

TWC/2013/0855

Land to the rear of Willow Tree Cottage, Station Road, Newport, Shropshire
Erection of 50 dwellings with associated parking, garages and access **** Amended
plans and additional information received ****

APPLICANT

Shropshire Homes Ltd

RECEIVED

04/04/2016

PARISH

Chetwynd Aston and Woodcote,
Newport

WARD

Church Aston and Lilleshall, Newport
South and East

OFFICER Matthew Thomas

**THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 29TH
JUNE 2016 TO ALLOW MEMBERS TO CARRY OUT A SITE VISIT**

There have been no significant amendments since the application was last before members of committee on 29th June 2016 however an updated location plan has been received excluding the previous access land and the recommendation has been adjusted accordingly.

RECOMMENDATION:

The recommendation to the Planning Committee 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) 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:
- **20% affordable dwellings**
 - £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue
 - Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough
 - £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
 - £10,347.45 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) The following conditions (with authority to finalise conditions and reasons for approval) to be delegated to Development Management Service Delivery Manager):

1. Time Limit
2. Samples of materials
3. Highways Conditions
4. Drainage details and greenfield run off rates
5. Soakaway test
6. Written confirmation regarding drainage improvements by STW
7. Landscaping Design
8. Landscape Management Plan
9. Trees – protective fencing
10. Trees – no dig method
11. Lighting Plan
12. Ground contamination
13. Noise condition
14. Site Environmental Management Plan
15. Highways condition
16. Trees – soil levels
17. Works in accordance with Ecology Survey
18. Bat & bird boxes
19. Development in accordance with plans
20. Removal of Permitted development rights
21. Garages – restriction on residential use

*******ORIGINAL REPORT & COMMITTEE UPDATE*******

UPDATE PRESENTED TO COMMITTEE on 29 June 2016

The applicant has had viability discussions with the Council's Development Delivery Group Specialist, who has analysed the applicant's viability.

The applicant has advised of abnormal items that include offsite sewers, deep sewers and attenuation, and the acquisition of additional land for access purposes. Affordable Housing offered is 10 houses equating to 20% of the total amount (i.e. 50 dwellings). The financial contributions would remain unchanged.

The Development Delivery Group Specialist considers that the applicant has therefore demonstrated that based on the values and costs in the appraisal, the development will achieve a justified viable position with the planning contributions at those levels. This position is supported by the viability appraisal. Viability is an issue that must be given weight according to the NPPF. In this instance officers are satisfied that only 20% affordable housing can be provided on this scheme to make it viable, despite a 35% requirement of policy CS6 for Newport.

The actual tenure mix needs to be agreed with the Council and an amended plan submitted that correctly shows the site boundary that excludes the former access land, and the updated affordable unit provision needs to be provided. Therefore delegated powers are requested to address this.

In addition, the previous request for £10,348.45 as planning and s106 monitoring fees are no longer requested on such applications, and was at the discretion of the

Development Management Delivery Manager. This reduction would not make any difference to the provision of % of affordable.

As a result of the above, the recommendation is to be amended to reduce the affordable provision to 20% and remove the requirement for the £10,348.45 monitoring fee, to read below as:-

RECOMMENDATION:

Based on the conclusions above, the recommendation to the Planning Committee 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) Submission of an amended plan showing red line to exclude previous access land and layout showing affordable housing plots:
- B) 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:
- **20% affordable dwellings,**
 - £63,320.92 towards offsite highway infrastructure works,
 - £114,228 towards primary and secondary education provision (i.e. £67,333 for remodelling Newport Junior school and £46,895 to Burton Borough sports facilities),
 - £29,400 towards offsite play and recreation
 - a commuted sum towards maintenance to be agreed
- C) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):
- | | |
|------|--|
| A04 | Time Limit |
| B11 | Samples of materials and sample panel |
| B49 | Highways condition |
| B61 | Drainage details and greenfield runoff rates |
| B64 | Soakaway test |
| B79 | Written confirmation regarding drainage improvements by Severn Trent Water |
| B121 | Landscaping design |
| B126 | Landscape Management Plan |
| B130 | Trees – protective fencing |
| B132 | Trees – no dig method |
| B145 | Lighting plan |
| B150 | Site Environmental Management Plan |
| C20 | Highways condition |

C71	Trees – Soil levels
C91	Works in accordance with Ecology survey
C100	Bat and Bird boxes
C38	Development in accordance with plans
D01	Removal of Permitted Development Rights
D03	Garages – restriction on residential use

Informatives

I06	S106 Agreement
I11	Highways
I22	Protected Species
I32	Fire Authority
I35	Secured by Design
I35	Code for Sustainable Homes
I40	Conditions
I41	Reasons for Grant of Permission

COMMITTEE REPORT

1.0 BACKGROUND

- 1.1 This application was first presented to members of the Planning Committee in April 2014 and again in June 2015 (following publication of the Council's 5 year housing land supply statement) where it was resolved on both occasions to grant planning permission subject to a Section 106 agreement. Members' previous resolutions to grant planning permission are a material planning consideration. The s106 agreement was to provide 33% affordable dwellings (11 affordable rented and 6 shared ownership dwellings) and the financial contributions as detailed below:
- £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue
 - Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough sports facilities
 - £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
 - £10,347.45 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.
- 1.2 A further requirement under this s106 was for the developer to secure a four-arm roundabout to be constructed on Station Road to ensure that adequate highway features were in place to address potential traffic arising from this development in the context of other nearby developments which may or may

not involve accesses on to Station Road in this location. Due to land ownership issues there have been delays and the s106 agreement has not been completed and planning permission has not yet been granted. The developers have since found a solution to the access issues and amended plans have now been submitted to the Local Planning Authority with the following amendments as part of the undetermined application:

- Repositioning of the proposed access further up Station Road, between Willow Tree Cottage and Station Cottage.
- Amendments to the red line ownership boundaries to include new land for the new access location.
- Reconfiguration of the proposed layout (as shown on drawing No. ST-P-01 Rev N) resulting from the new access position.
- Reduction in the number of dwellings from 51 units to 50.
- Amendments to some house types to accommodate the above changes.

1.3 Therefore, this amended proposal is for the erection on 50no. dwellings with a relocated vehicular access from Station Road, parking/garaging and landscaping and a diversion of an existing Definitive Right of Way. The s106 agreement remains outstanding for the provision of affordable dwellings (33%) and financial contributions as detailed above. The developer has agreed to these contributions which are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the 2015 Regulations relating to the 'pooling' of contributions. The original reports to the Planning Committee are attached below for information.

2.0 NEW CONSULTATION RESPONSES

2.1 Following the receipt of amended plans the Council has undertaken a further period of consultation with interested parties. The applicant and all statutory consultees, local residents and any other parties who previously made comments on the application have been re-consulted and given the opportunity to make further comments. All new comments received have been summarised as below.

STANDARD CONSULTATION RESPONSES

2.2 Newport Town Council: Comment

- Members considered the amendments to the layout and changes to the house types, noting the reduction to 50, homes and discussed the revision of the site entrance. Members consider that the amended location may provide a safer access/egress for pedestrians, even though there is a very real potential for disruptions to the flow of traffic with additional vehicle movement, as yet another side road, generating high volume use at peak times is created to an already major tributary of the town. Members recommend that consideration is given to providing traffic calming measures to the length of Station Road, to ease congestion and provide access and continued connectivity to the wider community amenities of Hutchinson's Way, Local Shop, Doctors' Surgery and Schools.

- Consideration should be given to the provision of street/footway lighting, provision of security lighting or dusk to dawn lighting to the dwellings, to provide a sense of security and a protection for the community.
- There is no public open space on site. As a new development with a mixed tenure and potentially a varied occupancy, concerns were raised as to the availability of a play area in close proximity, recognising that the nearest available Park is in Church Aston. Although S106 monies had previously been identified for the provision for a play and recreation contribution, members consider that an area should be fully identified to provide long term protection of “green space” and a valuable long term public amenity for the community.

2.3 Chetwynd Aston & Woodcote Parish Council: Object

- The Parish Council object to this proposed development as the land is a Greenfield site. There is concern to the amount of houses planned for the area and there is already considerable amount of houses being built in Newport currently.

2.4 Affordable Housing: Comment

- 17 (34%) of the homes will be affordable, of which 11 (65%) will be affordable rent and 6 (35%) for shared ownership. The affordable dwelling schedule on the proposed layout plan shows that the affordable homes will include 4 x two bed apartments, 9 x two bed houses and 4 x three bed houses. These proposals are supported.
- Further information required on internal floors areas and a local lettings plans will need to be agreed between the Council and Registered Provider

2.5 Drainage: Support subject to conditions

- Scheme of foul and surface water drainage to be submitted
- Surface water greenfield run off rates
- Soakaway tests/locations to be agreed
- No commencement of development until written confirmation is provided that any necessary offsite drainage improvements have been completed by Severn Trent Water

2.6 Severn Trent Water: No objection subject to inclusion of conditions:

- Foul & surface water drainage to be submitted and agreed scheme to be implemented in accordance with approved plans
- Public sewer is located within the application site and the applicant is encouraged to investigate this

2.7 Highways: Comment

- Full construction detail of new roads, footways, service margins, street lighting, public footpaths, access and visibility splays to be agreed.
- Prior to commencement of development amendments are required to plot ‘Earls T’ and ‘Bel H’ to provide adequate onsite car parking.

