years.

Letters from the Town Clerk to Phil Baker (dated 23 February) and Michael Barker (dated 4 August 2011) of the Local Planning Authority with reference to a previous application in the vicinity of Newport General Cemetery still holds relevance and is submitted along with these comments for consideration as to the historically wet area, high water table and potential ground water pollution.

It was noted on all the large scale planning applications, considered at the meeting, that there were assumptions made on the LDF post 2016 when in fact there is no agreed policy beyond 2016.

### **Chetwynd Aston and Woodcote Parish Council**

Objects to the Greenfield part of this application, but does not object to the Brownfield part. Councillors object to any greenfield development until all brownfield sites in and around Newport have been developed.

### **Newport and District Civic Society**

Joint objection to this application and TWC/2001/0871 (mixed use development to the south) as we understand from the documents that the applicant on both of these outline applications is applying only for approval of access and highway approval works, with all other matters reserved.

On TWC/2011/0827, it would appear that from the traffic assessment report provided by Halcrow, that they have been asked to consider what further traffic flows from other 'Committed Development' applications may have consequences for application 0827 only as regards the application for the food store under TWC/2011/0632. Given the proximity of application TWC/2011/0871 this is clearly wholly inadequate given that the volume of increased traffic from 0871 will be massively in excess of any from 0632 as is shown by the Transport Assessment from Phil Jones Associates Ltd in 0871. Given all three applications will have traffic flows to and from the same

highway the omission can only be assumed to have been made to try and maintain 'the fiction' that 0827 and 0871 should not have formed one application.

We submit that for either of 0827 or 0871 to actually operate as schemes with viable traffic flows that they will seek to have the bus gate on Audley Avenue removed. Given the presence of the schools this is simply not acceptable and explains why under earlier proposals discussed with Borough Council representatives from the previous administration i.e. that in place before the last Borough Council elections in May 2011, the proposals then under consideration related to moving the schools to another part of Newport.

On the basis of the inadequacy of the traffic assessment report from Halcrow for 0827 as identified above, we submit that approval should not be granted.

Object to the entire application on the basis that it is both in the wrong location in Newport and is wrong in its size and density. The main reasons for this objection are as follows:

- There is no need for housing given the level of completions since 2006 together with other proposals coming forward therefore this application is not needed to reach the 600 dwellings figure by 2016.
- The Council has failed to carry out what should have been in place for the draft Core Strategy and in the 4 years since it was adopted i.e. an assessment to identify the specific housing needs of Newport and its rural hinterland. Any change from the 600 dwellings number in the Core Strategy should only be accepted by the Plans Board when and if supported by a housing market assessment for Newport and its rural hinterland.
- If granted the development would produce a near monopoly of housing provision in Newport for the developer and house builder over the next 5 years or so.
- The site is in the wrong location. Traffic congestion and safety issues associated with two schools nearby.
- The infrastructure in Newport for the supply of water, removal of storm and foul water, sewage treatment, drainage of the land in general, services for the provision of power (particularly electricity) is old and struggles to cope at times of increased (i.e. not high) demand. What Newport is facing as regards applications already approved, submitted but yet approved and shortly to be submitted, is an unprecedented and, as against usual timescales, immediate huge increase in density of residential, retail and business demands, the consequences of which will not fall to the developers under S.106 contributions but on the residents of Newport and Telford by way of increased utility bills.
- Request that the Plans Board reject the application in its totality and instruct T&W Planning Dept. to produce:-
  - a) A housing needs assessment specific to Newport and its rural hinterland,
  - b) A report with levels of contributions than can be required from developers against levels of housing need for Newport and its rural hinterland.

**Newport Regeneration Partnership**

Make the following 'representation' to the Plans Board:-

- The absence of a master-plan for Newport has led to an unacceptable and inappropriate piecemeal approach to development proposals coming forward;
- The absence of such an approach has in effect denied the local community an effective voice in helping shape development of this traditional market town for the future. A more open approach would have been consistent with proposals set out in the Localism Bill for neighbourhood plans, and with TWC's publicly stated ambitions to become a cooperative council;
- NRP is not opposed to provision of new housing, especially new affordable housing, but would prefer proposals to come forward for existing brownfield sites within the town before extending to edge-of-town greenfield sites as we contend this is far more sustainable;
- We remain concerned about the cumulative impact of proposals in this planning application, both proposed and recently determined. The cumulative proposals are excessive and significantly out of line with LDF Core Strategy targets to 2016 and with local housing need. The borough council has not yet proven housing need beyond the core strategy plan period nor has it assessed, proven and demonstrated housing need for Newport beyond 2016;
- Consequently, NRP formally request that a decision on this planning application (TWC/2011/0827) be deferred and considered alongside a number of other planning applications (specifically 0821, 0871 & 0916), in light of recently approved applications, and with any other emerging development proposals that are not yet publicly known.

If the borough council are minded to consider this planning application (TWC/2011/0827) separately to other planning applications / development proposals then NRP wishes to lodge the follow concerns:-

- Proposed vehicular access to the development is wholly unacceptable either being entirely through an industrial / commercial area, or with a presumption that the existing bus gate is relocated to allow access along Audley Avenue past the Burton Borough School also allowing commercial traffic along the same route;
- Of course it may be the case that the developer has made an assumption about future use of land on the opposite side of Audley Road which has potential to open up access to their site. We are of a view that it would be entirely inappropriate for the Plans Board to consider such an option unless this application was considered after planning application TWC/2011/0871 had been wholly or partly determined. Otherwise, this application should be refused on access grounds;
- Newport Regeneration Partnership has consistently raised concerns about the cumulative effect of proposed large-scale development in or on the periphery of the town because existing services are already overloaded (i.e. clean water and sewers / sewerage treatment, and overloading of utility services);
- A significant increase in risk of flooding arising from the paved areas of development speeding up the rate of storm-water run-off with a high likelihood that more dwellings and business premises will suffer even worse flooding incidents;
- A cumulative assessment of the increased traffic and related congestion is required for all applications including those recently approved and those now before the Plans Board;

- Additional pressures / demands on local healthcare services will place a greater strain on them especially in light of an increased population, Newport's higher proportion of older people, and an increasing number of young families;
- NRP are also concerned that development of this land will limit any future opportunity to extend Newport's long established and highly valued cemetery.

### **Newport History Society**

Summary of concerns:

- The original drainage ditches for the 16 'pieces' - created when the Marsh was enclosed - have not been kept up.
- The proposed 'allotment extension' will cover a paddock of unimproved ancient pastureland which is of interest to natural history. In addition, the aerial photos of that same area, taken in 1983 and available at the County record Office (SA-IMG 66398) shows that this is an area of possible archaeological interest.
- Because of the large area of the Marsh (111 acres), the proposed 'balancing pond' could end up being difficult to control.
- The cemetery is an indication that the waters of the 'Great Marsh' cannot be underestimated.
- The Marsh Enclosure was for the benefit of Newport people, but Telford & Wrekin have taken the benefit away from the people of Newport, since even the affordable housing has to be 'agreed' at some later stage.

### **Newport Liberal Democrats**

Have provided a joint letter of objection in relation to all current major applications in Newport. In relation to this application the following comments are relevant:

- No need for more houses, leading to loss of green spaces and people coming into the town to live but working elsewhere;
- Inadequate infrastructure and services to accommodate proposed development. Lack of capacity at schools, medical services, sewerage and other utilities and increase in traffic congestion.
- Insufficient employment around Newport meaning new residents would work and shop elsewhere leading to greater congestion and would reduce community cohesion.
- Loss of green space and natural habitat. Plenty of brownfield sites within 20 mile radius including some within Newport.

### Local residents

The Council has received over 150 representations from local residents mostly objecting to the application with a handful in support. The responses received and the issues/concerns raised in relation to the application are summarised below:

Objections:-

- No need for more housing in Newport, already many houses for sale and new care village recently permitted in town would release more houses to market. Local housing targets have already been exceeded. Telford has greater capacity and infrastructure to accommodate new housing for the area. Some of the houses would be bought by student landlords not locals.

- New houses in Newport should be built on brownfield sites and sufficient brownfield sites exist within the town.
- Consider that the proposal that 2½ and 3 storey properties is not in keeping with the surroundings. The nearest existing properties, which would be overlooked by the new development, are bungalows and traditional 2 storey dwellings and any new proposals should be sympathetic
- Questions whether affordable houses would be affordable or go to locals.
- Highway concerns relating to increased congestion on Audley Avenue and on junction of A41/A518 bypass. Lack of connectivity for cars between site and town centre will mean any new residents would be isolated from the town. Highway safety increase in vehicles from the site would increase danger to pedestrians and school children. Increase in pollution and emissions from cars owned by residents of proposed development. Limited public transport serving the site.
- Not enough jobs in Newport for existing residents let alone new ones. Already residents commute out of town for jobs and town is steadily becoming a dormitory settlement and this would be reinforced by proposals and increased commuting would result. Houses should be built in Telford, where employment opportunities exist.
- Development would have a negative impact on the identity and character of Newport and its role as a market town.
- Insufficient capacity of infrastructure in the immediate area and town to accommodate the scale of proposals and new residents. Concerns regarding the connection of water, gas and electric supplies. Doctor and dentists already at capacity. Insufficient town centre car parking, Police and social services to deal with new residents. Schools in the town already at capacity. Telford has better infrastructure to accommodate new homes.
- Site is in floodplain and poorly drained/waterlogged. Development would decrease infiltration and increase run off causing further flooding on and off site. Foul water system downstream of the site is inadequate. Flooding from rising groundwater is also a concern.
- Concern over ground stability due to geological conditions.
- The site provides a green buffer between residential areas and industrial areas of the town. Concern that there will be conflict between the industrial areas and any new residents especially as some of the premises work 24 hours.
- Noise from A41 and industrial areas would be unacceptable to new residents.
- The proposals are on valuable 'greenfield' agricultural land. Location is a valuable green space/amenity land used by locals within the bypass.
- Loss of playing fields. Children's play area should be within development not on adjacent fields. Dog walkers would be forced to use playing pitches – conflict with users.
- Longer term space for cemetery expansion would be lost and part of the site should be set aside for this. Cemetery users would be affected by constructions works and by new residents.
- Concerns regarding the cumulative impact with other developments currently being proposed in Newport in particular proposed development to the south of Audley Avenue.

- Council would gain financially from the development and has a vested interest in approving the application.
- Impacts on wildlife and ecology habitats at the site. Protected newts on site.
- Site may contain features of archaeological interest.
- Concern that the development will be completed quicker than the applicant proposes.
- Negative impacts from construction phase and infrastructure provision.

Support:-

- More residents would be good for local retailers, businesses and services.
- Provision of high quality new build energy efficient housing is vital locally and nationally.
- The above views subject to infrastructure being put in place to accommodate the development and on site issues being overcome by the developer.

A noise report was received on behalf of the Morning Foods Limited, which has a grain store and grain cleaning facility at their Newport Silo Facility in Audley Avenue, Newport, directly opposite the proposed development. The company objects to the planning application in so far as residential development is proposed in close proximity to its site which could place additional constraints on its existing and planned operations.

The company is concerned that whereas its premises currently form part of an industrial estate separated from residential areas by open land and predominantly non-residential uses, the proposed development would bring residential properties into very close proximity to its site and act as a constraint on its existing and planned operations.

Although the Environmental Statement submitted in support of the application includes some examination of the impact of the existing Morning Foods site, especially with regard to existing noise levels, it takes no account of the planning permission for the demolition and erection of new buildings to include new mess room, industrial unit and 2.5m high chain link fence approved on 20th January 1993 under reference DF/W92/0970. This permission has been implemented in part and remains extant as confirmed in the attached letter from the Local Planning Authority. It permits a substantial milling operation similar to that at the company's existing site at Gresty Road, Crewe.

The Noise Assessment submitted in support of the application has no regard to the potential increase in noise likely to arise from the implementation of the extant planning permission. An increase in noise is likely to arise from two principal sources. Firstly, the approved buildings contain air handling units and fans at a height of 27 meters above ground level. Mitigation measures such as earth bunds and acoustic fences would be ineffective against such a noise source. Secondly, the approved industrial operations would result in a significant increase in traffic using the entrances to the Morning Foods site in Audley Avenue. These entrances are directly opposite the proposed dwellings that are to face Audley Avenue

In addition to the potential for an increase in the level of noise from the Morning Foods site, there is also the potential for nuisance from tonal noise. This issue is not

addressed in the Noise Assessment submitted with the application but nevertheless it is a major constraint on the proposed development and one that needs to be properly examined. In support of this position the applicant has included a noise report it commissioned in relation to a proposed residential development close to the Morning Foods site at Gresty, Crewe. Although no two sites are identical, the noise report demonstrates that tonal noise from a very similar operation to that approved at the Morning Foods site at Audley Avenue, Newport can cause serious problems of tonal noise. The report points out that it has considerable experience that this type of sound is one of the most common causes of environmental noise complaint where housing is placed in such close proximity to industrial development.

