

TWC/2016/0124

Land at Tessant House, Dark Lane, Church Aston, Newport, Shropshire
Outline application for the erection of 1no. detached dwelling to include access with
all other matters reserved

APPLICANT

Mr Longstaff

RECEIVED

09/02/2016

PARISH

Church Aston

WARD

Church Aston and Lilleshall

OFFICER Matthew Thomas

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 27TH APRIL 2016 FOLLOWING THE PUBLICATION OF THE MUXTON LANE AND HAYGATE ROAD APPEAL DECISIONS. THE APPLICATION HAS NOW BEEN RETURNED TO COMMITTEE WITHOUT CHANGE TO THE RECOMMENDATION.

Policy Update to Members

- i) 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plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the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.
- ii) 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.
- iii) 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).
- iv) 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 this application will be re-heard at a Public Inquiry at a future date. The LPA has lodged a legal challenge against the Inspector's decision for the Haygate Road appeal decision and further updates will be given to Members as that challenge progresses.

- v) 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.
- vi) 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 NPPF paragraph 14 presumption in favour of granting planning permission is not engaged.

*****ORIGINAL REPORT BELOW*****

CLLR ANDREW EADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes (a single letter of objection subject to conditions has been received by a local resident)

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of one detached dwelling to the north of 'Tessant House', situated to the far south western corner of the village of Church Aston, with all matters except for means of access reserved for subsequent approval. The application site measures approximately 0.33ha and is located to the north side of the existing dwelling and is currently used as private garden land. The proposed dwelling will be sited centrally within the plot created as shown on the submitted drawings.
- 1.2 The proposal is for a large two storey house with the design, appearance, materials and landscaping of the site to be dealt with at a later stage. As part

of the proposed development it is envisaged that the existing access from the adopted lane will be widened to provide a new private driveway to serve the proposed dwelling where on-site car parking and turning will be provided. Whilst landscaping would be considered at reserved matters stage it is intended to make use of the existing established boundary treatments where possible.

- 1.4 The applicants have also submitted a full planning application for a dormer style bungalow to the south side of 'Tessant House'. It is the applicants' intention to move in to this bungalow and to use the proceeds of a future sale of this plot to help fund the construction of the bungalow for their own needs, ahead of the eventual sale of 'Tessant House', which is now too large for the applicant's requirements. This application is supported by a Planning Statement, an Arboricultural Report and a Phase 1 Habitat Survey.
- 1.5 The applicant has previously received pre-application advice, initially in January 2015 where it was advised that the Council would be likely to be supportive of a proposal for two dwellings within the grounds of 'Tessant House'. At the time of responding the Council could not demonstrate a five year housing land supply. Accordingly housing applications in the rural area were being considered favourably, in line with paragraph 49 of the National Planning Policy Framework (NPPF). Since then, in March 2015 the Council has confirmed it has in excess of 10 years' worth of housing land supply and as such is a notable change in policy position.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site lies to the south-west corner of Church Aston on the outskirts of Newport and comprises a large post-war detached dwelling set in the centre of extensive landscaped grounds known as 'Tessant House'. A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished so the site cannot be regarded as a brownfield or previously developed land.
- 2.2 Access to the site is via a narrow lane which branches off from the main spinal route through Church Aston. There is an existing private driveway that leads to the main dwelling which itself is heavily screened by existing boundary vegetation. Boundary treatments are well established and comprise conifer hedging, mature trees and post and rail fencing.
- 2.3 To the south of the site is 'Manor Court', a modern bungalow which is set within a large and well screened curtilage. Beyond this dwelling the lane becomes a green bridleway/footpath that extends in to the fields to the south. To the north of the site is a modern detached dwelling constructed in the 1980's to a pseudo-Georgian design. To the north-east is an on-going development of 26 detached houses following the granting of planning permission in December 2014.
- 2.4 Church Aston is encompassed within the boundary of Newport as defined within the Wrekin Local Plan proposals map and the Telford and Wrekin Local

