

TWC/2015/1024

Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire
Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved

APPLICANT

Redrow Homes Ltd,

RECEIVED

11/11/2015

PARISH

Newport

WARD

Newport North and West

OFFICER Daniel Owen

INTRODUCTION

An outline planning application for the erection of approximately 110 dwellings was submitted to the council in October 2015. Following the consultation period the local planning authority identified a number of issues with the submission and officers concluded that the application would not be acceptable in its submitted form. The National Planning Policy Framework states that local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area and as such the applicant was provided with an opportunity to try and overcome a number of those issues. Shortly before the end of the 13 week statutory period within which time the local planning authority should seek to determine applications the applicant advised that they were going to submit an appeal on the grounds of non-determination rather than submit any amended details to the Council.

The applicant (now the appellant) has now submitted an appeal and the proposal will be considered by the Planning Inspectorate at a Public Inquiry later this year. The purpose of this report is to advise Members of the Planning Committee what the reasons for refusal would have been had the local planning authority determined the application as those reasons will form the basis for the Council's case at the Public Inquiry.

1. PROPOSAL

- 1.1 This is an outline proposal for the erection of approximately 110 dwellings and associated infrastructure. The means of access to the site was included within the application with the remaining matters of detail (appearance, landscaping, layout and scale) reserved for subsequent approval. A masterplan was submitted in support of the application that seeks to demonstrate how the quantity of development proposed could fit on the site.

- 1.2 The proposed access for the site would be taken from a new access on Forton Road between Forton Cottage and Plough House, to the south of the existing roundabout at the A41 and to the north of the existing access onto Plough Lane. No other vehicular access points, including the use of Plough Lane, have been proposed.
- 1.3 An indicative layout has been submitted in support of the application that shows how the site could be laid out. With regard to the potential scale of the development there is a lack of conformity between the supporting documentation in that the design and access statement refers to the development being predominantly two storeys and that an element of two and a half and three storey properties may be used. It also states that the majority of properties would be detached or semi-detached with an element of smaller terraced units and apartments. Whereas the submitted landscape and visual impact assessment states that the whole of the development would be two storeys detached and semi-detached houses.

2. SITE AND SURROUNDINGS:

- 2.1 Newport is a historic market town that is located approximately 11km to the north east of the centre of Telford and approximately 17km to the south west of Stafford. It is linked to both Telford and Stafford by the A518 and the A41 provides a north/south link to Chester and Wolverhampton. The site is located at the northern edge of Newport and is outside of the existing built up area of the town (as defined on the Wrekin Local Plan proposals map) and it is therefore within the rural area.
- 2.2 The western part of the site previously occupied nurseries but this business has closed and the buildings have been demolished.
- 2.3 The NPPF states that land in grades 1, 2 and 3a constitute the best and most versatile agricultural land and the information submitted in support of the application states the site is grade 3a.
- 2.4 The site slopes down from south to north and there is a change in levels between the highest and lowest points of the site of 5.5 metres. The site is open with minimal tree cover.
- 2.5 There are existing houses to the west of the site and to the south on the opposite side of Plough Lane. Plough Lane runs along the southern boundary of the site and there is further open agricultural land on the opposite side of Plough Lane. There is an area of open land to the east of the site. The A41 and associated embankment form the northern boundary of the site.

2.6 The emerging Telford & Wrekin Local Plan includes the site within the built up area of Newport in order to also allocate the site as being part of the Green Network.

3. RELEVANT PLANNING HISTORY:

3.1 Planning Applications:

- TWC/2015/1003: Outline application for the erection of approximately 170 dwellings with open space on land to the south of Plough Lane. An appeal against non-determination has also been submitted in respect of this application.

4. PLANNING POLICY CONTEXT:

4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough’s development plan policies have to be viewed in the light of this more recent national guidance.

- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 11: Conserving and enhancing the natural environment

4.2 Core Strategy policies

- CS1: Homes
- CS6: Newport
- CS7: Rural Area
- CS9: Accessibility and Social Inclusion
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental Resources
- CS15: Urban Design

4.3 Saved Wrekin Local Plan policies

- UD2: Design Criteria
- UD4: Landscape Design
- H9: Location of New Housing
- H10: Scale of Development
- H23: Affordable Housing
- OL6: Open Land
- OL11: Woodland and Trees
- OL12: Open Land and Landscape – contributions from new development
- OL13: Maintenance of Open Space

- LR6: Developers contributions to outdoor recreational open space provision within residential developments
- T4: Development Principles
- T22: Planning Obligations

4.4 Telford & Wrekin Local Plan (Publication Version)

4.4.1 The Telford & Wrekin Local Plan (Publication Version) is an emerging local plan and is not the development plan for the purposes of determining planning applications. Government advice in the NPPF states that decision-takers may give weight to relevant policies in emerging local plans according to:

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

4.4.2 Officers consider that the Telford & Wrekin Local Plan (Publication Version) has been prepared on the basis of up to date evidence and having regard to the NPPF. It has gone through two rounds of consultation and exhibition and is at an advanced state of preparation although it has not yet been the subject of public examination. Accordingly, Members are advised to give the document limited weight at the present time. In the event of any appeal against refusal, the weight to be given to the document will be reviewed in accordance with the NPPF guidance set out above.