In addition consultants acting for Audley Avenue Business Parks, the owners of land with planning permission for employment use to the east have made two sets of submission, both on the original details submitted and after the various addendums to those reports.

Noting that the LPA recently approved new industrial estate on land directly adjoining the proposed residential scheme to the east (TWC/2011/0853), they point out that this consent allows the construction of 7 warehouse units to be used for B1 or B2. The planning consent contains no restrictions and could operate 24 hours a day and be amalgamated to form one large B2 use, which by definition are not suitable uses for residential areas.

Their primary concern relates to the relationship between the industrial estate consented by TWC on their client's land and the proposed residential development proposed by St Modwen on TWC owned land. They do not oppose the principle of residential development on this land, but if housing is to be consented on the adjoining site, appropriate mitigation measures must be put in place by the applicant to ensure the two uses can be accommodated without causing problems or inconvenience for occupiers of either development in future.

Concerns relating to residential amenity with regard to the following:

- The consented industrial units immediately about the eastern boundary of the application site. The indicative masterplan provided shows new residential units located approximately 8 metres from the consented industrial units, which are 8.8 metres in height (see attached Proposed Industrial Unit Elevation Plan). This relationship has implications for the outlook and daylight and sunlight levels for the proposed residential properties, and the risk of overshadowing. There is limited space for planting to screen the new buildings.
- The Halcrow Air Quality Assessment (September 2011) does not consider the impact on residential amenity from industrial processes that could take place on the consented industrial estate, such as smells, fumes, dust or grit etc.
- The potential impact of noise and disturbance on the occupiers of the adjacent housing must be appropriately assessed by the applicant, using a worst case scenario approach, and appropriate mitigation measures provided to minimise problems in the future. This includes appropriate separate distances between these conflicting uses. As currently proposed, the residential scheme is highly likely to generate complaints from future residents due to insufficient and ineffective mitigation measures. The risk of potential

restrictions being attached to these units by TWC's environmental health team in the future will significantly affect the marketability of these industrial units, in what is already a very difficult economic market.

- The measures and recommendations in the applicants Noise Addendum are not sufficient to mitigate against a major B2 industrial use operating 24/7 on the site boundary. In our view, further consideration needs to be given to the layout of the proposed residential site. Based on the evidence provided by the applicant to date, we do not think it appropriate to locate new residential properties along the eastern boundary. The proximity of these properties to the consented industrial estate is likely to have a detrimental impact on the amenity of these residents. Class B2 uses are by definition not appropriate uses next to residential accommodation. Given this, we suggest that a buffer zone of public amenity space be required along this boundary to address the conflict in these two uses. This is a fundamental issue and should not be left to be dealt with by condition. Based on the evidence submitted to date, our view is that the industrial estate already consented could have a detrimental impact on the amenity of the residential properties proposed immediately adjacent and the mitigation measure proposed at present are insufficient.
- Significant number of trees the subject of TPOs with at least 38 TPO trees and a further 30 not covered by TPO to be lost.
- There is a conflict with the requirements of paragraph 74 of the NPPF which seeks to resist the loss of existing sports and recreational space.

## PLANNING CONSIDERATIONS:

### **Housing need and supply in the Newport area**

#### Background to housing policy for Newport in the adopted Core Strategy

With regard to housing provision, Core Strategy Policy CS1 (Homes) states that *'Newport's local housing requirements will be met by approximately 60 new dwellings per annum'*. Core Strategy Policy CS6 (Newport) states that *'Development will be limited to that required to meet local needs, including those of its rural hinterland, and to support the town's regeneration. New housing development will be expected to deliver affordable housing to the level of 35% of all such development'*.

The Core Strategy for Telford and Wrekin covers a 10 year period from 2006 to 2016. In this respect the total number of houses envisaged to be provided over that period to meet Newport's needs is 600 (60 per annum x 10 years).

By way of background to the 60 new dwellings per annum figure in the Core Strategy the following commentary is relevant. When the Core Strategy was submitted for Examination in Public it pinpointed that the delivery of affordable housing was the critical determinant of the housing strategy proposed for Newport. The evidence to support such an approach was derived from documents such as the Housing Needs in Telford and Wrekin (2004) and its Summary Update (2005).

The housing needs analysis identified that 22 new affordable households per annum would be required in order to meet identified local needs. As such, an overall level of

development of approximately 60 new dwellings per annum would be required, with an affordable housing contribution of 35% from new residential development to meet the identified need. It should be noted that this level of affordable housing would not address the existing backlog of affordable housing need in Newport, due in part to the fact that no new affordable homes had been provided in the period 2001 to 2005, beyond the provision of 14 closed care dwellings in 2005.

The preferred development option for Newport prepared by the Council for the Core Strategy Examination proposed a balanced provision of new dwellings. Delivery whilst marginally above the rate of new household formation was deemed to be both realistic and have the potential to make a significant contribution towards meeting the identified need for affordable homes. The need for affordable housing in Newport was identified as the second highest in the Borough.

The Inspector's report following the Examination in Public endorsed the Council's approach regarding the quantum of housing to be delivered in Newport over the Core Strategy period (60/pa). The Inspector enhanced the policy wording with specific reference to the proportion of affordable housing required of new housing development at 35% in accordance with Policy CS6 (Newport) such was the importance of this aspect.

In relation to the major applications submitted in Newport over the last 14 months as outlined at the start of this report, the Housing Policy & Enabling Officer comments that since the Core Strategy was adopted in December 2007 an update of the Strategic Housing Market Assessment (SHMA) has been prepared by the Council in 2009. Along with other more recent evidence (collated from the Telford & Wrekin's Choice Based Lettings scheme, together with profiles of the existing affordable housing stock, the current housing market and the population of Newport) the SHMA supports the continued need for a high level of affordable housing provision in Newport and shows that this need has in fact increased over the last decade. The rise in property prices, together with consistently low incomes and difficulty in obtaining mortgages even when house prices have fallen has led to the current situation where local people, particularly young couples and families, have left the town to find accommodation elsewhere or remain in overcrowded and unsuitable accommodation. There are also many older people who need alternative accommodation.

In particular the SHMA, updated in 2009, now shows that 124 affordable dwellings are required each year over a twenty year period to meet the needs of Newport residents. This is considerably higher than the 22 affordable dwelling need shown in the 2005 Housing Needs Summary Update and takes into account the lack of suitable existing provision and the backlog of need.

It was clear through the Core Strategy process that 35% affordable housing provision would only address a proportion of the affordable housing need in Newport. In reality, in order to meet the backlog of affordable need in Newport as well as newly arising need, a greater percentage would have been required. It is also clear from the 2009 SHMA that since the Core Strategy evidence base was produced, the need has increased and the affordable housing shortfall has worsened. It is therefore essential to achieve 35% on each of the Newport proposals in order to help meet identified needs and enable local households to remain in the area. In this

regard Plans Board has only agreed to the applications at Wellington Road (TWC/2011/081) and Maynards Croft (TWC/2012/0211) being permitted on the basis both provided 35% affordable housing.

#### Expectation of greenfield development in Newport

Objections to this application raise the availability of brownfield provision within Newport and the associated desirability of building on such sites in preference to a large greenfield site. The general preference in favour of brownfield development over previous years is acknowledged and is still encouraged in the Core planning principles of the National Planning Policy Framework. Indeed the delivery of housing during recent years has largely been on brownfield sites in Newport.

The Inspector presiding over the Examination of the Core Strategy considered a range of housing delivery options for Newport including concentrating development on previously developed land within the current built up area which equated to approximately 25 dwellings per annum. Whilst this option provided a number of advantages including the use of brownfield and under utilised sites, a number of disadvantages were identified. These being that it *“would not achieve the necessary levels of affordable housing, since urban sites would commonly fall below the threshold size for affordable provision”* (para 3.47). As will be highlighted in this report, monitoring over the first 5 years of the Core Strategy has indicated that this has appeared to be the case.

It was also noted by the Inspector that: *“Moreover, if focussed on the town centre, pressure for housing could displace other uses and thus diminish rather than support the role of Newport as a market town.”* (para 3.47). Furthermore, remediation costs associated with the redevelopment of brownfield sites are often cited by developers in justifying a lower level of affordable housing on the basis of the effect a higher level has on viability.

The Inspector acknowledged the option of 60 dwellings per annum would ultimately entail extensive use of greenfield sites in Newport and this was quantified as being *“the most likely to achieve the required level of affordable housing.”* (para 3.47). Furthermore, the Inspector highlighted that because Newport is not as well-provided with brownfield opportunities as Telford that *“a higher proportion of greenfield development may be unavoidable if the proposed dwelling numbers are to be achieved in Newport.”* (para 3.49).

It is therefore concluded from the above paragraphs, as well as further evidence regarding the delivery of affordable houses over the last 5 years (as to be described below), that there are sound planning reasons why greenfield sites need to be used for residential development in and around Newport.

#### Delivery of housing and affordable housing in Newport to date

In considering the determination of the large scale planning applications submitted in Newport, including this one, it is necessary to establish what residential development has already taken place and is committed, as this will assist in gauging housing need in Newport.

Data recorded as part of the Annual Monitoring Report (AMR) prepared by the

Council represents the key source of information as to the number of dwellings built, as well as what is likely to be built through permissions granted or in the process of being granted. Application of the Core Strategy policy of 60 additional dwellings per annum commenced in 2006, setting a target of 360 additional new dwellings to 31<sup>st</sup> March 2012. Headline figures from the AMR work for the years between 1<sup>st</sup> April 2006 and 31<sup>st</sup> March 2012 (6 years) are set out below. It should be noted that the figures for included for the 2011-12 year are internal calculations and have not been formally published yet by the Council as the AMR for this reporting year is not due to be finalised until December 2012.

- A total of 252 dwellings have been completed against the aggregated target of 360.
- Houses under construction during the 2011-12 monitoring period totalled 12 dwellings.
- The number of dwellings where permission had been granted but work had not been started was 58.
- Dwellings granted permission between 1<sup>st</sup> April 2012 and 30th June 2012 was 30.
- Planning applications where the Council has made a resolution to grant permission would provide a further 61 dwellings upon the grant of consent.

The figures described above are incorporated into Table 1 below and shown against the aggregated requirement of 600 houses for Newport for the period covering the Core Strategy (2006 - 2016). Table 1 - Monitoring of housing completions and commitments in relation to Telford and Wrekin core Strategy Policy CS1 (Homes) in relation to Newport.

Table 1 Monitoring of housing completions and commitments in relation to Telford and Wrekin Core Strategy Policy CS1 (Homes) in relation to Newport.

Monitoring of housing in Newport area	Dwellings	Brownfield	Greenfield	Outstanding requirement 2006-2016 CS1 Homes – 600 dws (60 dws per annum for Newport)	Affordable provision		
					Total provision	Brownfield	Greenfield
a) Completions 2006-2012	252	94%	6%	108 (360–252)1108	35 (14%)	35	0
b) Under	12	83%	17%		0 (0%)	0	0

<b>constructi on 2011-12</b>							
<b>c) Dwellings with permissio n not started</b>	58	90%	10%		0 (0%)	0	0
<b>Sub-total</b>	<b>322</b>	<b>93%</b>	<b>7%</b>	<b>278 (600 - 322)</b>	<b>35 (10.5%)</b>	<b>35</b>	<b>0</b>
<b>d) dwellings receiving planning permissio n 1<sup>st</sup> April – 30<sup>th</sup> June 2012.</b>	30	0%	100%		15 (50%)	0	15
<b>Sub-total</b>	<b>352</b>	<b>87%</b>	<b>13%</b>	<b>248 (600 – 352)</b>	<b>50 (14%)</b>	<b>35</b>	<b>15</b>
<b>e) where there is currently a resolution to grant consent</b>	61	100%	0%		9 (15%)	9	0
<b>Built and committed Total</b>	<b>413</b>	<b>89%</b>	<b>11%</b>	<b>187 (600 – 413)</b>	<b>59 (14%)</b>	<b>44</b>	<b>15</b>

Table 1 highlights that for the 2006 - 2012 monitoring years there is a shortfall of 108 completed dwellings (252 minus 360) against the aggregated target of 360 (60pa X 6 years). Rolling forward the aggregated target of 600 dwellings for the 10 year period of the Core Strategy (2006 - 2016) and taking into account dwellings under construction, dwellings permitted and where there is a resolution to granted consent; there is an outstanding requirement for a further 187 dwellings. Table 1 also highlights how the majority of housing completed or to be built are brownfield sites with 89% of dwellings being on this type of land.