- Development not brought in to use until parking, loading, unloading and turning fully laid out, hard surfaced and drained.
- Section 106 contribution of £66,320.92 towards Highways Infrastructure Improvements to the A518 within the Newport area.

2.8 Parks & Open Spaces: Comment

- Original response stands - particular concern is that there is Public Open Space proposed and no confirmation on future maintenance
- A long term management plan for this land needs to be conditioned.

2.9 Arboriculture: Object

- Trees T3, T4 & T5 are to be removed. These are Lime pollards which are subject to Tree Preservation Orders and no justification for their removal.
- Tree survey is now 3 years old and requires an update and this should cover the tree within the increased edge boundary not previously surveyed

2.10 Ecology: Comment

- Original response stands – include conditions and informatives

2.11 Environmental Health: Comment

- Condition Noise Survey and scheme of mitigation to be completed to the satisfaction of the Local Planning Authority

2.12 West Mercia Police: Comment

- Condition Secured by Design

2.13 Shropshire Fire Service: Comment – include Fire Authority informative

NEIGHBOUR CONSULTATION RESPONSES

2.14 Newport & District Civic Society: Object

- Lack of information from the application detailing the changes and revision to the drawings/plans, Design & Access Statement, Planning Statement, Transport Statement, Habitat regulation assessment
- At the previous Committee it was specifically stated that the consideration of the application was premature in that the access to the site from Station Road had not been secured i.e. it was shown as potentially being from a four-legged roundabout where access was over privately owned land
- Consideration is required with regards access between the sites and other sites under previous permissions and impact on traffic flow
- Previous permissions will lead to in excess of 730 houses, care home facility, industrial units, a number of retail premises, petrol filling station etc. A masterplan for the entire area should now be produced.

2.15 16 letters/emails of objection have been received (from 12 local residents) and the issues raised have been summarised as followed:

- Lack of and confusing information relating to the proposed amendments
- Address is shown as 'land to the rear of Willow Tree Cottage' – this is no longer the case as access is proposed via land adjacent to Station Cottage
- Design & Access Statement and Transport Assessment needs to be re-written now that the access has been repositioned 100 yards further down Station Road, just as the speed limit changes from 30 to 40mph
- Supporting information submitted is now out of date and should be amended to reflect amendments and other consents recently approved
- Density and design – previous comments from Urban Design team were ignored resulting in minimal cosmetic changes
- A new, fresh application should be submitted by Shropshire homes with updated information and new supporting documentation
- The revised entrance is now considerably closer to the Station Court/ Pen Y Bryn/ Queens Drive/ Princess Gardens junction with Station Road – this is opposite the busy Springfield Store and near the egress from the Springfield Industrial estate/residential area – concerns over traffic flows
- Concerns regarding loss of Public Right of Way/pedestrian footpaths and impact on pedestrian safety
- Proposed development is unnecessary with major housing developments on Wellington Road, Audley Avenue and Shrewsbury Road
- Concerns regarding continued loss of green spaces and potential impact on local wildlife
- Drainage report was completed back in 2013 during a very dry period – a new longer assessment should be submitted. Previously imposed drainage conditions should also be adhered to
- Development encroaches on to neighboring land and requires clarification
- Potential loss of privacy from proposed apartments
- Strain on local services (doctors, dentists, schools) from level of development in Newport
- Concerns regarding buffer zone with properties on Station Court and likely impact on living conditions of these neighboring properties
- The whole of the remaining area between the original S.U Railway alignment and the A518 should be reserved for commercial use only to provide jobs for local residents. Housing should be concentrated in the northern areas of the town
- Ecology surveys have a 'shelf life' and are now out of date and new and up to date surveys should be submitted
- The lack of a 5 year land supply was a key factor in the previous determination however the Council has now identified it has enough housing land supply to fulfill the borough's needs for the next 5 years, so this proposal is no longer needed
- Accept Newport needs to grow but in a controlled manner
- New transport statement is required to take into account current traffic flows and the potential cumulative impact on Station Road
- Brownfield sites need to be developed before greenfield sites
- Concerns regarding final provision of affordable housing provided

- Lack of consultation with local residents
- Loss of good agricultural land and the visual amenity for the sake of housing is verging on criminal desecration of the countryside
- Concerns regarding loss of sunlight on adjacent developments, especially during the winter months
- Newport has had a disproportionate level of planning applications for large scale housing developments within a very short time frame and the effect on existing services will be enormous

2.16 A single letter was also received regarding the trees protected by TPO's and how these should be protected during development

3.0 PLANNING CONSIDERATIONS

Five year land supply

- 3.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Development Plan comprises the "saved" policies of the Wrekin Local Plan (WLP) and the Telford and Wrekin Core Strategy (CS). The National Planning Policy Framework (NPPF) is a material planning consideration. Para 49 of the NPPF advises that 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. The housing supply policies for the borough (Core Strategy Policy CS1 (Homes), which identify dwellings figures for Telford, Newport and the rural area, CS6 (Newport) and CS7 (Rural Area) are considered to be up to date. Any development proposals also 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.
- 3.2 Back in June 2015 members were provided with an update with regards to the Council's current 5 year housing land supply following the publication of the Housing Land Supply Statement in March 2015, which advised that the Council had 8.2 years' supply. Since then, in October 2015, a further revised statement was published with a revised land supply calculation for the period 2015-2020 and this indicates that the Council has in excess of 10 years' worth of housing land supply at April 2015. This figure is based on a revised borough-wide housing requirement for the five year period (2015-20) 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.
- 3.3 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). The

Haygate Road appeal is subject to legal challenge and the Muxton Lane inquiry is to be re-heard following challenge. Whilst these appeal decisions are material planning considerations 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. 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. The Council does not consider that its development plan is absent, silent or that its relevant policies are out of date (although the Council does acknowledge that the figures in policy CS1 are based on a revoked regional spatial strategy and so is partially out of date). Further, because it has a number of relevant and up to date housing supply policies, NPPF paragraph 14 is not engaged.

- 3.4 The previous committee resolutions to grant planning permission for this development are material considerations. The s106 has not been signed to date only because of a land ownership issue, which the developers have now resolved with an alternative access solution which forms part of the amended scheme.

Telford & Wrekin Local Plan

- 3.5 Since the application was last before members of Planning Committee the Telford & Wrekin Local Plan (TWLP) has reached Regulation 19 stage and has now gone through two rounds of public exhibition and will be submitted to the Planning Inspectorate for examination in June 2016. The Council has prepared the policies on the basis of an extensive evidence base and on the understanding that its policies are sound and consistent with Government policy. While the TWLP does not have development plan status, it is a material consideration and merits some weight in planning decisions in accordance with paragraph 216 of the NPPF. In the TWLP, the built up boundary for Newport has been revised to include this site, as well as other housing sites that have resolutions to grant or have been granted and are now under construction.

Sustainable Development

- 3.6 As previously, 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 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.
- 3.7 The site is located on the southern edge of Newport adjacent to existing development and outside but adjacent to Newport's built up boundary. The site is also well located close to a range of services and facilities provided by Newport town centre and would be well located in terms of employment and

service provision. The proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. Accordingly, the site is considered to represent a sustainable form of development that accords with the development plan policies and the criteria in NPPF. Officers therefore maintain the view that the proposal represents a sustainable form of development to the south of Newport 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. This position has not changed since members' previous resolution to grant.

Consideration of proposed amendments

- 3.8 To enable the scheme to progress the developer is proposing a solution to the land ownership issues that are currently delaying the s106 agreement from being completed. This entails repositioning the access further along Station Road and as a result changing the red line site boundary, reconfiguration of the site layout, reduction in the number of units from 51 to 50 and amendments to some of the house types previously submitted for approval.
- 3.9 It is proposed to reposition the access further along Station Road, closer to the town centre, to the south of Station Cottage and to the north-west of Willow Tree Cottage to ensure the access is completely within the applicant's control and is no longer dependant on access arrangements of a neighbouring proposed development. The Local Planning Authority (LPA) considers the repositioned access to be more appropriately located. It also allows for the existing boundary treatment abutting Station Road to the south of the site to be undisturbed. Adequate visibility splays can be achieved and no objections have been raised by the Local Highways Authority (LHA) subject to the inclusion of conditions and financial contributions as part of the s106 towards highways infrastructure improvements to the A518 within the Newport area.
- 3.10 Officers consider that the amended scheme brings about further benefits. These include moving individual dwellings further away from Station Cottage located to the north-west corner of the site; removing a large car parking court which was previously in close proximity to the rear boundaries of Willow Tree Cottage to the west; together with the retention of a greater number of trees along the boundary with Station Road, some of which are protected by TPO's. These improvements do however result in repositioning of the new access and part of the estate road closer to the neighbouring dwellings. There are no amendments which directly affect other nearby neighbouring properties to the north on Station Court.
- 3.11 Station Road itself will also be less affected. The previous access, that would eventually be off a fourth arm of a new roundabout, created a wide approach to the site with splayed buildings either side, together with parking courts on entering the site. These are no longer required, there will be opening off Station Road at this point and the protected trees can therefore remain unaffected, which will help screen the development and soften the appearance on approach from the A518.

