

TWC/2015/1105

Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire  
Outline application for the erection of 1no. dwelling and garage with all matters reserved

**APPLICANT**

BEVID Ltd

**RECEIVED**

09/12/2015

**PARISH**

Lilleshall

**WARD**

Church Aston and Lilleshall

**OFFICER** Marie Smyth

**OBJECTIONS RECEIVED: Yes**

**THE APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE AS IT IS A RE-SUBMISSION OF AN APPLICATION PREVIOUSLY REFUSED BY THE COMMITTEE**

**1. THE PROPOSAL**

1.1 The application seeks outline consent for the erection of one dwelling on land at the former builders' yard, Barrack Lane, Lilleshall. All matters relating to access, appearance, layout, scale and landscaping will be dealt with later at the reserved matters stage. The application is a resubmission of a previous refusal for three dwellings on the site (TWC/2015/0132). Officers recommended approval of this application but consent was refused by Members of the Planning Committee on 16<sup>th</sup> September 2015 for the following reason:

- The Local Planning Authority considers that the proposal is outside the settlements of High Ercall, Tibberton and Waters Upton where new development is to be focussed. The proposal would not be suitable infill development so would result in an unacceptable extension of the village into countryside. Furthermore the close proximity of New House Farm would have a harmful impact on the amenity of the occupiers of the proposed dwellings. Accordingly, the proposal is contrary to Core Strategy policies CS1, CS3, CS7, CS15 and Wrekin Local Plan saved policy UD2.

1.2 The indicative site layout of this revised proposal illustrates a single dwelling with an associated detached, double garage. The site will be accessed via an existing private road from Barrack Lane.

1.3 The application is accompanied by a Planning Statement, Phase 1 and 2 Environmental Survey, Odour and Pest Assessment, Acoustic Impact Assessment, Supplementary Assessment of Environmental Impact, Arboricultural Statement, Geo-Environmental Report and Mining Risk Assessment and a stability report declaration form. The application is also accompanied by a copy the Inspectors decision following a public inquiry into the refusal of outline consent for up to 54 dwellings at a site in Banbury. The

appeal was allowed and provides a consideration of the impact from odour, noise and insects.

## **2. SITE AND SURROUNDINGS**

- 2.1 Lilleshall is a village located within the rural area, 6km to the north of Telford and 3km to the south of Newport. The village has a primary school, church and sporting facilities, as well as access to a bus route. The site is located to the north of the village, close to the roundabout with the A518, accessible via Limekiln Lane. Residential properties in the area comprise a mix of two storey cottages, bungalows and more recent, large detached dwellings. These properties vary in appearance but most incorporate rural characteristics and features.
- 2.2 The site is bounded by New House Farm to the north, a dairy farm. The agricultural land associated with the farm abuts the east boundary of the application site, with further agricultural fields to the south. The east and south boundaries of the site are informally defined by fencing, barb wire, trees and plantings. Also adjacent to the east boundary is a public right of way (PRoW). A post and rail fence marks the west boundary with adjacent woodland, protected by a tree preservation order. Beyond this is the access and landscaped areas leading to and within the residential curtilage of Old Coppice Lodge, to the south west of the application site. There is also a further protected area of woodland to the north of the existing access. Both of these areas are former quarries. The proposed access to the site is taken from Barrack Lane to the west, the access track from this is within the ownership of and in use by New House Farm.
- 2.3 The triangular shaped site measures 0.49 hectares and is a former builders' yard. It has been used for commercial purposes since the 1960s with a certificate of lawful use for a builders' yard issued in 1981 (W81/0655). The application also suggests there has been a historical residential use, although there is no planning record of this. The site is not currently in active operation as a builders' yard but is still being used for storage of various building materials as well as metal storage sheds/units. The land has become scrub. The site is relatively flat with a raised bank to the east and south east corner. There are two large trees within the site, a Sycamore and an Ash.
- 2.4 The site has been the subject of previous applications for residential development. Outline permission was refused in 1981 (W80/0920) for the erection of three dwellings, and outline permission was again refused in 1997 (W95/0644) for the erection of one dwelling. This later application was appealed, although was dismissed on policy grounds. It is worth noting that the Inspector considered that the proposal would not materially impact upon the public footpath to the east of the site, nor was it considered that the proximity of the working farm was sufficient reason to justify refusal, noting that there were already dwellings in proximity to the farmstead. Most recently outline consent was refused for three dwellings (TWC/2015/0132) for the reason outlined above.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 TWC/2015/0132: Outline application for the erection of 3no. detached dwellings and detached double garages, with all matters reserved \*\*\*  
Amended plans and additional reports received \*\*\*. Outline refused  
24/09/2015
- 3.2 W2005/1533: Erection of a steel framed, steel clad storage shed. Full granted  
20/03/2006
- 3.3 W95/0644: Erection of 1 residential dwelling. Outline refused 27/09/1996.  
Appeal Dismissed 31/07/1997.
- 3.4 W81/0655: Established Use As Builders Yard (Application For Established  
Use Certificate Under Section 94 Of The Town And Country Planning Act  
1971). Sec 53 - Planning Permission Required 30/09/1981
- 3.5 W80/0920: Erection of three dwellings with alterations to existing vehicular  
and pedestrian access. Outline refused 26/01/1981