With regard to the delivery of affordable housing since 2006, the right hand side of the above table shows how many affordable houses have been or are likely to be secured as a result of dwellings built or to be built through Section 106 obligations. This shows that the delivery of affordable housing (14%) is significantly below the Core Strategy target of 35% in policy CS6 (Newport). This indicates a correlation between a low level of affordable housing and the high level of development on

brownfield sites (89%). This bears out the thoughts of the Inspector for the Core Strategy as referred to above regarding the disadvantage of relying on the use of brownfield sites, as well as, the view that extensive greenfield developments were the most likely to achieve the required level of affordable housing required.

However, since this Table 1 was produced Plans Board has made a resolution to grant up to 285 dwellings at Wellington Road and a further 35 dwellings at Maynards Croft in Newport. In theory it could be argued that there is no need for any further housing to be granted permission because the outstanding requirement of 187 dwellings to the end of the Core Strategy period of 2016 has been provided for and instead there are 133 more dwellings permitted (187 minus 285, minus 35) taking into account dwellings under construction, dwellings permitted and where there is a resolution to granted consent as identified in Table 1. Yet there are other factors to be considered with regard to the actual delivery of dwellings on the ground and also looking at housing needs beyond 2016 in the context of the Council's new Local Plan. These factors are considered in the following sections of this report.

#### Housing delivery and trajectory

As highlighted above, monitoring data shows a shortfall of completed dwellings against the aggregated target to 2012. In short there has been a serious under delivery of housing in Newport between 2006 – 2012 both in terms of number of dwellings completed and permitted but, even more importantly, in relation to the delivery of affordable dwellings.

In relation to the 187 dwellings that required consent in order to meet the aggregated figure of 600 houses to 2016, as described above this figure could be more than met in quantitative terms by the permissions pending approval at Wellington Road and Maynards Croft. However, the granting of these two permissions is unlikely to result in the delivery all of those houses prior to 2016. The smaller Maynards Croft proposals could be built out in the next couple of years. However, in the case of Wellington Road, the applicant estimates that following any outline permission being granted, the build out of the site to completion would take approximately 9 years, taking delivery well beyond the end of the Core Strategy period (2016). This is based on the applicants estimation that the first dwellings could be delivered on site by mid 2013 (having successfully secured Reserved Matters consent and preparing the site) with annual build rates of approximately 30 units per annum, subject to market conditions. A trajectory showing the delivery of housing including the Wellington Road and Maynards Croft sites (in addition to sites under construction and permitted) in relation to the current shortfall and a continuation of the 60 dwellings per annum figure is shown as Table 2 to this report (see end of report).

Table 2 shows that granting consent for Wellington Road and Maynards Croft alone are not sufficient in making up the shortfall in provision to date as well as ensuring the delivery of the housing figures to 2016 by that date because of the time required to build out these proposed developments

Similarly to the Wellington Road application the build out rates provided by the applicants for the Audley Avenue proposals go beyond 2016. In the case of Audley Avenue this is envisaged as being completed by 2019.

In accepting that more than just the Wellington Road and Maynards Croft applications need to be granted consent in order to make up the shortfall in provision to date as well as ensuring the delivery of the housing figures to 2016, it is necessary to consider the cumulative effect on delivery of the Audley Avenue proposals under consideration.

This is shown in the attached housing trajectory (Table 3 at end of report) which shows over a number of years the delivery of sites already permitted or resolved to be permitted together with Wellington Road, Maynards Croft and Audley Avenue proposals in light of the anticipated build out rates of each of these applications. This is set against the annual 60 dwellings per annum requirement set out in Core Strategy Policy CS1(Homes).

Table 3 shows how together the sites coming forward at one time have the benefit of jointly making up the shortfall in provision to date as well as ensuring the delivery of the housing figures to 2016 by that date. Whilst this significantly increases building rates in Newport than seen in recent years, there is clear justification to allow this to ensure the provision and acceleration of housing delivery in line with the Core Strategy. A number of sites would increase choice for consumers and competition between house builders and minimise risks associated with a single site being mothballed or landbanked by a builder.

Allowing a number of separate sites would result in a higher intensity of house building over a number of years, particularly during the years between 2013 and 2019. The trajectory estimates that this will peak at 119 units per year during 2015 - 2016 and this is considerably higher than recent years where under delivery has occurred. However, past monitoring rates that the Council has recorded indicates that between 1992 and 1997 a total of 534 houses were built at an average of 89 per annum with one particular year (1994) seeing 141 completed dwellings in Newport and so such an increase in the building rate quantum has been experienced in the past and therefore feasible.

#### Housing trajectory beyond the end of the Core Strategy period (2016)

Another consequence of permitting a number of separate sites is that the total number of houses involved is greater than needed to meet the current shortfall in delivery and to the end of the current Core Strategy period. It is therefore necessary to consider the post 2016 housing situation in relation to the applications under consideration, when the Core Strategy period comes to an end.

Work is underway within the Council to put a new Local Plan in place over the next 2 years and the Council is referring to this plan as "Shaping Places". It is proposed this plan will set out the spatial development vision, objectives and strategy for the T&W Council area, with borough-wide policies for different forms of development and key site proposals.

In setting out where new homes, jobs and green spaces are to be located and how areas across the Borough should develop to meet the needs of residents, employees and visitors up to 2030, the Shaping Places plan will need to take account of any significant planning permissions in place.

Preparation of a new Local Plan is not normally a reason to delay consideration of planning applications. Whilst "prematurity" can be a material planning consideration, government guidelines and case law indicate that this should not be viewed as such, unless relevant plans are very close to completion, in particular where they are submitted for examination; this is the case with the Shaping Places plan as it is at the earliest stage of development.

With regard to the Core Strategy, the overriding reason identified by the Inspector for reducing the plan period of the Core Strategy from 2021 to 2016 related to the capacity of the Strategy to provide adequately, and with the necessary flexibility, for new housing development. The principal issues behind this step relate to Telford centric issues – in the form of the ability of the Strategy to provide 'flexibility' for the highest growth levels proposed in the then emerging Regional Spatial Strategy (a Telford led issue); and also the requirement for a review of green space with specific reference to the Green Network (again a Telford led issue). There was however, an element of reasoning cited by the Inspector towards Newport:

*"The recommended reduction in the timespan of the Core Strategy to 2016 would enable the basis of the housing strategy in Newport and the rural areas to be reviewed in line with its success in the early years, and to be strengthened, or otherwise amended, if necessary. But the change [explicit requirement 35% affordable housing in Newport] is necessary from the outset." Also that "The recommended reduction in the timespan of the Core Strategy to 2016 would allow an early review to include relevant policy on the basis of the forthcoming Strategic Housing Market Assessment together with the results of monitoring of housing development in the early part of the plan period."*

Taking forward the Inspector's line in reviewing the position for affordable housing, it is clear from Table 1 above that delivery in the early years has not been strong – there is both a shortfall in the achievement of 60 dwellings per annum, and fundamentally, a significant shortfall in the required level of affordable housing. In preparing housing needs evidence further to the 2005 Housing Needs Survey Update, the Strategic Housing Market Assessment (SHMA) 2009 update derived a level of affordable housing need in Newport far higher than the earlier evidence, in part reflecting inclusion of backlog need (quantified as 124 affordable dwellings requirement per annum).

At this stage, the local planning authority is not in a position of identifying a revised policy position on the basis of revised evidence of need in the form of the 2009 SHMA (this evidence needs to be revised to account for forthcoming updated population projections). The mix of up to date quantitative and qualitative evidence provided by the Housing Policy & Enabling Officer does however identify that the level of need for affordable housing in Newport remains high, and indeed has been exacerbated by failure to deliver further provision at the level (35%) required by Policy CS6 (Newport).

The need for the provision of 35% affordable housing is paramount. In the absence of a readily available evidenced alternative strategy for Newport, continuation of this target level of development defined by CS1 (Homes) as requiring 60 dwelling per annum is deemed to be the most appropriate option in order to deliver anywhere

near the level of affordable housing required locally.

In accepting that the continuation of the target level of development defined by CS1 (Homes) beyond the end of the current Core Strategy can be considered appropriate, the housing trajectory in Table 3 shows how the 60 dwellings per annum aggregates beyond 2016. Table 3 also highlights the homes that could be delivered by the Audley Avenue proposals in addition to those at Maynards Croft and Wellington Road as they would be built out over a number of years. This indicates that by 2021 the number of dwellings being sought by the various permissions would equate to the level of housing of the 60 dwellings per annum by that date.

#### Conclusion in relation to housing need and supply

The delivery of affordable housing is a fundamental determinant of the development strategy for Newport in the adopted Core Strategy. Monitoring data since adoption has demonstrated that developments both completed and committed proposals have failed to date to deliver the required number of dwellings and level of affordable housing required by policies CS1(Homes) and CS6(Newport) respectively. The development proposed would help address both of these deficits. When reflecting on the Inspector's judgment regarding the disadvantages of brownfield sites and that large greenfield sites would be required to deliver the level of provision envisaged by the Core Strategy then greenfield sites such as Audley Avenue are acceptable and necessary to help ensure delivery of the housing needs for Newport.

Although the recent Plans Board resolutions to grant housing proposals at Maynards Croft and Wellington Road increase the supply of housing, the number of dwellings permitted would not meet the housing shortfall and Core Strategy target to 2016 because of lead in times and build out rates that would extend beyond 2016 as highlighted in Table 2. There is a need therefore for extra dwellings to deliver the shortfall and Core Strategy target by 2016 that can be met by this proposal.

Given the number of dwellings being applied for at Maynards Croft, Wellington Road and Audley Avenue, the total number of dwellings if granted by the Council would go beyond that required by the current Core Strategy period of 2016. The trajectory in Table 3 shows that by 2021 the number of dwellings being sought by the various permissions would equate to the level of housing of the 60 dwellings per annum by that date.

However, with development of the Council's new Local Plan (Shaping Places) in its infancy there are no grounds to consider this or other applications before the Council in relation to prematurity with an emerging Plan. The local planning authority is not yet in a position to identify a revised policy position as the basis of revised evidence, in the form of the 2009 Strategic Housing Market Assessment, needs to be adjusted to account for forthcoming updated population projections.

The Core Strategy as submitted for Examination evidenced the housing needs for Newport to 2021 before the time period was reduced to 2016 by the Inspector, predominately on the basis of Telford centric issues. With regard to the Inspectors reference to monitoring, this has revealed under delivery in dwelling numbers and affordable housing provision which the applications under consideration could address. The 2009 update to the Strategic Housing Market Assessment has

revealed an increased need for affordable housing.

In light of the above, it is considered that the continuation of the target level of 60 dwellings per year for Newport defined by CS1 (Homes) beyond the end of the current Core Strategy can be considered appropriate in helping meet the affordable housing needs in Newport with a realistic chance of delivery in current market conditions.

The trajectory in Table 3 shows how the 60 dwellings per annum aggregates beyond 2016 together with a trajectory of the homes that could be delivered including Audley Avenue as they are built out over a number of years. This indicates that by 2021 the number of dwellings being sought by the various applications would equate to the aggregated level of housing at 60 dwellings per annum by that date.

The one proviso is that for the sites under consideration with the Council should deliver 35% affordable housing as the justification for the continuation of a 60 dwellings per annum approach is far less justifiable, reasonable and evidenced. Without such commitment any consents issued could preclude other sites in Newport coming forward (either by applications or through the adoption of the Shaping Places document) that may be able to provide such a level of affordable housing and be acceptable in planning terms regarding other matters.

The Council's Housing Policy & Enabling Officer has highlighted the greatest need is for three-bedroom social rented houses, with a smaller number of two and four-bedroom houses. There is also an identified need for two-bedroom bungalows and for a small amount of wheelchair standard provision for all household types and sizes. This mix can be secured through a Section 106 agreement.

In securing such a level of affordable housing it is appropriate that any Section 106 agreement includes some flexibility on the delivery of house types, sizes and tenures to reflect the need for affordable housing in Newport over the lifetime of the development given that this may change. Therefore, the provision of 35% of affordable housing could either be in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);

Of the total provision, the Housing Policy and Enabling Officer has suggested 80% to be Rented Social Housing dwellings and the remaining 20% in Shared Ownership unless otherwise agreed with the Council. Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing.

Other measures to secure the most appropriate provision would include the need for affordable housing to be provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters. In order to match provision to local need a mechanism to ensure lettings are prioritised to Newport area based residents should also be agreed.