- SP2: Newport
- SP4: Presumption in favour of sustainable development
- HO1: Housing requirement
- HO2: Housing site allocations
- NE1: Biodiversity and geodiversity
- NE2: Trees, hedgerows and woodlands
- NE4: Provision of public open space
- NE6: Green Network
- C1: Promoting alternatives to the car
- C3: Impact of development on highways
- C4: Design of roads and streets
- BE1: Design Criteria
- ER12: Flood Risk Management

5. SUMMARY OF CONSULTATION RESPONSES:

Standard consultation responses

- 5.1 Newport Town Council: Object. Concerns are raised regarding the impact on the road network, access and manoeuvrability for emergency vehicles and the impact on the green network. The Telford & Wrekin Local Plan (Publication Version) should carry extensive weight and there are over 1000 dwellings with planning permission in Newport. The borough has a 5 year housing land supply and no new site allocations should be made in Newport until sites with consent are developed. The proposed access is wholly inappropriate and would be a disaster. There is a lack of footpaths in the vicinity of the site. There are limited public transport links. The site is proposed as green network and provides a buffer between the A41 and the urban landscape of Newport. The site is a green lung for birds, wildlife and biodiversity. The canal is a significant feature and in part is classed a SSSI. Newport has a shortage of informal recreational space and consideration should be given to the protection of the oak tree.
- 5.2 Newport and District Civic Society: Object. Agree with the conclusions of the Council's Ecologist and Arboriculturalist. The land is proposed as green network in the Telford & Wrekin Local Plan and the application should be refused to enable the Inspector to consider the designation as part of the examination of the Local Plan. The borough has an 8.2 year housing land supply. The volume of houses approved and under construction in the area has placed pressures on health and education provision; water, power and sewage etc and this has not been addressed.
- 5.3 Shropshire Council Historic Environment Archaeology Service: Comment: It is recommended that a programme of archaeological work (in the form of a watching brief) be made a condition of any planning permission.
- 5.4 Shropshire Fire Service: No objection.
- 5.5 West Mercia Police (Place Partnership on behalf of the Police Service): No objection subject to the development being carried out in accordance with the Secure by Design Standards and the provision of a financial contribution of £18, 926 towards the associated infrastructure costs that would arise directly as a result of the development. This would go towards costs associated with the recruitment of and equipment for officers and staff, police vehicles and office accommodation.
- 5.6 Telford and Wrekin Local Access Forum: This planning application has a definitive public right of way running just to the southern boundary of the site. I

am pleased that the applicant has realised this and has accounted for it in the deposited plans. However, it is important that Plough Lane is not used for vehicular access to the site during or after construction as it would put those who exercise the right on foot at risk. It is important that during construction work that this public right of way is not affected adversely and the full width is available to the public. It must not be partially obstructed by the site's fencing during or after construction, as this would be unlawful. If it were obstructed the public would have the right to pass through the private land or divert around any obstacle put in place

- 5.7 Environmental Services (Arboricultural): Concern raised regarding the proximity of the proposed dwellings to trees and hedgerows along the northern and southern boundaries.
- 5.8 Environmental Services (Drainage): Object. The drainage design submitted is dependent on a separate planning application (TWC/2015/1003). The proposed surface water outfall, attenuation and flow control are all located within the adjacent development site and are therefore subject to a separate application for planning permission. The drainage serving the proposed development is also dependent on a connection across a private highway (Plough Lane), which is subject to permission from the landowner. The FRA states the intention to drain new dwellings on the site to soakaways, however no soakaway tests within the site establishing the principal of infiltration drainage have been submitted.
- 5.9 Environmental Services (Environmental Health): This department has reviewed the noise assessment submitted with this application and has identified a few areas of concern. The noise report details that internal noise levels for day time periods (07:00 – 23:00) are 73-69 dB(A) and 68-65 dB(A) for night time periods (23:00 – 7:00) this is significantly higher than the noise limits set out in BS 8233. The report details that double glazing will be used as a mitigation method however the details of the glazing / glazing units have not been discussed nor have they detailed the type of ventilation they intend to install. As well as double glazing the report states that “the building fabric will also be constructed to ensure that a 39 dB reduction is achieved” and more information is required to show what this involves. Additional information is also required on the acoustic barrier that is proposed to lower the impact of noise within gardens. Without this information it is not possible to assess whether the development and its new residents would be adversely affected by noise.
- 5.10 Environmental Services (Highways): Object. The Transport Assessment underestimates the impact of development and as such the conclusions that have been reached cannot be accepted. There are issues around the bypass

and due to a lack of information it is not clear whether the proposal can be accommodated or if further mitigation is required. The TA has over estimated public transport provision in the area and the available buses either do not run as frequently or do not pass the site. Those services that do run do not run at times suitable for a commute or school run. The development must either provide a connector road link to Forton Road or a secondary access away from Beechfields Way. The site would be accessed through a ghost right turn priority junction. The design speed should be 50kph (30mph) and it appears that the proposed junction does not meet the necessary standards as set out in TD42/95. I do not believe a ghost right turn junction of the requisite size can be accommodated on the land available.