- 3.12 The amended layout is therefore considered overall to be an improvement to the previously approved scheme, reducing the impact on the living conditions of nearby neighbouring dwellings (namely Station Cottage and Willow Tree Cottage) and will allow for the existing boundary treatment and TPO trees to the south/south east of the site to remain.

Consideration of consultation responses

- 3.13 Local representations have been made questioning whether this application should have been withdrawn or refused and resubmitted as a fresh application given the length of time since it was first registered; the need to develop the site now that the council has announced a five year housing land supply; 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; together with other concerns relating to the impact on the living conditions of neighbouring properties, highway safety and existing drainage infrastructures.
- 3.14 With regards to whether this application should have been withdrawn or refused the LPA would respond that there has been an outstanding resolution to grant planning permission since 2014 and the proposal is only before members again due to amendments being received to a yet non- determined application. This would be the same for any other application that needed to be amended before it had been determined and the LPA is satisfied that the amendments can be dealt with under this live application. Furthermore, the LPA has displayed new site notices, re-consulted all neighbours and other statutory consultees and has allowed extensions to response timeframes where requested by individual neighbours thus allowing full consideration by all consultees.
- 3.15 In response to the assertion that Newport has experienced a disproportionate amount of new housing permissions, offices acknowledge there have been a number of large applications since 2011 as Newport has not seen much development previous to this. The spatial plan that should have accompanied the Core Strategy was not produced and as has already been explained in previous applications, the Core Strategy Inspector envisaged the need to include greenfield land to provide for Newport's growth. This site has been considered in housing monitoring as it has had a resolution to grant since 2014, and consequently will assist in the delivery of additional homes in Newport.
- 3.16 It has previously been discussed that the Strategic Housing Market Assessment 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. This scheme proposes 33% affordable housing. Developing on brownfield sites alone will not deliver this need and as such residential development on appropriate greenfield sites in sustainable locations such as this, and others recently approved, will help alleviate the deficit in provision of affordable homes to meet local need, in line with the development plan and the NPPF.

3.17 A small number of nearby neighbours have raised concerns with regards to the impact the development will have on their living conditions. When this application was last discussed at committee in June 2015, the development was considered to be acceptable on balance and would not have a significant adverse impact on the living conditions currently enjoyed by local residents. As already discussed above, officers are of the opinion that the amendments proposed would in fact result in an improvement for neighbouring properties, especially Station Cottage and Willow Tree Cottage with greater separation distances and removal of car parking courts. The LPA considers the proposed changes to the previously approved scheme will not compromise residential amenity. Finally, with regards to impact on highway safety and existing drainage infrastructures, the relevant Council technical officers have been consulted on the proposed alterations and no technical objections have been raised subject to the inclusion of appropriate conditions which will be duly imposed.

Section 106 contributions

3.18 No changes are proposed to the s106 contributions previously sought and detailed in the committee reports last June albeit an obligation will no longer be required to secure the previously proposed four-arm roundabout on Station Road given the amendments made to the proposed access. In addition to 33% affordable housing, the developer has agreed to the following financial contributions that are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and 2015 Regulations relating to 'pooling' of contributions:

- £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue
- Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough sports facilities
- £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
- £10,347.45 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.

4.0 CONCLUSION

4.1 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 October 2015 that it now has in excess of a ten year housing land supply. This means that housing supply polices 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. The site already benefits from a resolution to grant planning permission, which is a material consideration to which considerable weight should be attached and there are no other material considerations to outweigh this position. In addition, the emerging Telford & Wrekin Local Plan includes the site within the amended Newport boundary and thus reflects the previous resolution to grant.

- 4.2 The provision of 33% affordable housing, based on substantiated viability assessment, will provide for a mixed community and help address the need for affordable homes in Newport. Officers consider that the development proposal continues to represent a sustainable form of development on the southern side of Newport. Using appropriate and sustainable 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 southern 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. The site is not considered to be important incidental open land or land which contributes significantly to the character and amenity of the area as recreational space or important as a natural habitat and the proposed development is not therefore in conflict with policy OL6 of the Wrekin Local Plan. 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.

5.0 RECOMMENDATION

- 5.1 DELEGATED AUTHORITY to be granted to the Service Delivery Manager of Development Management to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

- A) The Applicant entering in to a Section 106 Agreement with the Council relating to:
- 33% affordable for viability reasons (11 affordable rented and 6 shared ownership dwellings);
 - £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue
 - Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough

- £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
- £10,347.45 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) Previous conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management) plus the addition of standard noise and ground contamination condition and a further condition requested by the Local Highways Authority

*******PREVIOUS UPDATE REPORT*******

UPDATE PRESENTED TO COMMITTEE on 24 June 2015

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 20th 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 a full application for the erection of 51 dwellings with vehicular access from Station Road, parking/garaging and landscaping, and a diversion of the existing Definitive Right of Way.

The application was considered by the Planning Committee on 30th April 2014 where it was resolved to grant permission subject to a Section 106 agreement. The original report to the Planning Committee is attached for information. The s106 was to provide 33% affordable for viability reasons (11 affordable rented and 6 shared ownership dwellings); £63,320.92 towards offsite highway infrastructure works; £114,228 towards primary and secondary education provision; £29,400 towards offsite play and recreation and a commuted sum towards maintenance to be agreed, and £10,347.45 monitoring costs.

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

NEW CONSULTATION RESPONSES:

Following the announcement regarding housing land supply the Council has undertaken a period of consultation with interested parties. The applicant and 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:

Severn Trent Water - no objection

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 create or exacerbating a flooding problem and to minimise the risk of pollution.'

Shropshire Fire Service

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"

West Mercia Constabulary - support subject to conditions

Previous comments have been submitted in relation to this application

TWC Pollution Control (Environmental Health) - support subject to conditions

- The proposed development is adjacent Station Road within circa 20m, therefore noise from traffic will impact the proposed development.
- If the Officer is minded to approve the application a suitable condition should be applied to the development requiring a noise survey and scheme of mitigation be completed to the satisfaction of the LPA

TWC Parks & Open Spaces - comment

- My original response stands.
- My particular concern is that there is Public Open Space proposed and no confirmation on how and who is to maintain this land.
- A long term management plan for this land needs to be conditioned.

TWC Drainage - support subject to conditions

- The FRA does not properly set out how the site will be drained. Appendix D contains soakaway test results and although the tests state that infiltration rates may be suitable in some areas of the site, the tests were undertaken in June during a relatively dry summer. Newport is known to suffer from high groundwater therefore before disposal of surface water to soakaway would be considered, these tests should be undertaken again during winter, and a full soakaway design provided.
- The site is not served by any public sewers, and is at the head of any receiving system. If the site will discharge to the public sewer network for both surface

water and foul, STW must be consulted to confirm that there is capacity in the system to accommodate these flows.

- The following conditions reflect the above issues:
 - Condition: Submit scheme of foul and surface water drainage.
 - Condition: Carry out soakaway tests and submit results.
 - Condition: Submit details of any soakaways and any soakaway should be located no less than 5m from any building or boundary. If soakaway drainage is not possible on this site, an alternate method of surface water disposal should be submitted for approval.
 - Condition: Submit surface water drainage scheme restricting surface water run off to 5 litres per second per hectare and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change.
 - Condition: Submit confirmation of any off site drainage improvements completed by Severn Trent Water, or that there is no need for these to be provided to cater for foul and surface water flows from the site following Severn Trent Water investigations.

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.

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

The Applicant (Shropshire Homes) in support of the application

- NPPF states that purpose of planning system is to contribute to achievement of sustainable development and that housing applications should be considered in context of presumption in favour of sustainable development.
- Under policy CS9 the site is located close to Station Road and within easy reach

of Newport town centre and a variety of services and facilities, and the application is accompanied by a Travel Plan.