It is considered that the above position is consistent with the National Planning Policy Framework which outlines what Local Planning Authorities should do '*To boost significantly the supply of housing*' (paragraph 47). The NPPF also states that

*“Housing applications should be considered in the context of the presumption in favour of sustainable development.” (paragraph 49).*

With regard the three dimensions of sustainable development that give rise to the need for the planning system to perform a number of roles, one of the dimensions is a social role. This is defined as follows:

***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;*

Furthermore, it is considered that the proposed development accords with one of the NPPF’s Core planning principles that the planning system ought to play, this being:

*‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities’*

Also with regard to the NPPF, the proposed range of housing size, type and tenure in the application would contribute to the creation of sustainable, inclusive and mixed communities advocated in paragraph 50.

Whilst this application is made in outline the parameters defining the density of the development and the maximum height of the dwellings (2½ storeys) are considered appropriate in the context of Newport and this particular location.

#### Other issues raised with regard to housing delivery.

In October 2011 the Plans Board agreed a resolution to grant permission in the east of Newport for a continuing care retirement community of some 209 units (planning application ref W2008/0934). The resolution is subject to conditions and the signing of a Section 106 agreement and it is understood that the signing of this is imminent. Representations received in relation to the application subject of this report have argued that the units accounted for in the care development should count against the housing target for Newport. It has also been argued that the care development would free up further housing in Newport for re-letting or sale by local residents who would might move to the care development should it be built.

With respect to the first point, in the determination of the continuing care application it was accepted by the Council that the proposals could be defined as a ‘residential institution’ under the Use Classes Order 1987 (as amended) as opposed to ordinary ‘dwelling houses’. Because of the classification as residential institution the Council was unable to secure any affordable housing provision - with such provision forming the basis of the Core Strategy housing figures for Newport. As a safeguard to ensure the development does not in effect become dwelling houses, the applicant is

to enter into a Section 106 agreement to limit the occupants of the proposed units to at least one member of the household being over 65 and in need of care.

With regard to the second point, in relation local residents moving into the care community development and freeing up housing for let or sale, there are no planned restrictions on the occupancy of those who would buy into the facility if permitted and built. Therefore, as the development could attract residents from a wider area than Newport it is not possible to accurately quantify what amount of housing might in Newport become available for sale or let from the existing local population and when this would occur. In any event any released housing would not be affordable and would be bought and let at market rates.

Because of the factors described it is not considered that the units created by the care development should count towards the housing target for Newport.

### **Principle of housing development in this particular location.**

#### Location of part of the site being within the existing built up area of Newport but designated as Open Land within Newport.

Approximately a fifth of the site (2.6 hectares) comprising the area last used as playing fields is located within the built up area around Newport as defined in the adopted Proposals Map (originating from the Wrekin Local Plan (WLP)). This area is designated within the same Plan as being covered by Policy OL6 - Open Land in Newport along with the adjacent Shukers Field playing area. Policy OL6 states the Council will protect such land in this case as it has value as a recreational space. The loss of such land in is principle contrary to Policy OL6.

The loss of the pitches to the proposed development is an issue in its own right and is discussed in detail later in this report. It is noted that the pitches are in private ownership and have not been used since May 2011. The owner of the site is under no obligation to reuse this area as sports pitches or to allow public access in any form.

In the context of Policy OL6, the mitigation provisions put forward by the applicant in respect of the loss of the pitches are relevant. These include the transfer of other private land used as pitches at Shukers Fields into public ownership as well as significant improvements to Shukers Fields in public ownership in the form improved drainage and levelling of the pitches to maximise the layout of the site together with funding towards the refurbishment of the changing rooms; provision of a storage facility, extension/reorganisation of the existing car park, ball stop fencing around specified perimeter locations; provision of shutters on the existing dug-outs. Shukers Fields are also covered by included in the Open Land designation of Policy OL6 so these measures will improve these areas and guarantee greater public access.

Furthermore, the mitigation details set out proposals to for a new pitch to be created and transferred into public ownership to the south east of existing pitches at Burton Borough School. This would create a new area of open space within Newport with

public accessibility that would be capable of protection in the future if there is a review of land to be designated for such a use. On balance the mitigation provisions described above are considered adequate to account for the loss of the 2.6 hectares of land designated as Open Space in the Wrekin Local Plan.

Core Strategy Policy 11 – Open Space states that development on Open Space will only be permitted if it can be demonstrated that there will be significant and environmental benefits delivered by the proposal.

As well as the community benefits associated with mitigation measure discussed above, the proposals also include provision of an area of land as an extension to the existing allotments off Meadow View Road. Landscaping and the balancing pond for the surface water feature offer scope for environmental benefits. As a result it is concluded that the requirements of CS11 are also satisfied.

Location of part of the site being outside of the existing built up area of Newport.

The remaining four fifths of the site in agricultural use between the area last used as playing fields and up to the bypass and Meadow View Road, is outside of the built up area around Newport as defined in the adopted Proposals Map (originating from the Wrekin Local Plan (WLP)).

Although the adopted Core Strategy provides a Key Diagram, the Core Strategy is not yet accompanied by a spatial plan that identifies how the development strategy is to be accommodated. Whilst policy CS6 (Newport) recognises the function and role of Newport where future development should be concentrated, it neither allocates land for development nor establishes the extent of any revised settlement boundary to accommodate future growth beyond 2006 as shown on the WLP Proposals Map.

In this respect the boundary of the built up area as shown on the WLP Proposals Map is out-of-date. The National Planning Policy Framework states at paragraph 14 that in such circumstances development proposals should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This accords with the wider presumption in favour of sustainable development advocated in paragraph 14. Taking into account the policies in the Framework and the policies subsequently adopted in the form of Core Strategy Policies CS1 (Homes) and CS6 (Newport), the benefits outweigh any adverse impact of developing beyond the built up defined in the WLP Proposals Map.

The Council did start work on preparing a spatial plan and published the Land Allocations Preferred Options Report DPD in September 2005. This version of the DPD included the Audley Avenue site as an allocated site and reference was made to the DPD and Audley Avenue site in the Inspector's Report in relation to the Core Strategy. Final progress towards Submission of the Land Allocations DPD stalled as the Council concentrated its efforts to secure adoption of its Core Strategy and later on preparing an Action Plan for the Central Telford Area. Whilst the allocation in the Preferred Options Report DPD indicated that the Council viewed the Audley Avenue as being acceptable for residential development, this is considered to hold little weight on its own due to the fact that work DPD has stalled and the time that has elapsed prior to the submission of this application.

In the absence of a spatial plan which allocates land uses for the Core Strategy, it is inappropriate to conclude that development conflicts with Core Strategy Policy CS7 (Rural Area). Policy CS7 specifically seeks to limit development to meet the needs of the Rural Areas (as opposed to Newport) and focus development on three named villages outside of which development in the open countryside will be strictly controlled. This policy should not be used to prevent development that is necessary to accommodate the growth of Newport, particularly where this would be consistent with Policy CS6.

To reinforce the view that sites outside of the built up area as shown on the WLP Proposals Map can be considered appropriate, it is noted that the WLP Proposals Map identified two sites for future residential development. Both sites have since been developed and there remain only a limited number of small sites that could be developed within the built up area, with most being brownfield in nature.

As discussed above brownfield sites are limited in the number of houses such sites can deliver and have historically resulted in a lower level of affordable housing. Many of the brownfield sites are in alternative uses which may be more appropriate to other forms of development and there is limited certainty that they will come forward and be granted permission in any event.

With regard to the Core Strategy, policy CS6 specifically refers to development also meeting the needs of Newport's rural hinterland as well as needs of the town itself. Furthermore, the Inspector's Report into the Core Strategy acknowledges that Newport is not as well provided with brownfield opportunities (within the built up area) as Telford and a higher proportion of greenfield development may be unavoidable if the proposed number of dwellings (and required level of affordable houses) advocated in policy CS1 (and policy CS6) are to be achieved.

Therefore, in light of the material considerations outlined in the paragraphs above and previous acceptance that there is a clear housing need in Newport to meet the requirements for the Core Strategy policy CS1 (Homes) up to and beyond the current plan period, the principle of whether a housing development in this location is accepted on policy grounds.

#### Landscape capacity and sensitivity.

With regard to the landscape sensitivity and capacity of the application site, reference to the Telford and Wrekin Council Landscape Sensitivity and Capacity Study published in 2009 is the most relevant starting point for consideration of this issue. This study aimed to assess the sensitivity of the landscape for defined areas around Telford, Newport and other settlements in the Borough. It then sought to determine the capacity of the landscape to accommodate housing development and to identify those landscapes that should be protected from development. The study identifies the site subject of this application in two parts.

The first being the area of playing pitches off Audley Road (ref TWNe3 -92) as having medium to low landscape sensitivity and a high to medium capacity to accommodate housing.

The landscape sensitivity assessment justification is identified as follows: *These private playing fields with run down facilities lie on flat land fronting a commercial development and with industry to the south east. The boundary with the cemetery is well treed and the northern boundary is Lombardy poplars. The area is not widely visible due to the enclosure although the bypass is audible. The cemetery is well maintained and relatively enclosed. Despite adjacent industry it appears quiet apart from occasional large lorries. The road to the south has been modified to prevent commercial and residential/cemetery traffic mixing.*

In terms of accommodating housing development, the following statement is made in the assessment: The area has some capacity for housing as it is enclosed and not widely visible. Issues relate to the setting of the cemetery, so users do not feel housing intrudes.

The second area covers the remainder of the site between the pitches and Meadow View Drive and the A41 bypass (ref TWNe3 – 96) that is identified as having medium to low landscape sensitivity and a high to medium capacity to accommodate housing.

The landscape sensitivity assessment justification is identified as follows: *These flat low lying pastures are contained by outgrown hedgerows with trees, some of which are fine specimens [oaks]. They are bounded to the north by well used allotments who enjoy views over them and to the south by the cemetery which also has some views albeit mitigated to an extent by trees. Houses are set back to the east apart from the north western corner. The fields about the A41 to the north east which reduces the area's tranquillity.*

In terms of accommodating housing development, the following statement is made in the assessment: *Because of its enclosure and limited effect on views, the area has capacity for housing provided views from the cemetery are dealt with by strong mitigation and large buffer to the south west. The hedgerow trees should be retained where possible, especially the large specimens which should be protected. A green corridor should be retained linking the allotments to open space to the south west and south east [3-94].*

With both parts of the site having medium to low landscape sensitivity and a high to medium capacity to accommodate housing, the proposals in this application are not at odds with landscape sensitivity assessment and would appear to be acceptable in broad landscape terms.

#### Sustainability of location.

In respect of the site's physical location, the site is located approximately 1.2km from Newport town centre making it within walking distance of local amenities. A number of Schools including Burton Borough Secondary School are in close proximity to the site. Audley Road has direct access to the bypass so is well connected to the wider area. In terms of public transport, there is a bus stop within 400 metres and is located on Barnmeadow Road. A Wrekin Connect local service (17) calls at this stop. The service provides four services per day to Newport Town Centre and north east Newport. As discussed in the section below public transport links may be enhanced along Audley Avenue in conjunction with other developments.

The Agricultural Land Classification of the site is a mixture Grade 2 (57%) and Sub-grade 3a (43%). These are grades of land that surrounds a large part of Newport and therefore it is very likely that greenfield developments in and around Newport would have to be built on such land. Another consideration is that the land is isolated from the wider countryside by surrounding development and the A41 bypass.

In this respect as a greenfield site on the edge of Newport the application site is considered to represent a sustainable location.

In conclusion, although part of the site is designated Open Space in the saved policies of the Wrekin Local Plan and the remainder being outside of the built up area, the principle of the development in this location is acceptable on policy grounds given the other material considerations outlined. The site has been assessed as having medium to low landscape sensitivity and a high to medium capacity to accommodate housing. As a greenfield site on the edge of Newport, the application site is considered to represent a sustainable location given its location to the town centre and proximity to services. Access to public transport is within walking distance of the site and may be enhanced closer to the site as part of a package of improvements associated with a number of proposals in Newport.

### **Highway and traffic issues.**

The sole vehicular access in and out of the proposed site is from Audley Avenue. Audley Avenue extends from the A518 in the south to the Town Centre in the north. A bus gate is situated on Audley Avenue which restricts access from Audley Avenue to the Town Centre. There are no proposals as part of this application to relocate the bus gate on Audley Avenue, or to open the route up to through traffic. Access to the wider highway network is therefore provided by the existing A518/Audley Avenue junction two roundabouts on the A518 connect the site with Newport and the wider area.