- 5.11 Environmental Services (Parks and Open Space): Object. The proposed number of dwellings is likely to trigger the need for an onsite NEAP (Neighbourhood Equipped Area for Play) yet only LEAP (Local Equipped Area for Play) is proposed nor is there any proposed offsite contribution to facilitate the full needs arising out of this development for children's play. The suggested proposed details of the LEAP are not adoptable and a more formal provision is expected. Confirmation is required regarding who will maintain the open space along with a long term management plan. The existing towpath and fishing pegs are in need of refurbishment and require improvements to accommodate the additional use arising from the development. There is no proposed provision to meet the needs arising from the development for sport and a development of this scale will need to contribute to this need
- 5.12 Education: No objection subject to a financial contribution towards Primary and Secondary education facilities in the vicinity of the development.
- 5.13 Ecology: Object. Additional information is required relating to Badgers proposed landscape masterplanning, lighting, bat and bird box provision and reasonable avoidance measures. In the absence of this additional information I object to the proposed development since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act 1992. The applicant is advised to provide the assessments detailed below to allow full consideration to be given to ecological issues prior to a planning decision being made
- 5.14 Urban Design: Object. The proposed "Masterplan" seems to be little more than a capacity study which is illustrative of how many dwellings the applicant considers is appropriate for this site, notwithstanding the site specific issues of topography, landscape character, design, proposed density, etc as well as any other comments in regard to policy, highways, etc. In respect to site

issues, these should have been explored, defined and addressed as part of the site and context analysis outlined in the accompanying D & A statement, but typically the statement describes what exists rather than any qualitative assessment which then underpins a subsequent scheme. The approach is piecemeal similar to that adopted on Kestrel Close which although summarises relevant issues fails to demonstrate why the site is laid out as presented and more importantly how these issues are going to be addressed without detriment to the existing landscape character rather than looking at things in a comprehensive way. The proposal is weak in design terms and consequently it is recommended that the proposal should be resisted in its current form.

- 5.15 Affordable Housing: 80% of the affordable housing should be for affordable rent and 20% for shared ownership. The affordable homes should be transferred to an appropriate Registered Provider. A suitable S106 agreement will be required to secure the affordable housing. A Local Lettings Plan will also need to be agreed between the Council and the Registered Provider.
- 5.16 Planning Policy: The proposal is contrary to the development plan and there is little justification for releasing this site for housing given the Council's extensive supply of housing land. The Telford & Wrekin Local Plan (Publication Version) includes the site in the built-up area of Newport to protect it as part of the Green Network. Development proposals in the green network will need to identify, protect and enhance the green network and its function.

5.2 Neighbour consultation responses

- 5.2.1 A total of 21 letters were sent to the occupiers of neighbouring properties and the application was advertised in the press and with a site notice. As a result 42 letters of objection have been received raising the following issues:
- The borough has sufficient housing land;
 - The site is not allocated for housing;
 - There are already several large housing developments planned in Newport;
 - The proposal is in conflict with the Telford & Wrekin Local Plan,
 - Flats would be out of character in the area,
 - Loss of greenfield land;
 - Detrimental impact on the public right of way
 - Safety concerns regarding the access;
 - Increase in traffic;
 - The Transport Assessment is factually incorrect and has underestimated the amount of additional traffic;

- Very little public transport is available in this part of the town;
- The site is designated as Green Network in the new local plan;
- The development of the site has already rejected by the Council as part of the previous plan for a number of reasons that are valid to this application,
- Close proximity to marshland and the canal,
- Lack of infrastructure within the town (including schools, roads, sewage, electricity, doctors and dentists);
- There are no facilities within walking distance of the site,
- Loss of important habitats and wildlife;
- Loss of privacy;
- Impact from noise and dirt;
- The site development would be an eyesore as the site dominates the skyline of the town;

6. PLANNING CONSIDERATIONS:

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

- The principle of the development;
- Ecological and tree impacts;
- Highway Impacts
- Loss of open space / agricultural land;
- The design and layout of the proposal;
- The impact on living standards;
- Flood risk and drainage;
- Planning obligations;
- Cumulative impact
- Other matters

The principle of the development

6.2 Section 38 (6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.3 Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