- The proposals provide affordable housing and are close to employment sites, schools and centre of Newport.
- Whilst outside the urban boundary of Newport it is sustainably located and complies with the aims of the NPPF, and will support and maintain the vitality of Newport and its role as a market town.
- The Council's Shaping Places document indicates the application site as a proposed housing site - such sites have undergone an evaluation in respect of their location.
- The Council now has a five year housing land supply. This is a minimum requirement - not a maximum.
- The Objectively Assessed Need (OAN) report states that there is nothing in the NPPF or Planning Guidance to say that targets should not exceed the OAN and that the NPPF's objective is to significantly boost the supply of housing.
- There is still an identified need for affordable housing which this application will help meet.
- The Council has previously confirmed that the site is in a sustainable location and logically located for development.

NEIGHBOUR CONSULTATION RESPONSES:

Newport & District Civic Society - object

- In relation to your email below, we confirm that the objections contained in our email of 27 January 2014, still apply.
- Contrary to what was in the officer report to the Plans Committee on 30 April 2014, we understand that the land referenced in the officer report over which the fourth leg of the proposed roundabout is intended to cross has not come into the ownership of the applicant and is, in fact, the subject of an ownership claim by another party. We would ask that this matter is reported in the officer report to the 24 June 2015, Plans Committee.
- 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:-
 - 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;

- 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.

Save Newport Campaign - object

- In relation to your email below, we confirm that the objections contained in our email of 27 January 2014, still apply.
- Contrary to what was in the officer report to the Plans Committee on 30 April 2014, we understand that the land referenced in the officer report over which the fourth leg of the proposed roundabout is intended to cross has not come into the ownership of the applicant and is, in fact, the subject of an ownership claim by another party. We would ask that this matter is reported in the officer report to the 24 June 2015, Plans Committee.
- 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:-
 - 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;
 - 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.

25 letters/emails of objection summarised below as follows:-

- The Council has now identified it has enough housing land supply to fulfil the borough's needs for the next 5 years, so this proposal is no longer needed.
- Development of this site should now only be considered as part of the Shaping Places local plan - failing to do so would be premature.
- Accept Newport needs to grow but in a controlled manner.
- Developing green fields for housing will encourage in-migration which is contrary to the Core Strategy Examination Inspector's report.
- Previous committee report gave false information about the housing land supply.
- Why such a delay to progress to sign a s106?

- The land in question stands some 2 metres above the existing properties on Station Court - the land is already very damp and the loss of natural drainage will be potentially catastrophic for the houses on Station Court.
- Newport has had a disproportionate level of planning applications for large scale housing developments within a very short time frame and the effect on existing services will be enormous - this is one development too many.
- There is no increased employment or public transport within Newport and so it will be a dormitory town with a large carbon footprint.
- The land over which the fourth leg of the proposed roundabout is intended to cross has not come into the ownership of the applicant and is, in fact, the subject of an ownership claim by another party.
- Appearance of a smoke screen to make applicants safe from any future legal challenge.
- Newport is being overwhelmed with new development - it needs time to adjust.
- This land should be reserved for commercial enterprises both now and in the future to provide jobs for the existing and future population of our town thus reducing the necessity to commute on overcrowded roads.
- Need new and updated technical documentation - ecology surveys have a shelf life and more housing on land south Springfield Industrial Estate should mean new transport assessment.
- A very cramped development - worst design I have seen in my virtually 50 years of studying planning, and at appeal in Colne Lancashire a housing scheme housing fell short of high design expectations that meant the presumption in favour of sustainable development was rebutted.
- Scheme still unsustainable due to design failings and applicant failed to make the changes wanted by Council officers.
- Massive housing developments in this area producing traffic will make exiting from the Station Approach and Pen-y-Bryn areas ever more difficult.
- No attempt seems to have been made to protect the public footpath which crosses the site.
- Newport is short of green open space and formal and informal leisure areas, and this green field will be the only remaining accessible open space in South Newport once other developments go ahead and the lack of amenity will be sorely felt by all residents of this area - so keep this land as open space.
- Small pockets of green space like this can be vital as wildlife habitats helping to ensure survival of local ecosystems.

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 significantly 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), which identify dwellings figures for Telford, Newport and the rural area, 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

With regard to the comments made by statutory consultees, there are no changes that require that the conditions previously requested should be amended on any approval other than Environmental Health who have commented that noise and land contamination need to be conditioned, so additional conditions can be imposed. 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 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 (Audley Avenue and Station Road) 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.

Local representations refer to a land ownership issue concerning the site access, with the ownership of the area of land at the site entrance to the application site currently unknown. Apparently a third party is now claiming ownership. The original committee report did raise the matter and reported at the time that the applicant has advertised the land in the local press and submitted the appropriate ownership Certificate. The committee report also reported that the application could be developed and operate either as a standalone scheme and be served by a priority junction onto Station Road or accommodated within the roundabout design proposed along with other developments in the vicinity at a later stage, following reserved matters. This landownership matter remains unresolved, but need not prevent determination of this application, or other adjacent applications. If required, the s106 agreement (and the s106 agreement for land east and West of Station Road TWC/2011/0871) can be amended to include a clause that would present access design scenarios and ensure that a fourth arm to the proposed new roundabout on Station Road would be provided.

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 site is located on the southern edge of Newport adjacent to existing development and Newport's built up boundary. The site is also located close to a range of services and facilities provided by Newport town centre and would be well located in terms of employment and service provision. The proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. Accordingly, the site is considered to represent a

sustainable form of development that accords with the development plan policies and the criteria in NPPF. 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 6th 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.

- £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue
- Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough sports facilities
- £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
- 33% affordable for viability reasons (11 affordable rented and 6 shared ownership dwellings);

- £10,347.45 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.

An appropriate obligation (if required) to secure that a four-arm roundabout is constructed on Station Road to ensure that adequate highway features are in place to address potential traffic arising from this development in the context of other developments which may or may not involve accesses on to Station Road in this location

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 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 development proposal accords 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 the following conditions:

- C) The Applicant entering in to a Section 106 Agreement with the Council relating to:
 - £66,320.92 for Highways works to A518 Station Road to Station Road east site (TWC/2011/0871) access and Station Road east site (TWC/2011/0871) access to Audley Avenue

- Primary Education element (£67,333) for remodelling of Newport junior School and Secondary Education element (£46,895) to Burton Borough
- £29,400 towards offsite play to Wallshead Way Play area recreation and a commuted sum towards future maintenance to be agreed,
- 33% affordable for viability reasons (11 affordable rented and 6 shared ownership dwellings);
- £10,347.45 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.
- An appropriate obligation (if required) to secure that a four-arm roundabout is constructed on Station Road to ensure that adequate highway features are in place to address potential traffic arising from this development in the context of other developments which may or may not involve accesses on to Station Road in this location

D) Previous conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management) plus the addition of standard noise and ground contamination condition

*****ORIGINAL REPORT & COMMITTEE UPDATE*****

UPDATE PRESENTED TO COMMITTEE on 30 APRIL 2014

Application number	TWC/2013/0855
Site address	Land to the rear of Willow Tree Cottage, Station Road, Newport, Shropshire
Proposal	Erection of 51 dwellings with associated parking, garages and access **** Amended plans and additional information received ****
Recommendation	Full GrantFull Grant

Highways Issues: As stated in the report, a number of highways issues need resolving by the Applicant in relation to the access arrangements and the impact on the adjacent applications (TWC/2011/0871 and TWC/2011/0916).

With regard to the letter from the Transport Planning Consultants representing St Modwen Developments Ltd and the Council's Highways Engineer's comments regarding the implications of the development on the proposed roundabout associated with the adjacent schemes off Station Road (TWC/2011/0871 and TWC/2011/0916); the Highways Engineer is still of the view that a number of issues need to be resolved regarding land ownership and how the proposed access will be accommodated without prejudicing the delivery of adjacent developments. However, Officers are satisfied that there are technical solutions to the proposed access arrangements either if this development proceeds in isolation for the time being or as

part of a wider development configuration later. Land ownership issues should not necessarily affect the planning deliberations, provided the necessary ownership certificates have been carried out satisfactorily.

Officers have sought advice from the Council's Solicitors and it is considered that the conditions and S106 planning obligations can be drafted in terms which achieve a satisfactory solution to these access issues.

The recommendation remains for planning approval; however the wording has been revised slightly to enable flexibility in drafting the conditions and the planning obligations and to further investigate and resolve the highways issues relating to the land ownership and access arrangements.