Pedestrian access to the site can be gained along Audley Avenue along the southern boundary and via the Meadow View Road link to the adjacent playing fields to the north of the site. Audley Avenue is located approximately 1.2km from Newport town centre making it within walking distance of local amenities. Many of which, including Burton Borough Secondary School, Newport CE Junior School on Avenue Road and Newport Infant School on Granville Road are within 800metres (11 minute walk time). Footways are generally wide and in good condition on the northern end of Audley Avenue, the presence of a bus gate restricting traffic from using the road to access the town means that the road is quiet and generally car free, making it a safe environment for pedestrians and cyclists.

There are two bus stops located within 400m of the site. One of these bus stops is located on Audley Avenue, however this is only served by school buses calling at Burton Borough School only. The other nearby bus stop is located on Barnmeadow Road. A Wrekin Connect local service (17) calls at this stop. The service provides four services per day to Newport Town Centre and north east Newport. There are a number of other bus stops located slightly further away from the site, on Avenue Road, Granville Road and High Street. These stops, in addition to the Newport Bus

Interchange located approximately 1km from the development site, provide access to other local services (18 and 19) and regional services (481 and 519).

Representations received have raised the following Highway concerns: increased congestion on Audley Avenue and on junction of A41/A518 bypass; lack of connectivity for cars between site and town centre will mean any new residents would be isolated from the town; highway safety increase in vehicles from the site would increase danger to pedestrians and school children; increase in pollution and emissions from cars owned by residents of proposed development; and limited public transport serving the site.

In response to the application and the supporting Transport Assessment, the Council's Highways Engineers have not raised any objection. However, there are concerns that there would be a cumulative impact on the local highway network should all the major developments currently under consideration in Newport receive planning consent and that this would be such as to cause capacity and safety issues on parts of the strategic highway network.

In light of this the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments.

Plans have been produced that indicate the scale of works necessary to accommodate all the developments and this involves junction capacity improvements to certain parts of the A518 and A41 bypass and the widening/dualling of the A518 carriageway between Station Road and the A41. The works have been costed and the cost to each development has been apportioned based on the level of impact derived from the trip distributions.

These monies would be secured through a suitably worded Section 106 agreement with the works delivered at appropriate trigger points based on phasing of development. In terms of this application the proportional impact will require a contribution of £314,072 towards these works.

The site does not currently have the benefit of any direct access to any public transport. However, the development proposals currently being promoted on adjoining land will require enhancements to the public transport provision and the associated infrastructure and this site would benefit from this. This would encourage sustainable travel around the town and would provide linkages between residential, retail and employment areas.

In conjunction with other developments it is felt that the level of local bus service provision in Newport could and should be enhanced along with the associated infrastructure by the pooling of contributions. This would encourage sustainable travel around the town and would provide linkages between residential, retail and employment areas.

The total level of development proposed will take a number of years to completely build out. To ensure the enhanced services are still running at that time it is

proposed to pool all the bus subsidies between the major developments.

The development will need to provide a subsidy of £120,000 towards bus services. Infrastructure such as bus shelters and bus boarder kerbs will be additional to this with £10,000 towards this being suggested on the basis of two stops on Audley Avenue. The Passenger Transport Team would procure the service and would agree the timetable.

Details on when such monies would be provided to the Council can be agreed and incorporated into a Section 106 to reflect the need for a balance between the need for funds to deliver the necessary highways related infrastructure and to help developers with cash flow in delivering a viable scheme. As with other highway based contributions, the Council would expect the agreed sums to be subject to indexation to ensure future value is not eroded by inflation.

A planning condition to develop the Travel Plan submitted for the development would also be required to be submitted and approved in writing by the Local Planning Authority. There would be also be a requirement towards Travel Plan monitoring of £5,000.

The contributions highlighted above and those in respect of the off site highways works have been calculated as part of a pooled figure reflecting the proportional impact from this development in relation to the cumulative impact of the large applications with the Council for determination. As such they represent a maximum figure that would be required. In the event that some or all of the other applications are not approved or implemented within a certain timeframe, it would be appropriate and fair to allow for a review of the contributions to establish what contributions would then be required at that time and if necessary allow for a refund for some or all of the contributions. Should this application be the only application to be granted and implemented within this timescale, the contributions to which such a review would apply to would relate to off site highway works, the subsidy to bus services and the bus shelters. Contributions in respect of Travel Plan monitoring would not be subject to the review as they are site specific.

Highways officers suggest standard highways related conditions be attached to any permission granted. It is therefore concluded that despite the concerns being raised there are no reasons for refusal on highways based grounds provided Section 106 contributions and conditions are applied to any consent granted at Audley Avenue.

### **Surface and foul water drainage and groundwater**

The applicant has submitted a site specific Flood Risk Assessment (FRA) as part of the application in accordance with national requirements. The assessment considers the potential for flooding from all possible sources – fluvial, surface run-off, overland flows, groundwater, sewers and man-made infrastructure.

As with any new development there is a need for positive drainage in order to accommodate and discharge surface water run-off. The site is Greenfield and currently drains via a series of ditches following the field patterns to a soakaway system at the north eastern corner of the site that discharges to an adjacent

watercourse. With respect to this application the proposed strategy is to install a surface water balancing pond in the north eastern part of the site. The pond is designed to balance and restrict surface water flows from the site such that they will not exceed the Greenfield (pre-development) surface run-off rate. Water from the pond will be discharged at a controlled rate to a small watercourse to the east of the site. The pond has also been designed for a 30% increase in future rainfall events in order to allow for climate change, therefore providing a betterment to the current situation and protecting the development and neighbouring properties. Such an approach is supported by Severn Trent Water as this would reduce the demand on the existing sewerage network capacity, minimising the level of additional capacity that is required. In response to the surface run-off drainage details provided, neither the Council's Drainage Engineer nor the Environment Agency object to the development subject to the imposition of conditions.

In relation to foul water disposal, flows would drain by gravity to a pumping station located to the east of the proposed housing. A pumping station would then discharge flows via a rising main to the public foul sewer system in Audley Avenue MH Ref. SJ75186502, which has been agreed with Severn Trent Water. The public sewerage network within Newport is primarily split into two sewerage sub-catchments: one to the north west and one to the south east as shown on plan at the end of the report. The site subject to this application drains to the north west. Unlike the south east catchment, Severn Trent has not highlighted any sewer capacity issues in the part of the catchment in which this application is located.

Concern has been raised regarding high groundwater levels as the result of the area being former marsh land. Within the applicants FRA it has been acknowledged that there is a high water table issue at the site and has been observed that the ground is boggy in nature. Newport Town Council has recently commissioned borehole logs at the site which show ground water depths to vary between 0.95m and 1.61m below ground. The applicant states they have commenced their own ground water monitoring over the winter period commenced in January 2012. The detailed drainage strategy for the site would be developed with the benefit of a full suite of information pertaining to local ground water levels and seasonal patterns.

TWC Geotechnical Engineers confirm that the site is affected by high ground water levels. However, they still support the application subject to conditions that when designing the foundations and BRE Protocol 1 must be followed especially in relation to high ground water. They state careful consideration must also be taken to the adjacent cemetery site which is currently monitoring ground water levels for a cemetery extension. TWC Drainage Engineers have requested details on the levels of groundwater on site that must include winter levels to inform design details for the lining on the attenuation feature.

In conclusion, the site is not affected by flooding and the foul water network in the part of Newport has no known flooding issues. Surface water run-off created by the development can be controlled and bettered by the on site attenuation pond proposed subject to details as requested by the Council's Drainage Engineers and the Environment Agency. High groundwater levels in this area are acknowledged, however technical feedback received has indicated that these issues can be considered and solutions applied by requiring details to be submitted and approved

by means of planning condition.

### **Other infrastructure issues including education provision.**

In support of the application is a Utilities Report outlining enquiries that the applicant have been made regarding connections to utilities around the site. This states that in all instances suitable connections to water, electricity, gas and telecommunications can be made to the existing networks, with only some minor diversion work required along the northern footpath of Audley Avenue in respect to potable water and cable TV.

However, in acknowledgement that this application was one of four major planning applications currently being considered by the Local Planning Authority, and having regard to representations received at a local level, it was considered prudent to consider the cumulative effects of the proposed developments in relation to provision of physical and social community infrastructure not discussed elsewhere in this report.

The Local Planning Authority took the unusual step of contacting the following consultees and seeking their views on the cumulative impact of the major developments proposed in addition to those recently granted or where the Plans Board have recently made a resolution to grant permission.

- Western Power Distribution (electricity infrastructure);
- National Grid (gas infrastructure);
- Severn Trent Water (waste water treatment and water supply);
- Telford and Wrekin Primary Care Trust (Doctors and Dentists);
- TWC Education (Primary and Secondary School provision);
- TWC Parks and Open Spaces (Public Open Space provision).

### Electricity

With regard to all three major applications under consideration, Western Power Distribution (WPD) comment that there is spare capacity at their Newport primary substation located at Longford Road (next to Vauxhall Farm) and both 11kV feeders called "Longford Rd Tees" and "Ford Road/Vauxhall ABI".

WPD state it would only be necessary to overlay part of the 11kV cables which would feed new developments and which are mainly located in the footpaths in the adjacent area. They would deal with requests to connect to their network as they come in from developers and they do not predict any particular problems with this development area from WPD point of view.

Regarding planning permissions which have already been granted for developments at Bromfield Road – TWC/2011/0179, Audley Road – TWC/2011/0334 and Continuing Care Retirement Community – W2008/0934, WPD will deal with them in the same way as the 3 new applications which are being considered.

### Gas

The proposed areas of development have been checked and currently we do not predict any major problems to the network, other than for one development for the

North and South of Station Road. Should this site be fully built then major reinforcement works will be required in the area. We will deal with requests to connect to our network on an individual basis as they come in from developers.

### Sewage Treatment.

In regard to the treatment of waste water, Severn Trent Water in their Position Statement advise that the foul and combined sewerage network within Newport drains to the town's sewage treatment works (STW). Foul flows arising from the proposed new development would enter the existing sewerage network and therefore would ultimately drain to Newport STW. They stipulate that the sewerage network capacity problems highlighted earlier in this report are not linked to the capacity of the STW.

Comparison of measured flow against the current discharge consent issued by the Environment Agency indicates that Newport STW currently has spare headroom to accommodate approximately 670 new dwellings within its current discharge consent. This indicates that there is spare headroom to accommodate the early phases of the proposed development across the developments proposed in Newport within the existing discharge consent.

Accommodating the total number of proposed dwellings in Newport would require a revised discharge consent to be agreed with the Environment Agency, but subject to detailed discussion this is not envisaged to be an issue. The current treatment process is performing within its current quality parameters and is expected to have some additional treatment capacity to accommodate the later phases of development. Further detailed process design analysis would be required to confirm actual treatment capacity. Any additional capacity would be provided on the site of the existing STW.

Severn Trent Water would work with the Environment Agency to ensure that the impacts of treating additional sewage on the water environment are minimal. The impacts of treating additional sewage on air quality will be negligible. Severn Trent Water states that they will continue to work with the Environment Agency, Natural England, Telford and Wrekin Council and individual developers to manage the impact of new development on the STW and ensure that additional capacity is provided if and when required.

### Water supply.

With regard to water supply, Severn Trent Water identify in their Position Statement report that Newport forms part of the Telford water supply area. Water mains may need to be upgraded to supply the proposed development and a study is currently underway to identify long term infrastructure requirements to support new development in the area. The results of the study are expected in late summer 2012 and Severn Trent advises they will continue to work with Telford and Wrekin Council to manage the impact of new development on water supply infrastructure.

The impact of new development on water and waste water infrastructure can be managed through reduced water consumption. Severn Trent Water recommends that developers are encouraged to adopt water consumption in line with Code for Sustainable Homes Level 3 or better (i.e. maximum of 105 litres per person per day).

This would reduce the demand for water and in turn reduce the amount of foul water entering the sewerage network.

At the end of their Position Statement Severn Trent Water recommend that Telford and Wrekin Council prepares a Water Cycle Study to ensure that all aspects of the water cycle and associated infrastructure are considered for the administrative (Borough wide) area. This would enable an early appreciation of any investments in infrastructure that may be required, which can be planned accordingly. The need for such a Borough wide study has already been accepted by the Council and one has been commissioned as part of the evidence base to accompany preparation of a new Local Plan (Shaping Places). The absence of a Water Cycle Study at this moment in time does not preclude the determination of any applications before the Council.

#### Doctors and Dentists.

The Primary Care Trust (PCT) has estimated that if all the major applications currently before the Council (including those where a resolution to grant permission has recently been given) then there would around 2,800 new patients between 2012 and 2024. Calculations based on the existing capacity of the two Doctor's Surgeries in Newport and the possible number of new patients is detailed in the consultee section of the report. The conclusion of the PCT is that the overall impact of 2,800 patients on the two existing surgeries would be acceptable.