- 6.4 Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Paragraph 49 advises that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.
- 6.5 The Council published a five year housing land supply statement in October 2015 that covers the period from 2015 to 2020 and is based on the full Objectively Assessed Need for the borough. This concludes that the Council has a 10.9 year supply of housing land. This matter has been considered in detail at a number of appeals including, most recently, two Public Inquiries relating to housing development within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane and APP/C3240/W/15/3025042 – Land at Haygate Road, Wellington).
- 6.6 A number of matters that are relevant to this proposal were considered in detail at those Public Inquiries and the Planning Inspectors came to different conclusions on some of those issues despite considering very similar evidence. The appellant in the Muxton Lane Inquiry, Gladman Developments Ltd, has lodged a legal challenge against the Inspector's decision and the Local Planning Authority ("LPA") is cited as the second defendant in the challenge. The LPA is considering how to respond to the Haygate Road appeal decision.
- 6.7 Whilst these appeal decisions are material planning considerations in the determination of this proposal it is considered that the LPA can continue to regard the Borough as having a greater than 5 year housing supply and give weight to its Housing Supply policies. This position may change in the future e.g. if Court cases require it should.
- 6.8 Until a change in approach is required the LPA will continue to determine planning applications in accordance with the provisions of the adopted development plan. The LPA considers that the Council can demonstrate it has in excess of 5 years of housing land supply based on an evidenced Objectively Assessed Need (OAN) and give weight to its relevant housing policies, in accordance with para 49 of the NPPF. As such its rural housing policy CS7 is NPPF compliant and therefore up to date. Further, because it has a number of relevant and up to date housing supply policies, the strong NPPF paragraph 14 presumption in favour of granting planning permission is not engaged.

- 6.9 Policy CS7 seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The appeal site is not focused upon any of the settlements named under Policy CS7. Given the significant supply of housing land available elsewhere in the borough, and within Newport, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Newport into a greenfield agricultural land within the rural area. The principle of the proposal is contrary to Policy CS7 and the proposal should therefore be refused on this alone unless there are material considerations that indicate otherwise.
- 6.10 Telford & Wrekin Local Plan Policy SP2 (Newport) supports the delivery of approximately 1200 net new homes in Newport up to 2031. Additional housing development over and above that already committed or identified in the Local Plan will be prioritised on previously developed sites within the town which does not affect the best and most versatile agricultural land. A large amount of Newport's housing needs has been met through a number of developments that have either already been approved or have a resolution to grant permission subject to the signing of a S106 agreement. It is considered that future housing growth should be directed to the south of the town which is more sustainable due to the existing infrastructure that is available and where the majority of development has historically taken place. It is considered that the development of this greenfield, agricultural land, for additional housing would be contrary to Policy SP2.

Ecological and Tree impacts

- 6.11 The site comprises semi-improved grassland, dense scrub and tall ruderal vegetation, the southern boundary is a hedge and the northern boundary is broadleaved plantation woodland. There are some exotic species on the site. There are no Section 41 habitats present but the site does have wildlife value for foraging bats, breeding birds and mammals including badgers. The proposed Landscape Masterplan does not show the habitat retention and mitigation measures which are set out in the submitted ecological assessment report including the retention of unmanaged site boundaries bordering on the retained boundary vegetation and habitat linkages from the badger set area to the wider environment for foraging and commuting.
- 6.12 The badger report found evidence of a badger sett which is partially within 30m of this proposed development site. Further consideration needs to be given to the potential for badgers to be impacted by the proposed development of this Kestrel Close site and to the need for a badger

disturbance licence and/or detailed mitigation measures and stand offs from known setts. In the absence of this additional information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act 1992. The applicant has been advised to provide the assessments to allow full consideration to be given to ecological issues prior to a planning decision being made however no further information was submitted prior to the applicant submitting an appeal against non-determination.

- 6.13 Several local residents have stated that Cuckoo is also present on this site and is believed to be breeding locally. The likely breeding presence of this Red List species needs to be taken into account along with the other S41, schedule 1, Amber and Red List species which were recorded during the breeding bird survey. The ecological assessment recommends that the boundary vegetation remains, that the landscape scheme includes native berry and nectar producing species and that the site boundaries remain unmanaged to support invertebrate species and other wildlife. However even with these measures, some bird species currently present on the site are likely to be negatively impacted. It is recommended that a suite of artificial bird boxes should be provided on the site to mitigate against this negative impact.
- 6.14 The site is within 1km of two Sites of Special Scientific Interest (SSSI). Aqualate Mere SSSI is to the north east and the applicant's ecological consultants conclude that there are no likely direct or indirect impacts on Aqualate Mere SSSI which is upstream of the proposed development and has limited public access. Newport Canal SSSI is directly bordering the site but is elevated above the proposed development but there is a risk of indirect impacts from dust and pollution which would need to be controlled. The Aqualate Mere also forms part of the Midlands Meres and Mosses Phase II Ramsar Site. The NPPF (paragraph 118) applies the same protection measures, i.e. those set out in Regulations 61 and 62 of the Habitats Regulations, to any listed or proposed Ramsar sites, sites formally proposed as European sites, and sites identified or required as compensatory measures for adverse impacts on site interest
- 6.15 Natural England have been consulted as part of the planning application process and has confirmed that given the nature and scale of the proposal it is satisfied that there would not be an adverse impact on the SSSI despite its close proximity to the site.
- 6.16 A Habitat Regulation Assessment screening matrix has been completed in line with the Habitat Regulations and there is no legal barrier under the HRA process to the planning application being determined. The HRA matrix is attached to the end of this report.