RECOMMENDATION: That DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

- A) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:
 - i) Provision of 11 affordable rented and 6 shared ownership dwellings;
 - ii) A contribution of £63,320.92 towards offsite highway infrastructure works;
 - iii) A contribution of £114,228 towards primary and secondary education provision;
 - iv) A contribution of £29,400 towards offsite play and recreation and a commuted sum towards maintenance (to be agreed);
 - v) Planning monitoring contribution of £10,347.45 (5% of total).
 - vi) The access arrangements and the impact on the adjacent applications (TWC/2011/0871 and TWC/2011/0916) as required.
- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

- A04 Time limit
- B11 Samples of materials and sample panel
- B49 Highways condition
- B61 Drainage details and greenfield runoff rates
- B64 Soakaway test
- B79 Written confirmation regarding drainage improvements by Severn Trent Water
- B121 Landscaping design
- B126 Landscape Management Plan
- B130 Trees – protective fencing
- B132 Trees – no dig method
- B145 Lighting plan

B150 Site Environmental Management Plan
C20 Highways condition
C71 Trees – Soil levels
C91 Works in accordance with Ecology survey
C100 Bat and Bird boxes
C38 Development in accordance with plans
D01 Removal of Permitted Development Rights
D03 Garages – restriction on residential use

Informatives:

I06 S106 Agreement
I11 Highways
I22 Protected species
I32 Fire Authority
I35 Secured by Design
I35 Code for Sustainable Homes
I40 Conditions
I41 Reason for Grant of Permission

*******ORIGINAL REPORT TO PLANNING COMMITTEE ON 30 APRIL 2014*******

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Highways issues, Scale, design, character and appearance, Impact on adjoining residential amenity, Drainage issues, Section 106 Contributions

THE PROPOSAL: The application seeks full planning permission for the erection of 51 dwellings with vehicular access from Station Road, parking/garaging and landscaping, and a diversion of the existing Definitive Right of Way.

The development comprises a mix of house types ranging from 1 bed apartments, 2 and 3 bed terraced properties to 3 and 4 bed semi-detached and detached dwellings. The proposal includes three 2-bedroomed bungalows and a pair of 3-storey semi-detached dwellings comprising 4 bedrooms. The other properties are all 2-storey. Within the development, 34 units (a mix of 2, 3 and 4 bedroom dwellings) would be market housing, 11 units (1, 2 and 3-bed units) would be social rented, and 6 units (1, 2 and 3 bed properties) would be shared ownership.

Parking provision is also mixed, with a combination of drives and garaging to the front and side of the majority of the properties, and communal rear parking courts serving the development adjacent to the site entrance.

Landscaping of the development comprises existing and new hedgerows and additional tree planting, particularly along the diverted route of the Right of Way and along the northern boundary, adjacent to rear gardens of Station Court.

SITE AND SURROUNDINGS:

The application site comprises a site area of 1.56 hectares, and is currently agricultural land with existing hedgerows dissecting and bounding the site. The

application site is located in an elevated position of approx. 2 to 3 metres above the traditional Station Cottage and existing 1980s detached properties in Station Court, which were built along the route of the former railway. There are also a small number of established 2-storey cottages set back from the highway and fronting Station Road, including Willow Tree Cottage and Lime Tree Cottage on either side of the application site entrance. There is a row of pollarded Lime trees along the field boundary between the two existing cottages.

The site is located within Chetwynd Aston Parish, but is directly adjacent to the Newport town boundary and established residential and industrial development. It currently adjoins agricultural land to the east boundary; however this adjacent site, leading to Audley Avenue Industrial Estate, and the site on the opposite side of Station Road are subject of an outline planning application for c.350 dwellings, employment land and sports pitches. Springfields Industrial Estate is located to the northwest. Station Road leads to the A518 Newport bypass to the south, with A41 beyond.

PLANNING HISTORY:

No previous planning history specifically relating to the application site, but the following history on adjacent land:

Adjoining site - Land Adjoining/Lime Tree Cottage:

W78/0144 Erection Of One Detached Bungalow And Alterations To Vehicular Access Outline Granted 26/04/1978

W83/0092 Erection Of One Detached Bungalow And Alterations To Existing Vehicular Access, Outline Refused 28/04/1983

Adjoining site - Willowtree Cottage

W2004/0416 Erection Of Two Storey Side And Single Storey Front And Rear Extensions. Installation Of Three Front Dormer Windows And Erection Of Replacement Detached Double Garage Full Granted 28/05/2004

Adjoining site – Land to the east and west of Station Road:

TWC/2011/0871 Erection for up to 350 no. dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development (Outline to include Access)***AMENDED DESCRIPTION, AMENDED PLANS AND SUPPORTING DOCUMENTS & REVISED ENVIRONMENTAL STATEMENT*** Resolution to Grant subject to S106 at Planning Committee, and decision pending the signing of the S106 Agreement

Adjoining site – land to the west of Station Road

TWC/2011/0916 Erection of new superstore, highway works, associated infrastructure and landscaping ***AMENDED DESCRIPTION*** Resolution to Grant subject to S106 at Planning Committee; Application Called in by Secretary of State, Decision Pending

PLANNING POLICY CONTEXT:
National Planning Guidance
National Planning Policy Framework

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

Wrekin Local Plan
UD2 Design Criteria
H6 Windfall Sites in Telford & Newport
H22 Community Facilities
H23 Affordable Housing
T22 Planning Obligations
OL6 Open Land
OL11 Woodland and Trees
OL13 Maintenance of Open Space
LR6 Developers Contributions to Outdoor Recreational Open Space Provision within
New Residential Developments

CONSULTATION RESPONSES:

Chetwynd Aston & Woodcote Parish Council: Objects subject to conditions as the land is a greenfield site. Raise concern about the density of the development and the number of houses should be reduced. There are also concerns regarding drainage of the site.

Newport Town Council: Objects and makes the following comments:

- Not in favour of development on yet another green space
- Proposal adds significantly to the proposed 60 houses per year allocation identified in the LDF - Many large housing developments with permissions are not as yet under construction
- Neighbours raise legitimate concerns regarding loss of privacy, amenity, light, and flood risk
- The area is renowned for having a high water table and areas of space which flood. The topography of this site is higher than the existing houses, thus flood risk and seepage to the existing houses and gardens. Discharge of sewage must be robust with a guarantee that existing residents are protected
- Affordable homes supported, but must not be made use of by private landlords to accommodate students from Harper Adams University

- Due consideration should be given to density, reducing the boundary and building line and the siting of bungalows.

With regard to amendments, Newport Town Council makes further comments, thus:

- The site is on the boundary of Newport, and falls within the Parish of Chetwynd Aston & Woodcote, but as a large scale development, it will impact of the infrastructure, services and facilities of Newport
- Concern for anomalies with service provision, long term delivery of amenity facilities within the Town, and the establishment of a sense of Identity and community for those occupants of new residential estates
- Previous comments are upheld and reiterated
- Comments expressed by the Planning Officer have not been fully adhered to, with very little change other than alterations to the Public Open Space which is set in isolation with no naturally occurring or incidental self-policing safety aspects which do not promote a safe and secure environment
- Conspicuous detrimental impact on existing residents as proposed dwellings are tight to the boundary with particular emphasis on the dwelling of Station Cottage

Development Plans: With reference to relevant planning policy, the following comments are made:

- Policy CS1 of the Core Strategy – there is a need to build approx. 60 dwellings a year. Currently, there is a shortfall of dwellings constructed, and due to the scale and phasing of some of the developments, further housing sites are required to meet the requirement. Furthermore, there is a shortfall Borough-wide and as required by national policy in NPPF, the Council cannot demonstrate a 5 year housing supply, and the figure is currently 2.5 years. Development cannot therefore be refused on grounds of housing supply alone.
- CS6 and H23 – there is a requirement to provide 35% affordable housing and the proposed 17 units constitutes a slight shortfall, and an additional affordable dwelling should be provided.
- CS9 – the site is located close to the main road junction Station Road and within easy reach of Newport Town Centre and a variety of services and facilities. Furthermore, the application is accompanied by a travel plan and information regarding sustainable travel
- CS11 – the proposal provides limited areas of open space. The hedgerow is shown to be retained. If amenity areas are improved, this would conform to the policy aims.
- LR6 – Developer contributions required towards open space. The nearest play area is on Wallshead Way. Reference is made to transferring the areas of open space to the Council in draft Heads of Terms, but no figures are given.

- The proposal meets the criteria in paragraphs 52, 54 and 55 of NPPF in providing housing development in the rural area, on the edge of Newport and in doing so providing affordable housing to meet local needs. Moreover the site is close to employment sites, schools and the centre of Newport.
- Accordingly whilst it is outside the urban boundary, it is sustainably located and accessible to Newport. The scheme will bring forward affordable housing and maintain the vitality of the rural community. Thus the proposal complies with the aims of NPPF.

Highways: A number of issues need resolving by the Applicant in relation to the access arrangements and impact on the adjacent outline applications (TWC/2011/0871 and TWC/2011/0916), which require a roundabout. This proposal shows access will be from a simple priority junction, and the design has set aside some land within the layout to allow for the roundabout design to be provided with the access to this site being changed into a fourth arm in the roundabout junction. The Applicant has not provided all the land necessary within the red edged area to enable the roundabout to be provided and to allow the fourth arm to be accommodated in the design, and does not own all of the land. This needs to be demonstrated. As such delivery of this site would potentially prejudice the delivery of the access for the larger site opposite. This application should show the access with the roundabout in place, should control the necessary land required to deliver this scheme and should include it within the red edged area. They would then be required to freely dedicate the necessary land into the adopted highway.