Plan and comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance. Within Church Aston are the Infants School, St. Andrew's Church and the Village Hall. The application site falls just outside of the local plan boundary with Newport and is therefore situated in the countryside and rural area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W76/0145 – Erection of cattery/reception room and store/grooming room (as extension to existing kennels) – Approved (01/07/1976)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
H9 Location of New Housing
UD2 Design Criteria
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS6 Newport
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources
CS15 Urban Design
- 4.4 Telford and Wrekin Local Plan (Publication Version):
SP2 Newport
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria
NE 1 Biodiversity and Geodiversity

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Church Aston Parish Council: No Objection
- 5.2 Highways: Support subject to conditions
- Parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation
- 5.3 Drainage: Support subject to conditions
- Scheme for foul and surface water drainage to be submitted to the LPA prior to commencement of development

- Soakaway tests and details of proposed locations to be carried out and submitted to the LPA prior to commencement of development
- 5.4 Arboricultural: Support subject to conditions
- Scheme for landscaping to include tree replacements to be submitted
 - Protective tree fencing to be installed as per submitted plans
- 5.5 Ecology: Support subject to conditions
- Erection of artificial nesting/roosting boxes
 - External lighting plan to be submitted
 - Informative – nesting wild birds
- 5.6 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

- 5.7 Following neighbour consultation a single letter of objection subject to conditions was received and the issues raised have been summarised below:
- Concerns over potential damage to Dark Lane (tarmacadam and grass verges) from heavy goods vehicles
 - Conditions – no access for HGV's before 8am, no parking up of HGV's along Dark Lane, any damage to be ratified and no reversing of HGV's

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:
- Principle of development
 - Impact on the character and appearance of the area
 - Impact on the living conditions of neighbouring properties
 - Access and highway safety
 - Trees and ecology

Principle of development

- 6.2 Telford and Wrekin Council published a five year housing land supply statement in October 2015 that cover 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 was considered in detail at a recent Public Inquiry relating to a housing proposal within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane). The Inspector concluded that the Council has a housing land supply in excess of five years and that paragraph 49 of the National Planning Policy Framework (NPPF) was not applicable to that proposal.

- 6.3 The question of whether the local plan is out-of-date or not was also considered at the Public Inquiry referred to above and in dismissing the appeal the Inspector concluded that the age of the development plan alone does not make it out of date and that policy CS7 of the Core Strategy (CS) is up to date and is in accordance with the NPPF. As such the section of paragraph 14 of the NPPF that refers to plans being absent, silent or out-of-date does not apply to this proposal.
- 6.4 Policy CS7 of the CS 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 focussed 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 of the CS and the proposal should therefore be refused on this along unless there are material considerations that indicate otherwise. Whilst the applicant has advised that this is previously developed land, having been used in the past as a cattery/kennels, this use has long ceased and the associated buildings demolished and therefore the NPPF would no longer consider this site to be previously developed land. The Local Planning Authority has taken in to consideration the applicant's supporting statement including the explanation provided behind the need for a purpose built dwelling due to Mrs Longstaff's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration.
- 6.5 In February 2016 the Council published the Telford and Wrekin Local Plan (TWLP). In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as it has been written to be consistent with the NPPF and is in an advanced stage of publication. This is therefore a material consideration. Policy HO10 relating to residential development within the rural area adds two additional settlements to the three identified by policy CS7, namely Edgmond and Lilleshall. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled. As the application site lies just outside of Newport, consideration must be given to policy SP2 (Newport) of the TWLP which states that the plan 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. A large amount of Newport's housing needs has been met through a number of developments that have already been approved and it is considered that the proposed development for additional housing would be contrary to this policy.
- 6.6 Paragraph 49 of the NPPF requires that proposals are considered within the context of the presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development; an economic role, a

social role and an environmental role. The considerations of the application against each of these are as follows:

- An economic role
The development is of a small scale and therefore will not have a significant value to the economy within the area to outweigh the principle objection.
- A social role
Whilst the application site is situated on the outskirts of Newport where there are public transport connections and every day services and facilities, officers must reach a balanced decision and in this instance it is considered that the additional of one dwelling would have a negligible impact on keeping the vitality of these facilities alive.
- An environmental role
A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished and the land restored to private garden. Whilst the application describes the proposed dwelling to be 'energy-efficient', little detail has been provided to support this and there is no indication of any innovative measures to reduce the carbon footprint of the dwelling to advocate the application in this respect. Furthermore, existing garden land to a new residential garden will have no net environmental gain.