Highway Impacts

- 6.17 The Local Highway Authority (LHA) discussed the scope of the Transport Assessment (TA) with the applicant prior to the submission of the application but only in the very broadest terms. As a result there are elements of the TA that are not agreed. The proposed residential trip rate proposed for the assessment is very low and has not been agreed with the LHA. Newport has some of the characteristics of a commuter settlement and it is expected that the trip rates would be double what has been used. The submitted traffic survey shows that Beechfields Way generated 110 and 111 two way trips in the AM and PM peaks respectively which equates to 0.9 trips per dwelling as opposed to the figures of 0.436 and 0.386 used in the TA. As a result the TA underestimates the impact of the development and as such the LHA does not accept the conclusions that have then been reached.
- 6.18 In addition the distribution of the development trips across the local highway network, including A41, A518 and the routes through Newport to Telford were requested by the LHA and this information has not been provided. Without this information it is not possible for the LHA to reasonably determine if the proposal can be accommodated within the existing highway network or if mitigation works are required.
- 6.19 The TA has not included any of the committed developments for Newport and has relied on a software model (TEMPRO) to pick up local growth. However as none of the recent permissions were identified in the previous Local Plan they have not been covered by TEMPRO and as such the LHA consider that the growth factor used is an under estimation.
- 6.20 The TA has over estimated public transport provision in the area and the available bus routes identified either do not run as frequently as stated or do not pass the site. Those services that do run do not run at times suitable for a commute or school run.
- 6.21 The LHA has stated that it would not support development which exceeds 100 dwellings off a cul-de-sac and the only opportunity would be to provide a link across Plough Lane and through the site to the north (subject to planning application TWC/2015/1003). However Plough Lane is situated outside of the application site boundary for both of the developments and the proposals would need to be resubmitted to increase the application site boundary and necessary certificates of ownership served.
- 6.22 This proposal includes the provision of a ghost right turn priority junction. The proposed junction does not meet the necessary standards as set out in TD42/95. It is not considered that a ghost right turn junction of the requisite

size can be accommodated on the land available without the need for additional land that is outside of both the control of the applicant and the adopted highway.

- 6.23 The submitted TA underestimates the likely impact that the development will have on the highway network and therefore fails to demonstrate that the development can be accommodated within the existing and proposed highway network and that it will not have an unacceptable impact on highway safety. A single point of vehicular access into the site is not acceptable for a development of this scale and insufficient information has been submitted to demonstrate that the adoptable roads can be provided within the site due to its challenging topography. As such the development is contrary to Policy UD2 and paragraph 32 of the NPPF.
- 6.24 The NPPF states that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. A revised Transport Assessment that accurately estimates the likely increase in traffic that would be generated and an accurate assessment of how that additional traffic would impact on the transport network could conclude that off-site improvement works could mitigate the impact of the development and to overcome some of the concerns of the Local Highway Authority. However without that information it is not possible to conclude what those off-site works would be and whether they could be delivered cost effectively without impacting on the viability of the proposal.

Loss of open space / agricultural land

- 6.25 Policy OL6 seeks to protect locally important incidental open land within or adjacent to built-up areas where the land contributes to the character and amenity of the area. The policy advises that open land without any special designation located within or adjacent to built-up areas can make an important contribution through helping to define the setting of surrounding development, helping to relieve the sense of congestion and pressure in urban areas and to provide green space, visual variety and local recreational opportunities.
- 6.26 The site is incidental open land on the edge of the built up area of Newport. It makes a valuable and important contribution towards the character and amenity of the area. The site is used by local residents and also makes a positive contribution to the setting of Plough Lane and to the northern edge of Newport. In this respect the loss of the locally important incidental open land at the edge of the settlement which is valued and used by the local community, would have an adverse impact upon the area and would be contrary to Policy OL6.

- 6.27 In recognition of the value and importance of the site as open space it is designated within the Telford & Wrekin Local Plan (Publication Version) as Green Network. The Green Network emerged from the original Landscape Masterplanning of Telford and was later adopted within the Telford Local Plan and the Wrekin Local Plan and has been extremely effective in protecting green space within Telford and shaping the appearance of the town. The Green Network is identified as a strategic interconnected network of open spaces within the urban areas of Telford and Newport. Land within the Green Network has been assessed as performing the following functions:
- To provide significant visual amenity value in the form of extensive views over green open areas, water bodies or woodland;
 - To provide separation between built up areas and to help retain and enhance the individual identity of local communities;
 - To provide an appropriate supply of open land to meet the diverse recreational needs of an expanding population;
 - To maintain, protect and enhance the borough's ecological value in terms of natural habitats and species;
 - To maintain, protect and enhance the unique geological and archaeological features within the borough;
 - To provide open space linkages through which footpath, cycleways and ecological corridors can connect different parts of Telford or Newport.
- 6.28 The development of the site for housing would be contrary to Policy NE6 as it would fail to protect, enhance or maintain the Green Network. Whilst the Telford & Wrekin Local Plan does not yet form part of the Development Plan it is a material consideration that can be afforded weight in the decision making process, as stated in Paragraph 216 of the NPPF.
- 6.29 The D&A Statement describes the site as "low quality private agricultural land" and the Agricultural Land Classification and Soil Resources report also submitted in support of the application confirms that the site is good quality (Grade 3a) agricultural land. The NPPF states that that land in Grades 1, 2 and 3a are regarded as being the best and most versatile agricultural land.
- 6.30 The NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. However the NPPF also states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Only a relatively small area of best and most versatile agricultural land would be lost as a result of this proposal however it is considered that some weight should be given to this loss.