In terms of the Transport Assessment the Consultant has chosen a far lower trip rate to assess this proposal than has been used on the other residential sites that have come forward for Newport. An increased trip rate would be more appropriate for this site on the periphery of the town and the accompanying assessments should be adjusted accordingly. There will need to be a contribution to the wider highway works in line with what has been agreed with other developments, estimated to be £63,320.92.

Changes are required to the layout and a restriction on parking on both sides of the access at least to Plot 9. The Public Right of Way will need to be formally diverted and there are concerns that part of the route will not be overlooked.

Drainage: Makes the following comments that the soakaway tests were carried out during the recent relatively dry summer, and given the known problems of high groundwater in Newport, the tests need to be undertaken in the winter, and a full soakaway design provided. If both foul and surface water are to discharge into the public sewer network, Severn Trent Water (STW) must be consulted. The proposed conditions reflect these issues: foul and surface water drainage details, soakaway tests, greenfield runoff rates, and written confirmation that any necessary off site drainage improvements have been completed by STW.

Urban Design: Objects to the proposal on the grounds that the proposed design and layout are considered poor and will not create the sense of place that should be promoted in this location. A number of issues need addressing further, in line with the NPPF and policy UD2. The following observations are also made:

- The Design & Access Statement makes no attempt to set out how the proposal relates to Newport, and the context of the site
- Existing features on the site need to be retained in a more sympathetic way – the diversion of the Public Right of Way needs to be more direct and overlooked, amend the layout to retain more of the hedgerow/trees, amend the layout at the entrance to reflect the setback nature of existing dwellings, enhance landscaping along sensitive boundaries
- Proposal comprises small areas of public open space that are disjointed and will be difficult to maintain
- Over-engineered and highway-dominated design
- High density of development with little regard for overall streetscape, with lack of enclosure and overlooking, blank façades and frontages dominated by parking

Arboricultural: Makes the following comments that the 7 Lime trees at the entrance to the site are categorised as A2 in relation to the BS: 5837 (2012) Tree Survey, and the adjacent property is called Lime Tree Cottage. The Lime pollards start at this point on Station Road and can be seen lining the sides of Station Road & Upper Bar in various locations all the way into the town centre, terminating in St Nicholas's Churchyard. To facilitate the access into the site it appears as only two Lime pollards need to be removed. Given their categorisation with regard to BS: 5837 survey combined with the significance they have upon the street scene in Newport, a Tree Preservation Order to protect the remaining five trees - T1, T2, T5, T6 & T7. If consent is afforded to the proposal, conditions will be required in relation to Landscaping Design, revised plans to amend locations of new trees beneath existing tree canopies, Tree Protection plan and protective fencing, 'No dig' method and Soil Levels.

Ecology: Support subject to conditions and informatives and that the Habitat Regulation Assessment matrix is completed. Conditions regarding Development in accordance with Ecological Assessment by Star Ecology (July 2013) and provision of new hedge, Bird and Bat boxes, Lighting plan and informatives regarding Nesting birds and Bats.

Sustainability: A statement is required to demonstrate how the proposal is a valid and sustainable design solution. One way to achieve this and in reducing climate change omissions is to achieve Code for Sustainable Homes. The minimum requirement is Level 4, and to consider Level 5.

Pollution Control (Environmental Health): no comments received

Affordable Housing: no comments received

Education: No objection, but states that given the number and type of dwellings, would be seeking a contribution towards primary and secondary education facilities in the vicinity of the development. The following contributions have been requested: £67,333 towards primary and £46,895, totalling £114,228.

Parks & Open Spaces: Comments that the development will contain a number of properties which will contribute to the need for recreational facilities for the area. There are nearby play/ recreational facilities in need of upgrading; and, in line with planning policy, an appropriate sum would be £600 per property (2 bedroom properties and above), and should be provided prior to commencement of development. Furthermore, clarification is required on who is going to maintain the area of open space.

Severn Trent Water: No objections subject to a condition regarding submission of details of foul and surface water drainage.

West Mercia Constabulary: Supports the proposal subject to conditions and makes the following comments: there are opportunities to design out crime and /or the fear of crime and to promote community safety. Therefore should this proposal gain planning approval, a condition should be imposed requiring the applicant to aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented.

Shropshire Fire Service: Advises there needs to be access for emergency fire vehicles, water supplies for firefighting and that sprinkler systems should be considered.

Telford & Wrekin Local Access Forum: Initial Objection to the proposal as a definitive public right of way currently runs through the middle of the site, and it would be unlawful to stop up or otherwise divert or interfere with this public right of way without the correct legal orders being published and consulted upon. Any diversion should be as 'equally commodious' for the user as the previous route was, and the proposed diversion appears to break the public right of way into a number of smaller sections and place parts of it across public roads. This is not a 'legal' diversion nor is it 'equally commodious to the user.' Therefore, I recommend that the PRoW is looked at with a view to correctly diverting it and as part of the planning gain or s106 agreement upgrading the footpath to minimum status of bridleway. This would legally allow use by both pedestrians and those using bicycles. It should be recorded on the Definitive Map. Care should be taken to make sure that any furniture on the route is such that it does not impede the movement of those who are less mobile or use mobility buggies. (Least restrictive) No planning should be granted until the above is actioned and no development should take place until the correct Public Path Orders are confirmed. The Local Access Forum is willing to advise the developers on the above matters.

Following discussions between the Telford & Wrekin Local Access Forum and the developers, there is no longer an objection to the proposal, and the following comments are made:

- The proposed diversion is wholly in a green area of the site and works well within this context

- It adds very positively to the amenity value of the site, being of a gently winding layout rather than of straight sections
- It offers a wholly off-road solution (with a few crossing points on development roads which do not detract from the quality or safety of the route) and is overlooked by a number of properties giving it added intrinsic safety
- Will be subject to a Legal Diversion Order and be placed on the Definitive Map (as the current route has Definitive status)
- Must have minimal furniture so as to make it permeable to those who are less mobile, in a mobility scooter or for example pushing a pram – stiles are not acceptable in line with our ‘Multi-user policy’
- Should have a surface of *minimum* width of 1.5m (preferably 2m) and be made from rolled stone/dust (not tarmac or paved)
- Should be upgraded as part of the Public Path Diversion Order to the status of Bridleway to allow for lawful use by cyclists. This would improve its sustainable transport use as well as that for recreation. It is to be hoped that the adjoining development (TWC/2011/0871) deals with the continuation of the routes in the same way.

Newport & District Civic Society: Concerns regarding the information contained in the Flood Risk Assessment and impact on foul and surface water systems. Severn Trent Water should be consulted. There should be a comprehensive drainage plan rather than a piecemeal approach. Run-off should not cause flooding to River Strine.

Further comments have been submitted by Newport & District Civic Society, and reiterated by The Save Newport Campaign in respect of the amendments:

- Limited changes, and simply contesting officers’ views
- Recent decision by Eric Pickles, Secretary of State regarding design quality of housing development in Colne, Lancashire as contrary to NPPF, thus relatively unsustainable due to failings of design approach, where the ‘adverse impacts significantly and demonstrably outweighed the benefits’
- Mark Pritchard MP also recognises the importance of design quality

The Save Newport Campaign: In addition to the above comments, there is concern that Planning Committee must approve such applications, otherwise costs will be incurred at a Planning Inquiry challenge. Lack of 5 year land supply does not mean default position must be to approve. If approved, any green space in the urban area will be approved, however poor the design. The application should be withdrawn or recommended for refusal by officers and Planning Committee.