6.7 Policy SP4 of the TWLP similarly relates to a presumption in favour of sustainable development. In this case it is not considered that the proposal would meet any of the requirements of sustainable development as defined in this policy nor the guidance of the NPPF. For the reasons provided above, the proposed development in this location would be contrary to the guidance provided within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.

Impact on the character and appearance of the area

6.8 Policy UD2 of the WLP provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed developments in relation to their scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. CS policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. This is further endorsed by policy BE1 of the TWLP that advises that the Council will support development which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting. In addition, national guidance contained in the NPPF asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

6.9 The detailed design of the proposed dwelling would be considered at the later reserved matters stage although the indicative layout submitted demonstrates

the position of an individually designed unit with a private garden to the rear and on-site car parking to the front. No further detail has been provided at this stage.

- 6.10 Church Aston comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance including detached two storey dwellings, dormer style bungalows, semi-detached properties and barn conversions. The application site is currently very well screened and it is proposed to retain and enhance these levels of privacy. Whilst the dwelling will not be readily visible within the street scene, on the basis that it would have an aesthetically pleasing design this would allow the property to blend in well with the character of this well established residential area.
- 6.11 Whilst a cattery/kennels used to operate from this site, its use has long since ceased and the associated buildings have been demolished. Over time the site has been restored to private garden land. The site is not considered to be open land and therefore there would be no issues in principle with its loss. Officers are therefore satisfied that an appropriately designed dwelling could be accommodated on the site which would not cause harm to the quality of the local environment, although this would be considered fully at the reserved matters stage against the requirements of policy UD2 of the WLP, CS15 of the CS and BE1 of the TWLP.

Impact on the living conditions of neighbouring properties

- 6.12 The application site currently enjoys extensive screening as a result of existing mature boundary treatments that provide mutual privacy between the existing and neighbouring dwellings. The closest relationship will be between the proposed dwelling and 'Tessant House' itself where there will be a separation distance of approximately 20m between the front elevation of the proposed dwelling and the rear elevation of the existing property. The submitted drawings indicate proposals for enhanced tree planting and the provision of boundary treatments between the two properties to ensure adequate levels of privacy. Whilst no details have been submitted, officers are satisfied that this could be addressed through the inclusion of conditions to ensure mutual privacy would be retained.
- 6.13 There will be a minimum distance of 25m to the neighbouring properties to the north of the site including Holly Tree House and the new development at Church Barns. There are no significant differences in levels between the sites and officers are satisfied that a suitably designed dwelling could be accommodated on this plot without appearing unduly overbearing to the neighbouring properties and window openings could also be designed to ensure mutual privacy is retained between existing and proposed occupants. In addition, as the neighbouring dwellings are situated to the north of the site, loss of direct sunlight would not be an issue. Officers therefore consider that the dwelling could be designed so as not to have an unacceptable impact on the privacy of the occupants of neighbouring dwellings.

- 6.14 A single letter of 'objection subject to conditions' was received by a local resident following neighbour consultation. No objections were raised to the principle of residential development at this site but concerns were raised with regards to disruption from HGV's during the construction of the proposed dwelling. Officers are satisfied that these concerns could be addressed through conditions. Therefore, when considering the above, the application satisfies the requirements of local planning policies in that it will not have adverse impact on the local environment, especially in its relationship to adjacent land uses and is considered acceptable in this regard.