The design and layout of the proposals

- 6.31 This is an outline planning application with all matters of detail reserved for subsequent consideration apart from the means of access to the site. The precise siting, design and appearance of the houses are therefore not known at this stage however a Design and Access (D&A) Statement and a Masterplan have been submitted in support of the proposal.
- 6.32 The proposals are considered to be poorly conceived with very little supporting information as to how the development will actually respond and integrate successfully with the existing context without detriment to the landscape character. The submitted masterplan fails to take account of the various challenges of the site.
- 6.33 The streetscape and its lack of frontage or presence onto this route seems a very weak response. In addition, the intention to create a primary route through the site appears flawed since it currently leads nowhere and although it is indicated to progress further into the adjacent site, this is not picked up on the corresponding application. This illustrates how piecemeal the approach is since it effectively fails to look at the wider opportunities and constraints and effectively respond in a more comprehensive fashion, particularly the topography.
- 6.34 In the Landscape Sensitivity Study (2104) the western half of the site is identified as being appropriate for housing where it abuts some individual dwellings if visibility and noise issues can be addressed. The applicant seeks to develop the whole site and has not proposed a suitable vehicular access to the site or demonstrated that the development would be acceptable in terms of the noise levels experienced by potential future occupiers.
- 6.35 The D&A Statement states that the majority of the development would be detached and semi-detached dwellings with an element of smaller terraced units and apartments and that it would be predominantly two storeys in height with an element of two and a half and three storey properties. Whilst a Landscape and Visual Impact Assessment has been submitted in support of the application it states that the proposed development is for detached and semi-detached two storey dwellings. It is not clear whether the two and a half and three storey buildings referred to in the D&A Statement have been given any consideration as to their visual impact on the landscape. The Masterplan indicates that the apartment buildings would be located in the northern section of the site which would be more visible from the A41.

- 6.36 Thus, it can be demonstrated that the proposals would not be in accordance with Core Strategy Policy CS15, saved Wrekin Local Plan policy UD2 and paragraphs 56 to 68 of the NPPF.

The impact on neighbours

- 6.37 There are some existing houses to the western boundary of the site along Forton Road and Plough Lane. Whilst the proposed houses would clearly be visible from the existing houses and the development would represent a significant change in view for the occupiers of those houses it is considered that it would be possible for a layout to be drawn that provided adequate separation distances and would not result in overlooking to an unacceptable level.
- 6.38 However the proposed access point, in close proximity to those existing dwellings would result in a significant amount of vehicular traffic going past those dwellings. This would result in a detrimental impact on the amenities of the occupiers of those houses.

Living conditions for the occupiers of the proposed houses.

- 6.39 The A41 runs close to the northern boundary of the site and a noise assessment was submitted in support of the application that identified areas of concern. The noise report details that internal noise levels for day time and for night time periods are significantly higher than the noise limits set out in the relevant guidance for the control of noise in and around new buildings (BS 8233: 2014). The report details that double glazing would be used as a mitigation method however the details of the glazing / glazing units have not been discussed nor have details been provided of the type of ventilation that would be installed. As well as double glazing the report states that “the building fabric will also be constructed to ensure that a 39 dB reduction is achieved” however no information has been submitted to show how this would be achieved.
- 6.40 Without the additional information outlined above it is not possible to reasonably determine whether the future residents would be adversely affected by noise. As such the development is contrary to paragraph 109 of the NPPF that advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

Flood risk and drainage matters

- 6.41 The application is supported by a Flood Risk assessment and has been assessed by the Environment Agency and the council's drainage engineers. With regard to flood risk the EA has confirmed that on the basis that there is no built development within Flood Zone 3 or 2 they have no objection to the proposed development.
- 6.42 The council's drainage engineers have stated that insufficient information has been submitted at this time to establish the principle of surface water drainage for the site. The drainage design submitted is dependent on a separate planning application (TWC/2015/1003). The proposed surface water outfall, attenuation and flow control are all located within the adjacent development site and are therefore subject to a separate application for planning permission. The drainage serving the proposed development is also dependent on a connection across a private highway (Plough Lane), which is subject to permission from the landowner. The FRA states the intention to drain new dwellings on the site to soakaways, however no soakaway tests within the site establishing the principal of infiltration drainage have been submitted.
- 6.43 No information has been submitted establishing an independent scheme of drainage for this development site, identifying suitable points of foul and surface water discharge in the event that TWC/2015/1003 is not afforded planning permission or if soakaway drainage is not feasible for the whole site, therefore it has not been established that the site can be satisfactorily drained

Open Space & Play facilities

- 6.44 In isolation (not including the proposed adjacent development) this proposed number of dwellings may trigger the need for an onsite NEAP (Neighbourhood Equipped Area for Play), yet only LEAP play facilities are being provided on site; nor is there any proposed offsite contributions being made to facilitate the full needs arising out of this development for children's play (NEAP facilities). The suggested proposed details of the LEAP are not adoptable. Natural Play with timber facilities will have a significantly shorter lifespan and the proposed grass matt safer surfacing may also prove difficult to safely maintain / access. As such, a more formal provision is expected. It should also be noted that access footpaths to these areas should also be metalled (e.g. macadam) to ensure access is retained throughout the year / reduce maintenance costs. If in close proximity to the LEAP water features close to play areas can pose a safety hazard. If this is proposed additional safety features will need to be provided such as fencing off with none climbable fencing. Currently the

proposed play facilities are unacceptable and need a full review to meet the standards anticipated for this scale of development.