29 letters of objection from local residents have been submitted with their comments summarised below:

- Proposal needs to be considered in the context of all other applications in Newport – housing numbers for Newport set out in Core Strategy already exceeded

- Site is outside town boundary and is therefore in the open countryside and unsuitable for development
- There are enough planning approvals already to meet Newport's housing needs without encroaching on greenfield sites (Audley Avenue/ Wellington Road, and SHLAA sites now identified as deliverable)
- Development should focus on brownfield sites first
- Problem of 'land banking' by developers
- Lack of Development Plan and national presumption for sustainable development, the process is being planning application led to benefit of speculative developers
- Lack of employment in Newport - the land should be used for commercial development
- Scale of housing to justify number of supermarkets proposed
- Any decision should be delayed until outcome of appeals and other decisions on adjacent development and sequential approach applied
- Character of Newport needs to be preserved, and should not simply become a dormitory town
- Impact on rural character of the area an approach into Newport
- Highways impact – additional vehicle movements. Existing congestion and safety issues exiting Station Court/ Pen-Y-Bryn Way. Pressure on A41.
- Impact on 3 arm roundabout associated with adjacent applications TWC/2011/0871 & TWC/2011/0916
- Will parking courts be used? Potential onstreet parking issues
- Safety of pedestrians
- Impact on existing community facilities (Dr's and schools) and infrastructure – already at capacity
- Affordable housing requirements and impact of Harper Adams student housing accommodation demands on lettings market
- Incomplete tree condition report and other inaccuracies in the plans
- Inconsistencies in Transport Statement
- Lack of S106 highways contribution
- Insufficient consultation by the Applicant
- Drainage issues – findings of Flood Risk Assessment are disputed

- Capacity of existing drainage systems and impact on existing high groundwater levels in area and on River Strine
- Flood risk from surface water runoff
- Boggy nature of the land
- Stability of embankment
- Significant difference in ground levels (c.2-3m above Station Cottage and Station Court) and separation distances
- Unique context of Station Cottage – layout and orientation of dwelling – impact on Human Rights
- Scheme fails to integrate Station Cottage into design
- Impact on residential amenities of properties in Station Court, due to significant levels difference – light, outlook, privacy, overshadowing, loss of view, car lights and additional street lighting – position of dwellings, bungalows, parking spaces and garages at end of existing rear gardens and at elevated level
- Disruption and pollution during construction phase
- Buffer zone discussed with developer prior to submission, and position of fencing – need clarification
- What restrictions will be in place to control extensions to bungalows?
- High density of development, appearing overcrowded and should better relate to the type and style of properties in Station Court
- Development could be better designed to emphasise existing features – a more direct footpath route, retention of more of the hedgerows/trees, building line along Station Road to be reflected, lower density and more attractive streetscape
- Impact on wildlife and existing trees/hedgerows
- Diversion of footpath is unacceptable
- Previous application for bungalow in 1983 turned down – what are the differences between the schemes?
- Concerns regarding design as raised by Urban Designer and in regard to NPPF
- Lack of open space for recreation within the development
- Distance from site to nearest children's play/recreational facilities
- Development may inhibit reinstatement of railway line between Stafford and Wellington

Following submission of amendments and reconsultation, 16 further neighbour objections and comments, including reiteration of earlier concerns, have been submitted, and are summarised below:

- Amendments do not address concerns and too many unanswered questions remain
- Minor cosmetic changes to the scheme only
- Further changes to design and layout required
- Secretary of State's decision on Colne, Lancashire housing scheme regarding the design quality and impact on the countryside setting – scheme is similar to this application on a greenfield site on the edge of settlement 'adverse impacts significantly and demonstrably outweigh benefits'
- Scale of housing in Newport and cumulative impact on infrastructure
- Lack of employment for the scale of housing
- Difference in ground levels and overbearing impact on properties in Station Court
- Drainage and flooding issues
- Impact on character
- Highway safety and issues surrounding route of Right of Way
- Change in Local Access Forum's comments despite little change to route of PROW
- Loss of greenfields outside development boundary to detriment of wildlife – potentially badger setts, trees and amenity
- Consideration of position of proposed buildings to south of Station Court when assessing cross sections
- Impact on light to existing properties for c.4-5 months of year
- Cross sections fail to identify separation distance between new dwellings and Station Cottage – c.12.4m and ground level difference/ lack of buffer zone, thus impact on light, privacy, impact of new vehicle movements/headlights

PLANNING CONSIDERATIONS:

The proposal comprises the erection of 51 dwellings to include 17 affordable units, with the creation of a new vehicular access off Station Road, to the southern boundary of Newport. The existing Right of Way would be diverted.

Principle of development

The National Planning Policy Framework (NPPF) requires Local Authorities to identify that they have a 5 year housing supply, and this is updated annually. It has recently been established that Telford & Wrekin Council has only a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5

year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area and the policies relating to Newport (CS6) and the Rural Area (CS7). Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development.

The site is located on the southern edge of Newport, within the Parish of Chetwynd Aston & Woodcote; thus it is located in the rural area; however it is located directly adjacent to established housing at the southern end of Newport, and would also adjoin other new housing developments and employment sites proposed on the adjacent land, subject to the requisite consents and S106 agreements being signed. The site is located within the confines of the Newport bypass and is directly adjacent to the urban area. Having regard to the adjacent outline development on either side of the site, the proposed development will infill and complete the built-up area to the south of the Newport boundary to the A518 bypass. Furthermore, the site is located close to a range of services and facilities, on the edge of Newport District Centre. Therefore, whilst rural housing schemes should be limited in scale to meet local needs as set out in the Core Strategy; with regard to NPPF, the proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. The development would be well located in terms of employment and service provision. Accordingly, the site is considered to be sustainable and accessible and accords with the criteria in NPPF regarding housing in the rural area and the provision of affordable housing, and policy CS9 of the Core Strategy.

Local planning policies CS11 of the Core Strategy and OL6 of the Wrekin Local Plan seek to protect incidental open space from development where the land contributes to the character and amenity of the area. The NPPF does not stipulate that brownfield land must be developed before consideration of greenfield sites – in other words there is no “sequential preference” test requirement in favour of development of brownfield land. It was recognised by the Inspector following the Core Strategy examination that in order to deliver the required housing in Newport, development of some greenfield sites and incidental open space adjacent to existing built-up areas in Newport would be necessary.

The northern half of the application site is designated as urban land. The southern half is Grade 2 agricultural land, according to Natural England’s Agricultural Land Classification. The NPPF asserts that LPAs must weigh up the importance of agricultural land and whether it is appropriate to develop on valuable and versatile agricultural land. In this regard, Newport and the surrounding rural area to the south, east and west comprises a sufficient and very significant level of Grade 2 agricultural land, and the loss of this small area of agricultural land will not have a significant impact on the overall supply. Accordingly it is considered that the proposal will not adversely impact on the wider rural character and available agricultural land in the area.

Whilst it is noted that there have been a number of recent planning applications for residential development on adjacent land and at other sites in Newport, the LPA

cannot currently demonstrate that there is a sufficient supply of housing to meet the Borough's needs. With regard to policy CS1 of the Core Strategy, there is a need to build approx. 60 dwellings a year in Newport. There has been a shortfall of dwellings constructed and completed in Newport and the wider Borough over the Core Strategy plan period 2006 – 2013. It is acknowledged that land is coming forward as a result of permissions granted – but this does not necessarily mean that they are deliverable. Moreover, each developer has stressed that the larger housing schemes, including the adjacent outline application for 350 dwellings, will be phased over a period of years. Therefore the provision of housing and in particular affordable housing will not be delivered immediately and the shortfall will remain for some time.

By comparison to the adjoining proposal and other applications in Newport, the scale of this scheme for 51 dwellings is relatively modest and arguably, the proposed development can be delivered more quickly, thus helping to address the housing and affordable housing needs.

Some commentators argue that there have been cases of developers land-banking residential sites and not commencing these approvals. The LPA has approved residential developments in Newport and the Borough which have 3-year consents to be implemented. If a development does not commence within this period, there is no longer a straightforward mechanism for renewals, formally enabled by the Government; therefore a further application would have to be presented to the LPA for consideration and weighed up against the relevant policies.

Highways issues

The proposal involves a new access on to Station Road to serve the development, which is shown as a priority junction. The Highways Engineer has raised concern that this arrangement could prejudice and impact on the proposed residential and commercial developments opposite (TWC/2011/0871 and TWC/2011/0916), which are proposed to be served by a new three-arm roundabout. The Applicant has forwarded an indicative plan to demonstrate how they consider their application could link in with a fourth arm on to the roundabout. There is a land ownership issue, with the ownership of the area of land at the site entrance to the application site currently unknown. The Applicant has advertised the land in the local press and submitted the appropriate ownership Certificate and asserts that the use of this legal mechanism and/or by offering an alternative highway solution would be sufficient to address the Highways Engineer's concern. It should be noted that the adjacent developments do not yet have formal planning consents, only resolutions to grant at this stage. Accordingly, the development subject of this application could either operate as a standalone scheme and be served by a priority junction or accommodated within the roundabout design proposed along with other developments in the vicinity at a later stage, following reserved matters.

The Highways Engineer has raised no significant objection to the visibility splays of the proposed access, the internal road layout and parking arrangements, subject to slight amendments, which have been addressed in the amended site layout plan. Parking provision is considered acceptable, with one parking space per 2-bed unit and two parking spaces per 3-bed unit. The proposal therefore accords with policy H6 of the Wrekin Local Plan. Highways conditions will be required in relation to the

new access, internal road layout and parking, and these will be confirmed to Members at Committee.

In accordance with the requirement for a contribution for offsite highway works/ improvements to the existing highway infrastructure, which has been applied to other developments in Newport based on trip rates; the Highways Engineer has requested a financial contribution of £63,320.92. The Applicant has agreed to this contribution.