### **4. PLANNING POLICY CONTEXT**

- 4.1 National Guidance:  
National Planning Policy Framework
- 4.2 Wrekin Local Plan:  
H9 Location of New Housing  
H10 Scale of New Development  
UD2 Design Criteria  
OL6 Open Land
- 4.3 Core Strategy:  
CS1 Homes  
CS7 Rural Area  
CS9 Accessibility and Social Inclusion  
CS11 Open Space  
CS15 Urban Design
- 4.4 Telford & Wrekin Local Plan:  
SP3 Rural Area  
SP4 Presumption in favour of sustainable development  
HO10 Residential Development in the Rural Area  
BE 1 Design Criteria  
NE 1 Biodiversity and geodiversity  
NE7 Strategic Landscapes

### **5. SUMMARY OF CONSULTATION RESPONSES**

#### **Standard consultation responses**

- 5.1 Lilleshall Parish Council: Object

- A residential property in proximity to the dairy farm will have a serious impact on its ability to continue to farm in the future due to associated noise and smells.
- Sound level measurements are not representative of the activity during a typical day, which begins at 4am and ends at 9pm. There are no recordings at night, at the busiest times of year or during the autumn/winter months when the cattle are housed indoors next to the application site, which increases the noise and smell levels.
- The earth bund and fence along the eastern boundary will create an incongruous feature.
- There are a number of mining shafts on the site which could open up.
- Loss of natural habitat.

#### 5.2 Environmental Health: Support subject to conditions

Reiterate comments made at the time of the previous application. There is no objection to the conclusions of the submitted reports or to the method of assessment using worst case scenario assumptions and acoustic calculations. Therefore no objection to the application subject to conditions requiring mitigation measures in relation to odour and noise.

#### 5.3 Drainage: Support subject to conditions

Conditions requested requiring a scheme of foul and surface water drainage to be submitted for approval, to include details of soakaways, appropriate tests and their location. The location soakaways should be no less than 5m from any building or boundary and at a distance from any recorded mine entries/mine shafts to ensure their stability and integrity.

#### 5.4 Highways: Comment

No formal objection to the proposed development, in that the application site does not fall on part of the Adopted Highway Network.

#### 5.5 Ecology: Support subject to conditions

The application and the Phase 1 and Phase 2 Environmental Survey have been considered. The report concludes that there are no priority habitats present on the site and there is no evidence of badgers or reptiles. None of the trees on site have bat roosting potential, although there is potential for bats to be foraging in the wider environment. Conditions are requested to require the erection of artificial nesting/roosting boxes and details of a lighting plan. Informatives are also recommended relating to nesting wild birds and the disturbance of debris and rubble.

#### 5.6 Contaminated Land: Support subject to conditions

Reiterate comments as per the previous application, that the recommendations of the submitted reports to require an intrusive ground investigation should be conditioned.

#### 5.7 Parks & Open Spaces: Comment

There is a public footpath immediately adjacent to the site. A management plan for the proposed landscaping of hedgerow planting adjacent should be conditioned.

5.8 Arboricultural: Comment

Reiterate previous comments that the woodland to the west is subject to a preservation order and it is assumed that the majority of roots are within the development site. Conditions requested relating to the submission of landscaping design, a site specific tree protection plan and the design and specification of the 'no dig' access road.