- 6.45 It should also be noted that a number of trees are located on the proposed entrance within Highway verge. As such, these trees would require a maintenance sum of £350 per tree if the scheme were to be approved.
- 6.46 It is considered that the management and maintenance of the proposed areas of open space could be dealt with as a condition and/or at the reserved matters stage when the detailed landscaping design of the site is proposed.

Planning Obligations

- 6.47 As part of the consultation process financial contributions have been requested towards Primary and Secondary Education facilities. Taking account of surplus spaces the required level of contributions is £250,184 towards Primary Education and £161,933 towards Secondary Education. This would be in accordance with Saved WLP Policy H22.
- 6.48 As the site is located within the Rural Area affordable housing would be provided at a rate of 40%. This would be in accordance with CS Policy CS7.
- 6.49 Place Partnership (on behalf of West Mercia Police) has requested a financial contribution of £18, 926 towards the associated infrastructure costs that would arise directly as a result of the development. This is based on a development of 110 houses resulting in the requirement for 0.83 members of additional staff being required to effectively deliver policing to the borough. The contribution would go towards the following:
- Recruitment and equipping of officers and staff: £2,987
 - Police Vehicles: £2,033
 - Office Accommodation: £13,926
- 6.50 Place Partnership consider that the request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in adjacent areas and existing policing demands and deployment in relation to this and have submitted detailed information to support this view. The request is wholly related to the scale and kind of the application development.
- 6.51 The Council's Parks & Open Space officer has requested a financial contribution of £350 towards the maintenance of each tree proposed within the development. This would be in accordance with saved WLP Policy LR6.

- 6.52 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.52 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the financial contributions set out above meet the relevant tests and should be included within a draft S106 that would be provided to the Planning Inspector in the event that the appeal is allowed.

Other matters

- 6.53 Although the stronger presumption in paragraph 14 of the NPPF is not engaged because the Council has a five year housing land supply and the relevant policies are not out-of-date, there is still a need to consider whether the proposal represents sustainable development and it is necessary to balance the social, economic and environmental impacts of the development.
- 6.54 The proposal could result in additional affordable and market housing, which would have some social benefit of creating mixed communities. There would be some economic and social benefits arising from more housing helping to support the local services and facilities in Newport. However limited weight should be given to the economic benefits of this as the site does not need to be developed as the Council has in excess of 10 years supply of housing land. The appeal site does not need to be developed and if it were to come forward it is possible that it would be at the expense of other housing sites and there would be no net social or economic benefit as a result.
- 6.55 The site is best and most versatile agricultural land and it makes a positive and valuable contribution to the amenity of the area. There are trees and hedgerows to the boundaries of the site that could be lost as a result of the development and based on the information that has been submitted it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act (1992). It is considered that there would be a net environmental loss as a result of the development.

- 6.56 The proposed development does not constitute a sustainable form of development in terms of the provisions of the NPPF.
- 6.57 It should be noted that the applicant may submit some of the additional information, outlined above as being required, as part of the appeal process. If this is the case, and the information is accepted for consideration by the Planning Inspectorate, the Council may need to re-consider the reasons that are given below for refusing the application.

7. CONCLUSIONS

- 7.1 The site lies within the rural area and outside of the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The Council has a housing land supply significantly in excess of five years and there is no pressure to release further land for housing to meet the needs of Newport. The proposal is contrary to Policy CS7 as it proposes a significant number of dwellings in the rural area and cannot be considered to represent sustainable development.
- 7.2 The proposal would result in the loss of greenfield land, that includes best and most versatile agricultural land, that makes a positive and valuable contribution to the amenity of the area. Insufficient information has been submitted to demonstrate that it would not have a detrimental impact on protected species. Insufficient information has been submitted to demonstrate that the existing highway network can accommodate the proposed development and the proposed access arrangements for the development are unacceptable. Insufficient information has also been submitted to demonstrate that the site can be adequately drained. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies UD2, OL6 and OL11 and Core Strategy policies CS6, CS7, CS11 and CS15 and Policies SP2, SP4, HO2, NE1, NE2, NE3, NE6, C3, C4 and BE1 of the Telford & Wrekin Local Plan (Publication Version) and does not fulfil the definition of sustainable development in paragraph 6 of the NPPF.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee is that had an appeal against non-determination not been submitted that PLANNING PERMISSION would have been REFUSED for the following reasons:
1. The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall,

Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policy OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).