Whilst the position of both practices in Newport are currently suitable, the PCT state that healthcare standards and regulations need to be met and premises need to be kept up to date and with the forthcoming Care Quality Commission (CQC) registration (April 2013). As such, both practice premises will require some improvements and minor modifications in the future to ensure premises and provision comply with CQC registration. With regard to these requirements the PCT have requested some additional funding from the proposed developments to support the Newport practices and ensure they can accommodate the future increases to the population via the Community Infrastructure Levy (CIL). Whilst this is recognised, it is not considered reasonable to ask the developers for monies for improvements to the existing facilities in order to meet CQC requirements as these are not directly linked to the developments themselves. In addition the Council does not currently have an approved CIL schedule as required by legislation.

With regard to dental provision, as the PCT does not have an up-to-date Oral Health Needs Assessment Document, capacity for dental provision is measured against performance against contracted activity. There are currently 4 Dental Practices/Contracts in place in the Newport Area. Two of these contracts persistently underperform which indicates that there is additional capacity for patients in the area. The Local Authority and the Primary Care Team at the PCT – soon to be the Local Office of the National Commissioning Board should work together to monitor current provision/capacity and put in place expanded capacity as and when the need arises. Unlike GP surgeries, dental practices do not have boundaries and so patients can be seen at other practices within Telford and Wrekin.

It is concluded that there is sufficient medical and dental capacity in relation to needs that might be generated by all of the residential developments under consideration

by the Council in Newport.

### Education.

As detailed in the consultee section of the report above, the number of planning applications currently being considered by the Council in Newport has resulted in TWC Education preparing a "Position Statement", updated in July 2012.

This details the current situation in the Newport catchment whereby there is already an existing oversubscription at Secondary School level and surpluses at Primary School level falling below 5% by 2014. In line with the Audit Commission's review on the supply of school places, a school should be considered to be at full capacity when at 5% surplus capacity or less.

In light of the circumstances as described above, the amount of development proposed by the four major applications would generate extra pupil numbers that would then give rise to the need for additional or expanded school infrastructure which would be necessary in planning terms, but are not provided for in the application. In this situation, it is considered acceptable for contributions to be sought towards this additional future provision through a planning obligation.

Where the combined impact of a number of developments creates the need for infrastructure, it is considered reasonable for the associated developers' contributions to be pooled, in order to allow the costs towards the educational infrastructure to be secured in a fair and equitable way and to avoid a situation where contributions are burdened on later developments that may make them unviable.

With respect to contributions for school infrastructure, an indicative combined figure for Secondary and Primary provision has been calculated based on an average house size of 3.35 bedrooms and the pupil numbers this would generate. This then allows for a combined contribution figure to be divided by the number of dwellings proposed for each development so each site contributes to the needed school infrastructure in a fair and equitable manner.

In the case of this application, the contribution per dwelling of £2,464.55 would be multiplied by 215 (should that be the eventual number of dwellings that are applied for in any Reserved Matters application) to give a figure of £529,878 to be secured by means of a planning obligation.

Details on when such monies would be provided to the Council can be agreed and incorporated into a Section 106 agreement to reflect the need for a balance between the need for funds to deliver the necessary educational infrastructure and to help developers with cash flow in delivering a viable scheme. As with other education contributions, the Council would expect the agreed sums to be subject to indexation to ensure future value is not eroded by inflation.

The contributions highlighted above have been calculated as part of a pooled figure reflecting the proportional impact from this development in relation to the cumulative impact of the major applications with the Council for determination. As such they represent a maximum figure that would be required. In the event that some or all of

the other applications are not approved or implemented within a certain timeframe, it would be appropriate and fair to allow for a review of the contributions to establish what contributions would then be required at that time and if necessary allow for a refund for some or all of the contribution. Should Audley Avenue be the only application to be granted and implemented within this timescale Education Officers have highlighted that no contributions would be required.

Currently some schools, for instance Moorfield Primary, are oversubscribed with pupils who are from outside their own attendance area, but are still living within Newport. If new development is located in close proximity to such a school then the pupils generated by the new housing would over time displace those living further away but who are still within the Newport boundary. These pupils will then have to seek places either at their own local Newport school or schools outside of the area. In these cases, it may in fact be necessary to provide additional accommodation at schools which have no new housing development within their own geographical attendance area in order to ensure that there are sufficient places.

In light of the Council's further enquiries (regarding not only this application but the cumulative effects of the major proposed developments that have been submitted) with regard to the provision of physical and social community infrastructure, it is concluded that there is either sufficient capacity that already exists or that such capacity can be feasibly upgraded to permit the grant of permission for the all major developments proposed in Newport. Contributions to meet the need for educational infrastructure resulting from an increase in pupil numbers for permitted housing can be secured through a Section 106 agreement.

### **Loss of existing sports fields**

The application proposals include development on former sports pitches which have been used within the last five years and therefore the views of Sport England as a statutory consultee were sought.

The area of the site used for private pitches which is now fenced off from Audley Avenue, measures approximately 2.6 hectares in size and includes a rough surfaced car park and some single storey wooden hut/portacabin type single storey buildings used for storage and basic changing facilities. A mitigation package has been proposed to off-set the loss of the pitches as part of the Playing Pitch Assessment (PPA) Report submitted.

Paragraph 74 of the National Planning policy Framework (NPPF) states that such land should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality in a suitable location. Saved Policy LR4 – Outdoor Recreational Open Space from the Wrekin Local Plan states the Council will refuse new development if it would result the loss of existing recreational open space that which is not replaced in an a suitable alternative location to an equal or improved specification.

Sport England originally issued an objection stating that it required a more robust understanding of the impact of the development. The applicant's undertook some

additional work and consulted with Sport England and other relevant consultees and provided additional information.

The applicant's proposals as outlined in the PPA Report it has undertaken include a package of mitigation measures designed to off-set the loss of the former pitches, which include funding significant improvements to Shukers Fields (playing fields to the west of the site) to increase the pitch layout by improving the drainage and levelling of the pitches to maximise the layout within that area.

Improvement to the facilities at Shukers Fields are also proposed through funding the refurbishment of the changing rooms; provision of a storage facility, extension/reorganisation of the existing car park, ball stop fencing around specified perimeter locations; provision of shutters on the existing dug-outs. This area would also be the location for the provision of a new NEAP suitable for young children.

A further and significant element of the proposals include the provision of 1.6ha of land at Shukers Fields which is currently in private ownership (Haberdashers Company) into public ownership. This would ensure this area of land is provided for long term recreational use secured through a legal agreement. This area is shown on a plan at the end of this report.

A further element of the mitigation package contained within the PPA Report , which was discussed with Sport England relates to proposals for a new off-site full size football pitch on land adjoining the Burton Borough school. Land is available in the joint control of the applicant and the Council which (subject to gaining planning permission) would be made available for public/community use and the school use, managed on a community use basis. The land in the ownership of the applicant would be transferred to the Council/Burton Borough School upon implementation and this area is shown on a plan at the end of this report.

Following the receipt of this additional information, Sport England has removed its objection to the proposals having considered that the suggested mitigation package is sufficient to outweigh the loss of playing field at the Audco site. This being on the basis that the package of overall mitigation measures partially consists of like for like quantitative replacement and partially consists of operational, qualitative and access improvements to existing provision in the area. Using the context provided by the Council's supply and demand information, it appears that the overall mitigation package will facilitate access of a greater range of pitches with improved quality. Importantly, it appears the proposed mitigation measures will maintain a local pitch stock which is sufficient in size and quality to meet current and likely future demand.

In removing their objection, Sport England's stated that this was subject to the provision of specific conditions to ensure the delivery and management of the off-site recreation proposals. The applicant, together with Council Officers, have discussed 4 conditions that would enable the provision of the mitigation package should this residential application be granted consent, in summary these would ensure:

- Prior to the commencement of development, planning consent must have been obtained for the development of a new off-site grass playing field, on land adjoining the Burton Borough School. Such an application shall contain

details of the community access proposals for the pitch and wider school playing field area.

- No more than 75 dwellings can be occupied on the application site, until such time as the new off site pitch and community access proposals (referred to above) have been fully implemented to the written satisfaction of the Local Planning Authority, in consultation with its relevant stakeholders
- Prior to the commencement of development, full details of the improvements to the pitch levels and drainage arrangements at Shukers Fields, have been submitted to and agreed in writing by the Local Planning Authority in consultation with its relevant stakeholders. No more than 50 dwellings can be occupied on the application site, until such time as the agreed improvements to Shukers Fields have been fully implemented to the written satisfaction of the Local Planning Authority.
- Prior to the commencement of development, full details of the package of improvements and funding for the ancillary facilities at Shukers Fields as indicated above, have been submitted to and agreed in writing by the Local Planning Authority in consultation with its relevant stakeholders. No more than 75 dwellings can be occupied on the application site, until such time as the agreed improvements to Shukers Fields have been fully implemented to the written satisfaction of the Local Planning Authority.

Sport England has subsequently confirmed to the Local Planning Authority that the detailed wording of the conditions as described above is acceptable.

Based on the overall package of proposals, it has been satisfactorily demonstrated to the Local Planning Authority that loss of the former sports pitches would be replaced partially by like for like quantitative replacement and partially by operational, qualitative and access improvements to existing provision in the area. On this basis these securing of these proposals by planning condition satisfies the requirements of paragraph 74 of the NPPF and Saved Policy LR 4 – (Outdoor Recreational Open Space).

This package only mitigates the loss of the existing pitches. It is pertinent to have regard to pitch provision arising from extra users that this residential scheme would generate. However, this issue has not been raised by either Parks and Open Space or Leisure Services Departments.

### **Open space and play provision**

The development proposes a number of properties which will contribute to the need for further recreational facilities for the area. The Illustrative Masterplan illustrates that the proposals incorporate both formal and informal open space, landscaping and wildlife areas. Formal open space would total 1.98 hectares with informal open space (including balancing pond) being 0.56 hectares. The applicant proposes an off site Neighbourhood Equipped Area for Play (NEAP) adjoining the application boundary to the west of the site on recreational land owned by the Council and this would include a hard standing ball court.

It is not proposed that any open space provision is laid out with formal outdoor sports pitches and the applicant justifies this on the proximity of the site to the adjacent

Shukers Fields playing pitches and the enhancements proposed to that area as well as additional off-site pitch provision proposed on land adjacent to Burton Borough.

The Council's Parks and Open Spaces Officer supports the application subject to suitable conditions in relation final design, implementation and management and also a Section 106 agreement relating to the future adoption by the Council of the open space if that option is exercised by the applicant.

Off site provision for a NEAP adjacent to the site is accepted and has been agreed on the basis of the financial contribution of £162,000. It is therefore concluded that the proposal meets the need for open space, play and recreation arising from the development in accordance with saved Wrekin Local Plan policies LR4 (Outdoor Recreational Open Space) and LR6 (Contributions to Outdoor Recreational Space Provision).

The proposal also includes 0.22ha of land specifically for an extension to existing allotments in the north eastern corner of the site, as indicated on the Illustrative Masterplan. Access to the existing allotments is provided at the end of Meadow View Road. Following a request by the Town Council, the applicant has confirmed that pedestrian access to the allotment extension would also be provided for through the proposed development. Within the applicant's Section 106 Heads of Terms it is stated that it is their intention that this land be provided to Newport Town Council who own and administer the existing allotment site.

### **Conflict with adjoining uses (including noise)**

The site is surrounded by a number of different land uses. Concern has been raised that residential development in this location may lead to conflict between these uses. The adjoining uses of concern relate to the employment areas to the south and south east of the application site, the Cemetery to the west, and the bypass to the north east.

With regards to conflicts with the adjoining employment areas detailed representations have been received from the existing Mornflake operation to the south of the site and the owners of Audley Business Park who own land adjoining the site to the south east where planning permission has recently been renewed for the demolition of existing buildings and erection of a building comprising 2931sqm gross floor space for employment use and 413sqm car auction together with associated parking, access and landscaping (ref TWC/2011/0853). These representations have been summarised in the consultation section earlier in this report.

The concerns raised relate to both negative impacts on those who would live in houses in terms of noise, air pollution and wider residential amenity but also that any such negative impacts may result in future residents complaining about industrial operations that could consequently could lead to restrictions upon those operation or result in further costs placed upon them. In regard of this latter point paragraph 123 of the National Planning states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The application has been accompanied by a Noise Assessment (plus addendum) and Air Quality Assessment that Council's Environmental Health Officer has considered, together with the representations mentioned above. The advice given notes that the permission south east of the includes Class B2 (General Industrial) operations which are capable of being detrimental to the amenities of sensitive receptors by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit. Furthermore, there are no restrictions on hours of operation or noise levels for these units and the proposed buildings are situated on the eastern boundary of this application and as such there will be minimal distance attenuation.