Access and highway safety

- 6.15 Access to the proposed dwelling would be via the existing private driveway which branches off from one of the main spinal routes through the village. It is proposed that the existing access from the adopted lane will be widened to provide a new private driveway to serve the proposed dwelling where on-site car parking and turning would be provided.
- 6.16 Whilst a local resident has raised concerns over disruption from HGV's during construction officers consider this could be satisfactorily addressed through the inclusion of conditions. The Local Highways Authority has been consulted on the proposals and has raised no objections subject to the inclusion of a condition requiring the parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation. On this basis it is considered that the proposed development would not adversely prejudice the safety and free flow of highway users in accordance with the requirements of local planning policy for the adequate provision of on-site car parking and a safe means of access.

Trees and ecology

- 6.17 An Arboricultural Report (BSS 5837 survey) accompanies this application. The report acknowledges that the majority of trees on site occur along the boundaries to the garden where they have either been planted as individual specimens or as groups and those which have been planted as groups have formed deep thickets along the boundaries which screen the site from neighbouring properties. The report also identifies trees which are likely to be affected by the development proposals and will require removal. Measures are also set out for root protection for the trees to be retained as part of the development and how this would be achieved. The report concludes that the on-site trees will be no constraint to development and that the proposal affects only a few trees with the majority being retained.
- 6.18 The Council's Arboriculture Officer has assessed the report and has raised no objections to the application subject to conditions requiring a landscaping scheme to be submitted for approval and for the recommended protective tree fencing to be installed during the construction of the development as shown on the submitted plans.

- 6.19 An Extended Phase One Habitat Survey has also been submitted in support of the application. A preliminary assessment of the site and its immediate surroundings indicated that the following protected species could potentially be affected: badgers, bats, breeding birds and great crested newts. The Ecologist confirms that the site is of 'low botanical value therefore the ecological impact of the development is judged to be minor'. The Ecologist recommends a pre-commencement survey be carried out, should any work be carried out during the breeding season. No obvious signs of bat roosting habitat, potential for great crested newts or any badger activity was found within the area surveyed.
- 6.20 The Council's own Ecologist has assessed the survey submitted and has raised no objection to the application subject to the inclusion of conditions requiring the erection of artificial nesting/roosting boxes and for an external light plan to be submitted to an approved by the Local Planning Authority. The application therefore meets the requirements of policy NE 1 of the TWLP.

7.0 CONCLUSIONS

- 7.1 It is considered that the principle of the development would be contrary to policy; being located within the countryside outside of Newport and not located in any of the identified settlements within policy H9 of the WLP, policy CS7 of the CS and policy HO10 of the TWLP. It would also fail to meet the three sustainability tests of the NPPF, meaning the proposal would not be a sustainable form of development that would meet the current and future needs of the occupants. The application site has not been included within the boundary of Newport on the TWLP proposals map as the expansion of the town has already been accommodated for elsewhere. No material considerations have been submitted to the Local Planning Authority to warrant a recommendation for approval. Officers have considered the applicants' supporting statement including the explanation provided behind the need for a purpose built dwelling due to his wife's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration. Accordingly, the proposed development would be contrary to guidance within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.
- 7.2 Notwithstanding the objection in principle to the application, officers are satisfied that an appropriately designed dwelling would not adversely impact the character and appearance of the surrounding area. In addition, given the existing private nature of the site, there would be no significant impact on the living conditions of any nearby neighbouring property and existing and proposed boundary treatments would ensure mutual privacy. There is no objection to access or highway safety and matters relating to trees, ecology and drainage are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. In these respects the development would be in accordance with policy UD2 of the WLP, policy CS15 of the CS, policies BE1 and NE1 of the TWLP and national policy guidance.

8.0 RECOMMENDATION

8.1 Based on the conclusions above it is recommended that the Committee **REFUSE OUTLINE PLANNING PERMISSION** for the following reason:

1. The application site lies in countryside 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 site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focussed. 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. In addition, the proposal also fails to address the three tests of sustainable development as set out in national policy. As such, the development proposal is contrary to the National Planning Policy Framework, policies CS7 of the Core Strategy and policies SP2, SP3, SP4 and HO10 of the Telford and Wrekin Local Plan.