The diversion of the Right of Way will need a formal application under the Highways Act. The neighbour concerns regarding the meandering route of the footpath are noted; however the previous concerns raised by the Local Access Forum officer have been addressed with separate meetings between the Applicants and Local Access Forum. The revised comments state the diverted and landscaped route to be an enhancement. Clearly as a material planning consideration there is a commodious routing opportunity for the PROW and officers are satisfied that this matter has been sufficiently addressed through the planning process.

Scale, design, character and appearance

The LPA notes that the density of the site is higher than the established development in Station Court comprising large detached properties in sizeable plots, constructed in 1980s, and the adjoining cottages on Station Road. However, modern housing developments are generally of higher density, and the density and layout/ amenity space and parking standards are in keeping with the indicative layout submitted in respect of the adjacent outline housing developments subject of TWC/2011/0871.

The proposal comprises a good mix of house types, with terraced houses addressing the site entrance, and a pair of three-storey semi-detached properties as a focal building and viewed from the site entrance. The rest of the properties comprise a mix of 2-storey terraced rows, semi-detached and detached properties and three bungalows. The development at the site frontage will project closer to the highway than Lime Tree Cottage; however the dwellings follow a similar building line to Willow tree Cottage and Station Cottage. Planning permission would be subject to conditions requiring materials to be agreed.

The Applicant was asked to consider making a number of amendments to the design and layout of the development to meet the original concerns of the Urban Design Officer. Some amendments were made to include the 3-storey focal building, the reorientation of plots 18 to 24 to create more of a street scene and to integrate the Right of Way to the east of the site with soft landscaping. The resultant development is now considered acceptable in terms of the scale and design and will relate to the indicative layout proposed for TWC/2011/0871. Thus the proposal accords with design guidance in NPPF and policies CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

A number of objections make reference to a recent decision by the Secretary of State to refuse a housing development in Lancashire due to the harmful impact the design would have on the area, and that this was deemed unsustainable and contrary to NPPF. Officers would assert that each application is considered on its individual merits, and that the current proposal in Newport relates to other housing developments in the town, in terms of its scale and design quality. It is considered

that whilst the proposal will be more prominent than the existing development in Station Court; it will be viewed in the context of existing housing on Station Road and the proposed outline housing development on either side of the site. It forms a natural extension to the urban area, leading up to the Newport bypass. A condition regarding detailed landscaping design will be required, which will help to soften and screen the development along Station Road and the site boundaries.

The Council's Arboricultural Officer has put a Tree Preservation Order in place to protect the remaining Lime trees along Station Road. It is the Applicant's intention that only those trees at the site entrance will be removed, and the other Lime trees can be preserved in order to enhance the development and maintain this avenue of Lime trees into the town, thus preserving the character and appearance of the area, and meeting the aims of OL11 of Wrekin Local Plan. With regard to ecological impacts, the application seeks to retain hedgerows bounding the site and part of the hedgerow that extends through the site, which will be preserved and run adjacent to a section of the diverted Right of Way. The additional planting of tree/landscaping will also help in minimising the impacts of the development on biodiversity and preserve the natural environment, as required by NPPF and policy CS12 of the Core Strategy. All other matters raised by the Arboricultural Officer and Ecologist can be addressed by appropriate conditions and informatives.

With regard to the Habitat Regulations Assessment, the proposal is of a scale and a residential use that will not have a significant impact, either on its own or combined with adjacent developments, on the wider environment, including the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2, which is within 10km of the application site.

Impact on adjoining residential amenity

The Town Council and neighbour objections regarding the impact on residential amenity are noted. There is a significant difference in ground levels between the application site and the existing properties, and the proposal is orientated to the south of the existing properties. The Local Planning Authority does not have any adopted standards for separation distances; therefore cannot stipulate the distance between existing and proposed buildings. However, it is noted that the proposed development adjacent to the north site boundary has been designed with bungalows with roofs sloping away from the north boundary and side elevations with obscure glazed bathroom windows only, thus limiting the impact of the development on light and outlook to existing properties in Station Court.

Station Cottage is the nearest property to the application site with some 12 metres between the existing side elevation of Station Cottage and the blank side gable of the proposed development. Parking spaces are located on the site boundary; however indicative landscaping is shown on the plans, and the blank gables on the side elevations and only oblique views from the proposed front elevations at plots 45 and 46 will help to preserve privacy and will not lead to undue overlooking. Some of the hosiery types at the site entrance and adjacent to Station Cottage and the properties in Station Court are included within the Agenda for information. The separation distances between the proposed development and existing rear elevations of dwellings in Station Court of some 20 metres from the bungalows and some 30 metres from the 2-storey dwellings, taking into account the significant

ground level difference are considered sufficient. Greater detail regarding boundary treatments and landscaping and the buffer zone suggested by the Applicants to the residents of Station Court can be provided in a landscaping scheme.

The development can be controlled with a condition to remove permitted development rights to ensure that the bungalows and dwellings are not extended or additional windows added without prior consent. This will help to maintain privacy, light and separation distances between the existing and proposed development. Furthermore, concerns raised regarding the impacts of the construction phase – vehicle movements/ noise/dust and hours of working etc. can be addressed through the imposition of a Site Environmental Management Plan condition.

Drainage issues

There have been a number of concerns raised in relation to drainage and flood risk associated with the development and its impact on adjoining lower ground levels at adjacent properties. These concerns are noted. The Council's Drainage Engineer and Severn Trent Water have been consulted, and there are no objections to the proposal subject to appropriate conditions regarding drainage details. Accordingly the proposal complies with policy H6 of the Wrekin Local Plan.

Section 106 Contributions

The scale and nature of the proposed development requires contributions towards primary and secondary education, parks & open spaces and highways, as well as provision of a proportion of affordable housing, in order to accord with planning policies H22, LR6 of the Wrekin Local Plan and CS6 of the Core Strategy and in providing necessary community benefits.

The Applicant has agreed to provide £63,320.92 towards offsite highway infrastructure works, £114,228 (of which £67,333 towards primary education and £46,895 towards secondary education provision), £29,400 towards offsite play/recreation; (£600 based on 49 units of 2-bed and above) and a commuted sum towards maintenance to be agreed, depending if land is to be transferred to the Council; along with monitoring costs of 5% of total (£10,347.45).

The Affordable Housing provision of 17 units, of which 11 would be rented and 6 would be shared ownership dwellings equates to slightly under the required 35% affordable housing for development in Newport, as set out in CS6 of the Core Strategy. However, the Applicant sets out that the cost of an additional affordable dwelling as well as the cost of the required offsite sewer connections would impact on the viability of the scheme. On balance, officers have agreed the 33% affordable housing provision in this instance, and the provision of the other financial contributions towards highways, education and parks; and consider this is acceptable.

Other matters

Consultation comments from Sustainability regarding Code for Sustainable Homes, West Mercia Police regarding Secured by Design and Shropshire Fire Service guidance can be added as informatives.

The objections raised from Chetwynd Aston Parish and Newport Town Councils and local residents/ groups are noted. Whilst the Shaping Places document is currently being drafted, the LPA does not have a lack of planning policies, with the NPPF, Core Strategy and saved policies in the Wrekin Local Plan still being relevant in the consideration of the application. In this regard, and taking into account any other material considerations, officers consider the proposed development is acceptable. Planning decisions cannot be delayed until all appeals and decisions on other sites have been determined. The LPA cannot control when planning applications are submitted and must determine these in a timely manner. Officers would dispute the assertion that the Planning Committee cannot fully consider applications and make a decision that is different to the officer recommendation. However, officers consider that the proposal is acceptable in this location and in the amended design and form, and will not be unduly harmful to adjoining residential amenity, character, highway safety or the natural environment. Accordingly, officers consider the proposal complies with the relevant national and local planning policies and recommend the application for approval subject to financial contributions, affordable housing provision and appropriate conditions.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement to provide 11 affordable rented and 6 shared ownership dwellings, £63,320.92 towards offsite highway infrastructure works, £114,228 towards primary and secondary education provision, £29,400 towards offsite play and recreation and a commuted sum towards maintenance to be agreed, and monitoring costs; and the following conditions:

- A04 Time limit
- B11 Samples of materials and sample panel
- B49 Highways condition
- B61 Drainage details and greenfield runoff rates
- B64 Soakaway test
- B79 Written confirmation regarding drainage improvements by Severn Trent Water
- B121 Landscaping design
- B126 Landscape Management Plan
- B130 Trees – protective fencing
- B132 Trees – no dig method
- B145 Lighting plan
- B150 Site Environmental Management Plan
- C20 Highways condition
- C71 Trees – Soil levels
- C91 Works in accordance with Ecology survey
- C100 Bat and Bird boxes
- C38 Development in accordance with plans
- D01 Removal of Permitted Development Rights
- D03 Garages – restriction on residential use

Informatives

- I06 S106 Agreement
- I11 Highways

I22	Protected species
I32	Fire Authority
I35	Secured by Design
I35	Code for Sustainable Homes
I40	Conditions
I41	Reason for Grant of Permission