However, the advice received in relation to noise states that it would be technically possible to provide noise attenuation measures for a residential development adjacent to typical B2 use, even using the Quiet Borough standards. These measures would however place severe constraints on the design, layout and construction of any properties along the eastern boundary of the site. It is important to note however that this is based on a typical B2 Class Use and it is possible that a process may be undertaken in this development which is particularly annoying to the human ear.

If Plans Board are minded to approve this application the advice recommends that a condition be incorporated into any such permission granted requiring a Detailed Scheme of Noise Attenuation Measures including but not restricted to, the design, layout and form of construction of any Noise Sensitive Receptors. This is considered appropriate as the application is in outline and details regarding layout, appearance and landscaping would be determined as part of any reserved matters application. This would also be the means where household amenity connected to outlook and daylight and sunlight levels for the proposed residential properties can be appropriately considered. In relation to other matters the advice received states that any Class B2 industrial use is capable of affecting the amenity of sensitive receptors by reason of vibration, smell, fumes, smoke, soot, ash, dust or grit in addition to noise.

As there are currently no details available of the exact processes which may be carried out we cannot accurately comment on the extent to which this may occur. If either the noise levels or any of the above factors cause Statutory Nuisance to the Proposed Residential Development then Public Protection will be under a legal duty to take Enforcement Action. This could involve the service of legal notices which could restrict the activities carried out within the B2 Units or involve the operators in considerable financial expense in installing appropriate mitigation measures.

It is noted that the recent renewal of permission to the south east of the site involves the demolition of existing buildings and the erection of new buildings. It is considered reasonable that in constructing these new buildings these should be built to current environmental standards and when being fitted out with environmental control equipment should have regard to adjoining land uses, including residential uses.

Also in relation to this aspect of concern, whilst the permission allows any operations coming under the General Industrial use class (B2), the size of the proposed building

together with the type of business that Newport tends to attract means that the likelihood of the new building attracting a noisy and polluting operator is limited.

The proximity of the site to the existing Cemetery to the site is not considered inappropriate as residential areas historically border such facilities. Whilst some disturbance may occur as a result of building works these would be limited to the houses closest to the boundary of the two uses and would not be a permanent

With regard to the proximity to the bypass, there are no grounds for objection in relation to Air Quality, as the submitted Air Quality Data shows acceptable levels are to be maintained. With regard to traffic noise, the proposed dwellings would be afforded separation from the bypass by the allotment extension and surface water pond and together with building orientation and noise attenuation measures should be within acceptable limits.

On balance it is concluded that conflict with adjoining land uses is limited and adjacent uses do coexist with residential developments in other areas. It is therefore acceptable in principle. However, whilst the conflict is limited it is not non-existent, especially with regard to employment uses and this is a consideration highlighted in the NPPF. In this instance though the advice received from the Council's Environmental Health Officer suggests that noise can be considered at the reserved matters stage by requiring a Detailed Scheme of Noise Attenuation Measures including but not restricted to, the design, layout and form of construction of any Noise Sensitive Receptors. With regard to other sources of pollution and nuisance that can arise it is considered reasonable that in constructing these new buildings these should be built to current environmental standards and when being fitted out with environmental control equipment should have regard to adjoining land uses, including residential uses.

#### **Works on trees covered by Tree Preservation Orders.**

The application site includes a significant number of trees, including trees which benefit from the protection of Tree Preservation Orders. Figure 3 of the Arboricultural Assessment suggests there are least 38 TPO trees on the application site, with an additional 30 trees not covered by TPOs. Good planning practice requires that existing trees, particularly TPO trees, be retained where possible.

Within the Arboricultural Assessment 35 trees are proposed for removal with a number of these is subject to TPO's. However, the Council's Arboricultural Officer notes in their response to this application that a large proportion of these are Lombardy poplars which have been identified as approaching the end of their safe useful life and does not object to the proposals. Although the response does request a number of important conditions regarding the felling of trees to be removed and the protection of trees to be retained together with mitigation for the loss being required as part of any consent given.

It is concluded the Arboricultural Assessment submitted with the application and the consideration of this by qualified Council Officers give comfort that (subject to conditions outlined in the response to this application) the works to the trees on site as proposed, including those covered by Tree Preservation Orders, are acceptable.

## CONCLUSIONS AND RECOMMENDATIONS:

### **Conclusions**

The delivery of affordable housing is a fundamental determinant of the development strategy for Newport in the adopted Core Strategy. Monitoring data since adoption has demonstrated that developments for both completed and committed proposals have failed to deliver the required number of dwellings and level of affordable housing required by policies CS1(Homes) and CS6(Newport) respectively. The development proposed would help address both of these deficits. When reflecting on the Inspector's judgment regarding the disadvantages of brownfield sites and that large greenfield sites would be required to deliver the level of provision envisaged by the Core Strategy, then greenfield sites such as Audley Avenue are acceptable and necessary to help ensure delivery of the local housing needs for Newport and its rural hinterland.

Although the recent Plans Board resolutions to grant housing proposals at Maynards Croft and Wellington Road increase the supply of housing, the number of dwellings permitted would not meet the housing shortfall and Core Strategy target to 2016 because of lead in times and build out rates that would extend beyond 2016 as highlighted in Table 2. There is a need therefore for extra dwellings to deliver the shortfall and Core Strategy target by 2016 that can be met by this proposal.

Given the number of dwellings being applied for at Maynards Croft, Wellington Road and Audley Avenue, the total number of dwellings if granted by the Council would go beyond that required by the current Core Strategy period of 2016. The trajectory in Table 3 shows that by 2021 the number of dwellings being sought by the various permissions would equate to the level of housing of the 60 dwellings per annum by that date.

However, with development of the Council's new Local Plan (Shaping Places) in its infancy there are no grounds to consider this or other applications before the Council in relation to prematurity with an emerging Plan. The local planning authority is not yet in a position to identify a revised policy position as the basis of revised evidence, in the form of the 2009 Strategic Housing Market Assessment, needs to be adjusted to account for forthcoming updated population projections.

The Core Strategy as submitted for Examination evidenced the housing needs for Newport to 2021 before the time period was reduced to 2016 by the Inspector, predominately on the basis of Telford centric issues. With regard to the Inspectors reference to monitoring of the early part of the plan period, this has revealed under delivery in dwelling numbers and affordable housing provision which the applications under consideration could address. The 2009 update to the Strategic Housing Market Assessment has revealed an increased need for affordable housing.

In light of the above, it is considered that the continuation of the target level of 60 dwellings per year for Newport defined by CS1 (Homes) beyond the end of the current Core Strategy can be considered appropriate in helping meet the affordable housing needs in Newport with a realistic chance of delivery in current market conditions.

It is also considered that the above position is consistent with the National Planning Policy Framework which outlines what Local Planning Authorities should do *‘To boost significantly the supply of housing’* (paragraph 47). The NPPF also states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”* (paragraph 49). This relates to the social role of sustainable development that seeks to support *‘strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being’*.

Furthermore, it is considered that the proposed development accords with one of the NPPF’s Core planning principles that the planning system ought to play, this being:

*‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities’*

Also with regard to the NPPF, the proposed range of housing size, type and tenure in the application would contribute to the creation of sustainable, inclusive and mixed communities advocated in paragraph 50.

Whilst this application is made in outline, the parameters defining the density of the development and the maximum height of the dwellings (3 storeys) are considered appropriate in the context of Newport and this particular location.

Although part of the site is designated Open Space in the saved policies of the Wrekin Local Plan and the remainder being outside of the built up area, the principle of the development in this location is acceptable on policy grounds given the other material considerations outlined, particularly as the proposal is consistent with Policy CS6 (Newport) in meeting the local need for new homes with the required level of affordable housing. The site has been assessed as having medium to low landscape sensitivity and a high to medium capacity to accommodate housing. As a greenfield site on the edge of Newport, the application site is considered to represent a sustainable location given its location to the town centre and proximity to services. Access to public transport is within walking distance of the site and may be enhanced closer to the site as part of a package of improvements associated with a number of proposals in Newport.

In response to the application and the supporting Transport Assessment, the Council’s Highways Engineers have not raised any objection. There are though concerns that there would be a cumulative impact on the local highway network should all the major developments currently under consideration receive planning consent, that would be such as to cause capacity and safety issues on parts of the strategic highway network. In light of this concern, the Highway Authority has carried

out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments. Provided Section 106 contributions and conditions are applied to any consent granted, it is concluded that there are no reasons for refusal on highways grounds.

The site is not affected by flooding and the foul water network in the part of Newport has no known flooding issues. Surface water run-off created by the development can be controlled and bettered by the on site attenuation pond proposed subject to details as requested by the Council's Drainage Engineers and the Environment Agency. High groundwater levels in this area are acknowledged, however technical feedback received has indicated that these issues can be considered and solutions applied by requiring details to be submitted and approved by means of planning condition.

In light of the Council's further enquiries (regarding not only this application but the cumulative effects of the major proposed developments that have been submitted) with regard to the provision of physical and social community infrastructure, it is concluded that there is either sufficient capacity that already exists or that such capacity can be feasibly upgraded to permit the grant of permission for the all developments proposed in Newport. Contributions to meet the need for educational infrastructure resulting from an increase in pupil numbers for permitted housing can be secured through a Section 106 agreement.

Based on the overall package of proposals put forward by the applicant, it has been satisfactorily demonstrated to the Local Planning Authority and Sport England that the loss of the former sports pitches would be replaced. The proposals partially provide like for like quantitative replacement as well as by operational, qualitative and access improvements to existing provision in the area. On this basis the securing of these proposals by planning condition satisfies the requirements of paragraph 74 of the NPPF and Saved Policy LR4 – (Outdoor Recreational Open Space).

Adequate areas for public open space are provided for within the application area and off site provision for a NEAP adjacent to the site is accepted and has been agreed on the basis of the financial contribution of £162,000. This could be secured via a Section 106 agreement that could also relate to the future adoption by the Council of the open space if that option is exercised by the applicant. It is therefore concluded that the proposal meets the need for open space, play and recreation arising from the development in accordance with saved Wrekin Local Plan policies LR4 (Outdoor Recreational Open Space) and LR6 (Contributions to Outdoor Recreational Space Provision).

The proposal also includes 0.22ha of land specifically for an extension to existing allotments in the north eastern corner of the site, as indicated on the Illustrative Masterplan. Within the applicant's Section 106 Heads of Terms it is stated that it is their intention that this land be provided to Newport Town Council who own and administer the existing allotment site.

On balance it is concluded that conflict with adjoining land uses is limited and adjacent uses do coexist with residential developments in other areas. It is therefore acceptable in principle. However, whilst the conflict is limited it is not non-existent, especially with regard to employment uses and this is a consideration highlighted in the NPPF. In this instance though the advice received from the Council's Environmental Health Officer suggests that noise can be considered at the reserved matters stage by requiring a Detailed Scheme of Noise Attenuation Measures including but not restricted to, the design, layout and form of construction of any Noise Sensitive Receptors. With regard to other sources of pollution and nuisance that can arise it is considered reasonable that in the new employment buildings recently consented to the south east of the site should be built to current environmental standards and when being fitted out with environmental control equipment should have regard to adjoining land uses, including residential uses.

It is concluded the Arboricultural Assessment submitted with the application and the consideration of this by qualified Council Officers give comfort that (subject to conditions outlined in the response to this application) the works to the trees on site as proposed, including those covered by Tree Preservation Orders, are acceptable.

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

### **Planning Obligations**

With regard to planning obligations, the consultations received in relation to this application have highlighted the need for contributions relating to the following:

- provision of affordable housing (at 35% as per Core Strategy Policy CS6);
- highways works and public transport;
- education infrastructure;
- financial contribution for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site;
- transfer of private land in public ownership at Shukers Fields and adjacent to Burton Borough School;
- possible transfer of land set aside for allotments to Newport Town Council, and;
- possibly with regard to future adoption by the Council of the public open space and associated SUDs feature.

In the responses from Council Officers in respect of Highways and Education, the combined impact of a number of developments creates the need for a greater level of infrastructure, therefore it is considered reasonable for the associated developers' contributions to be pooled. This approach allows the cumulative costs towards such infrastructure to be secured in a fair and equitable way and to avoid a situation where contributions are burdened on later developments that may make them unviable.