2. Insufficient information has been provided to demonstrate that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act 1992. As such the development proposal is contrary to the NPPF and Core Strategy Policy CS12.
 3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 110 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary the NPPF and saved Wrekin Local Plan Policy UD2.
 4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.
 5. Insufficient information has been submitted to establish the principle of surface water drainage for the site. As such the development is contrary to the NPPF and to Core Strategy Policy CS13.
 6. Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.
- 8.2 In order to give officers flexibility during the progress of this appeal, that the Development Manager: Development , Business and Employment (or any other officer authorised by him), be authorised to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations

**Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement**

Application name and reference number:

TWC/2015/1024
Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire
Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved

Date of completion for the HRA screening matrix:

7 March 2016

HRA screening matrix completed by:

<p>Fran Lancaster Planning Ecologist Telford & Wrekin Council 01952 384221 Fran.Lancaster@Telford.gov.uk</p>

Table 1: Details of project or plan

Name of plan or project	<p>TWC/2015/1024 Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved</p>
Name and description of Natura 2000 site	<p>Aqualate Mere Midland Meres & Mosses Ramsar Phase 2 – this unit is included in the Ramsar phase for its open water, swamp, fen, wet pasture and carr habitats with a rich assemblage of invertebrates.</p>
Description of the plan or project	<p>Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved</p> <p>Telford & Wrekin Council have identified that the</p>

	development has the potential to impact upon the European Designated Site by generating additional demands upon sewerage infrastructure at Newport Sewage Treatment Works.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	Not applicable – where the potential effect pathway can be screened out (see statement below) Natural England have advised Telford & Wrekin Council that an in-combination effects test is not required.

HRA Screening Statement:

Environment Agency have provided a copy of the Environmental Permit for the Sewage Treatment Works in Newport to Telford & Wrekin Council reference S/04/09049/R dated 25 March 2014.

The Environmental Permit states that the discharge points for the sewage treatment works at Broomfield Road, Newport are at grid references SJ 73580 19240 and SJ 73570 19250 both into the Strine Brook.

The Strine Brook at that location flows westwards, away from Newport and away from the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 which is situated to the east of the town.

On this basis there is no potential for treated effluent from the Sewage Treatment Works to enter the European Designated Site.

There is potential for an increase in aerial emissions from the Sewage Treatment Works which could indirectly impact upon the European Designated Site, however, Seven Trent Water have not indicated that this is required to support this proposal.

Indirect effects: aerial emissions from roads and construction activities, invasive species, recreational pressure and demand on natural resources including water supply can also be screened out as insignificant for a single dwelling in this location which is 800m from the European Site.

In this case, and relying on evidence provided by Environment Agency under Regulation 65 of the Conservation of Habitats and Species Regulations (2010 as amended), the proposed development can be 'screened out' of the Habitat Regulation Assessment process and an Appropriate Assessment and formal consultation with Natural England are not required.

Test 1: The Significance test

There is no likely significant effect on the European Designated Site at Aqualate Mere Midland Meres & Mosses Ramsar Phase 2 as a result of planning application reference TWC/2015/1024 at Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire for Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved.

Appropriate Assessment Statement (If required):

Not applicable.

Test 2: The Integrity test

There is no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres & Mosses Ramsar Phase 2 as a result of planning application reference TWC/2015/1024 at Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire for Outline application to include access for residential development for up to 110 dwellings with open space and all other matters reserved.

Conclusions

There is no likely significant effect and no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres & Mosses Ramsar Phase 2 as a result of planning application reference TWC/2015/1024 at Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire for Outline application to include access for residential

development for up to 110 dwellings with open space and all other matters reserved.

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Any plan or project with the potential to impact upon a European Designated Site (SAC, SPA or Ramsar) must legally be assessed under the Habitat Regulation Assessment (HRA) process.

The HRA screening process essentially considers two tests:

Test 1 The significance test

Is the proposed plan or project either likely to have a significant effect on a European Designated Site either alone or in-combination?

If the answer to test 1 'significance' is 'yes' or 'unknown' then an *Appropriate Assessment* must be undertaken by the Local Planning Authority (known as the Competent Authority).

Test 2 The integrity test

In light of the conclusions of the *Appropriate Assessment* the Competent Authority may agree to the plan or project only having ascertained that it will not adversely effect the integrity of the European Site.

Appropriate Assessment

If during consideration of the 'Significance' test a likely significant effect is identified or a potential effect pathway between the proposal and the European Site is identified then further consideration is required. This further consideration is known as an *Appropriate Assessment*.

The scale and scope of an *Appropriate Assessment* varies significantly depending upon the type of plan or project being assessed. The Competent Authority may need to seek additional information from planning applicants to allow an *Appropriate Assessment* of planning applications to be undertaken.

When undertaking an *Appropriate Assessment* the Local Planning Authority must formally consult Natural England and must have regard to the representations of Natural England in making its decision. (In the presence of a Natural England objection on HRA grounds a planning permission cannot legally be granted until NE's objection has been addressed and formally withdrawn).

Habitat Regulation Assessment Conclusions

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to:

1. Fully engage with the Habitats Regulation Assessment process;
2. To have regard to the response of Natural England;
3. To determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision;
4. To record the HRA decision in the planning officer's site report and to discuss the application and record the discussion and its outcome in the minutes of any committee meeting at which the planning application is discussed.