However, such cumulative costs are by no means assured as they have been based on a level of development proposed in the other major applications submitted to the Council in the Newport area over the last 14 months. In essence they represent a maximum contribution that would be required from this applicant in contributing to

the cumulative impacts that have been assessed as arising from a number of developments. If these applications are not approved or implemented then it is fair that a review mechanism exists within a Section 106 agreement so that, within a timescale to be agreed and set out in the required Section 106 agreement, the position can be assessed as to whether the applications under consideration have been or are likely to be granted or implemented, and if they have or are, allow for the return of some of the funds to reflect a lower level of impact arising from developments granted. This may even be to the point where impacts are only assessed to this particular application in isolation if it is the only one approved and implemented by the Council.

Therefore, the precise amount of Section 106 payments for certain highways contributions and all the education contributions depend on whether this application is granted permission in isolation, or is one granted and implemented together with other applications recently determined by the Council or that remain to be determined in the near future (Station Road ref TWC/2011/0871). In addition there are other variables that can only be considered when details accompanying Reserved Matters details are submitted, for example, the precise number and size of houses in relation to calculating education contributions.

Land within this application is within the control of Telford and Wrekin Council as well as the applicant. Because the Council cannot enter into a Section 106 agreement with itself the Planning Obligations would need to be secured through a Section 106 agreement with the applicants and also a Memorandum signed by the Assistant Director Development Business and Housing.

### **Referral to the Secretary of State**

Should Plans Board be minded to approve this application the National Casework Planning Unit has requested copies of the relevant documents be passed to them to allow an assessment to be made, before any notification is issued to the applicant. This is to allow consideration of whether there are any issues of a significant enough nature to warrant intervention from the Secretary of State that is, to "Call In" the application.

### **Recommendation to Plans Board**

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

A.) Confirmation from the Secretary of State that he does not wish to call-in the application for determination;

B.) The applicants/Council as landowner entering into a Section 106 agreement/Memorandum (signed by the Assistant Director Development Business and Housing) with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:

(i) Affordable housing, to include:

- Provisions ensuring that 35% of the dwellings to be built shall be

affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);

- Of the above 80% to be Rented Social Housing dwellings and the remaining 20% in Shared Ownership unless otherwise agreed with the Council;
- Provisions ensuring that the affordable housing is provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters;
- Inclusion of details to ensure lettings are prioritised to Newport area based residents;
- Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing.

(ii) Highways works, to include:

- Off site highway infrastructure improvements - up to a maximum of £314,072;
- Public transport service enhancements – up to a maximum of £120,000;
- Public transport infrastructure (bus shelters) – up to a maximum of £10,000.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

- Travel Plan monitoring - £5,000.

(iii) Education infrastructure funds up to maximum of £529,878 provided the average number of bedrooms per dwelling across the development is under 3.35.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

(iv) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.

(v) Index linked financial contribution of £162,000 for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site as indicated on submitted drawings.

(vi) Provision of new allotment land of 0.22 hectares to be provided as an extension to the existing allotment site north of the application site and offered for transfer into the ownership of Newport Town Council.

(vii) The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area.

(viii) The transfer to Telford and Wrekin Council of land owned by the applicant that is developed as a new sports pitch adjacent to the Burton Borough School as indicated in the Playing Pitch Assessment Report; and

(ix) Provision of a Planning and Financial Monitoring contribution of £9,000.

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

1. A01 Time limit - Outline
2. A03 Time limit – Submission of Reserved Matters.
3. B02 Standard outline some matters reserved.
4. B10 Details of materials.
5. BCustom Details of NEAP, MUGA and Allotment area (including access path from within the development to the former and point of access to the latter from within the site).
6. BCustom Phasing plan for the development.
7. BCustom No dwellings to be built overlooking NEAP until such a facility has been provided.
8. B121 Landscape design.
9. B126 & 7 Landscape Management and Maintenance.
10. B125 Details of earthworks to including for a gradual grading of the land within the application site boundary, where it adjoins the northern boundary of the cemetery extension land if necessary.
11. BCustom Highways details as specified by Highways Engineers (including Travel Plan).
12. BCustom Detailed Scheme of Noise Attenuation Measures for dwellings.
13. B57 Land contamination.
14. B150 Site Environmental Management Plan for construction works.
15. BCustom Details of surface water drainage to include requirements specified by Drainage Engineers and Environment Agency.
16. B130 Tree protective fencing.
17. B131 Trees Services root protection.
18. B134 TPO Extent of works
19. B132 Trees No Dig Method.
20. B133/5/6 TPO Replacements, Planting details and Scheme.
21. BCustom Scheme of sustainable construction with regards to housing.
22. BCustom Details for the erection of bird boxes.
23. B141 Ecological Mitigation and Method Statement.
24. B/C 4 conditions as specified in the report regarding playing pitch

- |     |         |  |
|-----|---------|--|
|     | Custom  | mitigation off site at Shukers Fields and adjacent to Burton Borough School. |
| 25. | C76     | Landscape Implementation hard and soft.                                      |
| 26. | C79     | TPO Tree Suitable Contractor.  |
| 27. | C70     | Trees – no burning.  |
| 28. | C71     | Trees – Soil levels.   |
| 29. | C72     | Trees – Material Storage.  |
| 30. | DCustom | Maximum number of dwellings permitted to be 215 units.                       |
| 31. | DCustom | Development in accordance with deposited plans.                              |

Informatives:

I106 – Section 106 agreements

I35 – Custom - Geotechs: The site is affected by high ground water levels. This must be considered when designing the foundations and BRE Protocol 1 must be followed especially in relation to high ground water.

I40 - Conditions

I44 – Reasons for grant of Approval

REASON FOR APPROVAL:

The delivery of affordable housing is a fundamental determinant of the development strategy for Newport in the adopted Core Strategy. Monitoring data since adoption has demonstrated that developments for both completed and committed proposals have failed to deliver the required number of dwellings and level of affordable housing required by policies CS1(Homes) and CS6(Newport) respectively. The development proposed would help address both of these deficits. When reflecting on the Inspector’s judgment regarding the disadvantages of brownfield sites and that large greenfield sites would be required to deliver the level of provision envisaged by the Core Strategy, then greenfield sites such as Audley Avenue are acceptable and necessary to help ensure delivery of the local housing needs for Newport and its rural hinterland.

Although the recent Plans Board resolutions to grant housing proposals at Maynards Croft and Wellington Road increase the supply of housing, the number of dwellings permitted would not meet the housing shortfall and Core Strategy target to 2016 because of lead in times and build out rates that would extend beyond 2016 as highlighted in Table 2. There is a need therefore for extra dwellings to deliver the shortfall and Core Strategy target by 2016 that can be met by this proposal.

Given the number of dwellings being applied for at Maynards Croft, Wellington Road and Audley Avenue, the total number of dwellings if granted by the Council would go beyond that required by the current Core Strategy period of 2016. The trajectory in Table 3 shows that by 2021 the number of dwellings being sought by the various permissions would equate to the level of housing of the 60 dwellings per annum by that date.

However, with development of the Council’s new Local Plan (Shaping Places) in its

infancy there are no grounds to consider this or other applications before the Council in relation to prematurity with an emerging Plan. The local planning authority is not yet in a position to identify a revised policy position as the basis of revised evidence, in the form of the 2009 Strategic Housing Market Assessment, needs to be adjusted to account for forthcoming updated population projections.

The Core Strategy as submitted for Examination evidenced the housing needs for Newport to 2021 before the time period was reduced to 2016 by the Inspector, predominately on the basis of Telford centric issues. With regard to the Inspectors reference to monitoring of the early part of the plan period, this has revealed under delivery in dwelling numbers and affordable housing provision which the applications under consideration could address. The 2009 update to the Strategic Housing Market Assessment has revealed an increased need for affordable housing.

In light of the above, it is considered that the continuation of the target level of 60 dwellings per year for Newport defined by CS1 (Homes) beyond the end of the current Core Strategy can be considered appropriate in helping meet the affordable housing needs in Newport with a realistic chance of delivery in current market conditions.

It is also considered that the above position is consistent with the National Planning Policy Framework which outlines what Local Planning Authorities should do *'To boost significantly the supply of housing'* (paragraph 47). The NPPF also states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development."* (paragraph 49). This relates to the social role of sustainable development that seeks to support *'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'*.

Furthermore, it is considered that the proposed development accords with one of the NPPF's Core planning principles that the planning system ought to play, this being:

*'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities'*

Also with regard to the NPPF, the proposed range of housing size, type and tenure in the application would contribute to the creation of sustainable, inclusive and mixed communities advocated in paragraph 50.

Whilst this application is made in outline, the parameters defining the density of the development and the maximum height of the dwellings (3 storeys) are considered appropriate in the context of Newport and this particular location.

Although part of the site is designated Open Space in the saved policies of the Wrekin Local Plan and the remainder being outside of the built up area, the principle of the development in this location is acceptable on policy grounds given the other material considerations outlined, particularly as the proposal is consistent with Policy CS6 (Newport) in meeting the local need for new homes with the required level of affordable housing. The site has been assessed as having medium to low landscape sensitivity and a high to medium capacity to accommodate housing. As a greenfield site on the edge of Newport, the application site is considered to represent a sustainable location given its location to the town centre and proximity to services. Access to public transport is within walking distance of the site and may be enhanced closer to the site as part of a package of improvements associated with a number of proposals in Newport.

In response to the application and the supporting Transport Assessment, the Council's Highways Engineers have not raised any objection. There are though concerns that there would be a cumulative impact on the local highway network should all the major developments currently under consideration receive planning consent, that would be such as to cause capacity and safety issues on parts of the strategic highway network. In light of this concern, the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments. Provided Section 106 contributions and conditions are applied to any consent granted, it is concluded that there are no reasons for refusal on highways grounds.

The site is not affected by flooding and the foul water network in the part of Newport has no known flooding issues. Surface water run-off created by the development can be controlled and bettered by the on site attenuation pond proposed subject to details as requested by the Council's Drainage Engineers and the Environment Agency. High groundwater levels in this area are acknowledged, however technical feedback received has indicated that these issues can be considered and solutions applied by requiring details to be submitted and approved by means of planning condition.

In light of the Council's further enquiries (regarding not only this application but the cumulative effects of the major proposed developments that have been submitted) with regard to the provision of physical and social community infrastructure, it is concluded that there is either sufficient capacity that already exists or that such capacity can be feasibly upgraded to permit the grant of permission for the all developments proposed in Newport. Contributions to meet the need for educational infrastructure resulting from an increase in pupil numbers for permitted housing can be secured through a Section 106 agreement.

Based on the overall package of proposals put forward by the applicant, it has been satisfactorily demonstrated to the Local Planning Authority and Sport England that the loss of the former sports pitches would be replaced. The proposals partially provide like for like quantitative replacement as well as by operational, qualitative and access improvements to existing provision in the area. On this basis the securing of these proposals by planning condition satisfies the requirements of

paragraph 74 of the NPPF and Saved Policy LR4 – (Outdoor Recreational Open Space).

Adequate areas for public open space are provided for within the application area and off site provision for a NEAP adjacent to the site is accepted and has been agreed on the basis of the financial contribution of £162,000. This could be secured via a Section 106 agreement that could also relate to the future adoption by the Council of the open space if that option is exercised by the applicant. It is therefore concluded that the proposal meets the need for open space, play and recreation arising from the development in accordance with saved Wrekin Local Plan policies LR4 (Outdoor Recreational Open Space) and LR6 (Contributions to Outdoor Recreational Space Provision).

The proposal also includes 0.22ha of land specifically for an extension to existing allotments in the north eastern corner of the site, as indicated on the Illustrative Masterplan. Within the applicant's Section 106 Heads of Terms it is stated that it is their intention that this land be provided to Newport Town Council who own and administer the existing allotment site.

On balance it is concluded that conflict with adjoining land uses is limited and adjacent uses do coexist with residential developments in other areas. It is therefore acceptable in principle. However, whilst the conflict is limited it is not non-existent, especially with regard to employment uses and this is a consideration highlighted in the NPPF. In this instance though the advice received from the Council's Environmental Health Officer suggests that noise can be considered at the reserved matters stage by requiring a Detailed Scheme of Noise Attenuation Measures including but not restricted to, the design, layout and form of construction of any Noise Sensitive Receptors. With regard to other sources of pollution and nuisance that can arise it is considered reasonable that in the new employment buildings recently consented to the south east of the site should be built to current environmental standards and when being fitted out with environmental control equipment should have regard to adjoining land uses, including residential uses.

It is concluded the Arboricultural Assessment submitted with the application and the consideration of this by qualified Council Officers give comfort that (subject to conditions outlined in the response to this application) the works to the trees on site as proposed, including those covered by Tree Preservation Orders, are acceptable.

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