5.9 Shropshire Council Archaeologist: Comment

The proposed development site lies in an area formerly occupied by a branch and terminus of the Donnington Wood Canal and immediately adjacent to the Lilleshall Limestone Workings. Archaeological are likely to survive below ground and therefore it is recommended that a programme of archaeological work be conditioned.

5.10 Telford and Wrekin Local Access Forum: Comment

There is a definitive PRow running just to the eastern boundary of the site. Any consent should state that this public right of way is not to be affected or obstructed in any way.

5.11 Shropshire Fire Service: No comment

**Neighbour consultation responses**

5.12 Following consultation 9 letters of objection and 2 with comments have been received from and on behalf of local residents. A number of the letters reiterate comments made at the time of the previous application and are summarised below:

- Access is a private narrow track with poor surfacing and no footpaths, not suitable for additional vehicle numbers.
- Poor visibility onto Barrack Lane. Increased traffic, dangerous to pedestrians and other road users.
- Access is used by cattle and large vehicles associated with the farm.
- The development will adversely affect the rural economy by having an immediate effect on the neighbouring dairy farm due to complaints from future occupants regarding the hours of work, traffic, smell, flies and noise.
- Noise and odour and pest report readings are not representative of the most intensive activity at the farm and should be taken at different times of the day/night and year. Also not in accordance with relevant guidelines.
- Movements associated with the feeding of silage and removal of slurry during the autumn and winter months is significantly greater than the report suggests.
- Limit future expansion of business
- The site is outside of the village boundary, therefore in the open countryside and contrary to policy.
- Insufficient drainage and soakaway details.
- Land is contaminated.
- The site was not under filled in the 1980s, therefore risk that digging foundations will open up old mineshafts.
- The site has significant archaeological value and should not be disturbed.

- Loss of wildlife habitat and artificial lighting will affect bats.
- Impact on the public right of way.
- Lilleshall has had enough development, no benefit to the village.
- Out of character with the small rural village and linear development along Barrack Lane.
- The site has not been used as a builders' yard for some time.
- The earth bund and fence on top along the eastern boundary will create an incongruous feature.

5.13 The following, non-material matters have also been raised:

- Applicant does not own access

## 6. PLANNING CONSIDERATIONS

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

- Principle of development
- Character and appearance
- Relationship with the adjacent farm
- Impact on living conditions of neighbouring properties
- Access and public right of way
- Ground conditions
- Archaeology
- Ecology
- Trees
- Drainage

### **Principle of development**

6.2 The previous application was recommended for approval by officers although it was refused at the Planning Committee by Members. The refusal reason stated that the site was outside the settlements of High Ercall, Tibberton and Waters Upton where new development is to be focussed. The proposal would also not be suitable infill development so would result in an unacceptable extension of the village into countryside. Accordingly it was considered to be contrary to the Core Strategy (CS) policies CS1, CS3, CS7 and CS15 and Wrekin Local Plan (WLP) saved policy UD2.

6.3 The supporting statement accompanying the application considers that the site is within the confines of Lilleshall, a sustainable and suitable settlement. The development will remove a 'potentially bad neighbour commercial use'. The statement concludes that the proposal is therefore in accordance with the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development and also the most up to date policies within the Telford and Wrekin Local Plan (TWLP).

6.4 Telford and Wrekin Council now has in excess of a 10 year housing land supply (*Telford and Wrekin Five Year Housing Land Supply Statement 2014-*

2019). This position has previously been considered by an Inspector at an appeal in Tibberton to be credible, up to date and that it presents 'a cogent argument that it [the council] can currently demonstrate a five year housing land supply'. This is therefore sufficient to demonstrate that, in accordance with paragraph 49 of the NPPF, the council's housing land supply policies are up to date and that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

- 6.5 The relevant development plan policies to consider are Core Strategy policy CS7 and Wrekin local Plan 'saved' policies H9 and H10. Policy CS7 states that within the rural area residential development will be focussed on the three settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited and within the countryside will be strictly controlled. Directing development to these three rural settlements, that offer rural residents a number of key local services and facilities, should help sustain rural communities. By focussing housing, employment, and service and facility development within these settlements, a pattern of development should be created that maximises the accessibility of services and facilities to rural residents, whilst reducing the need to travel by car and enhancing local identity and character.
- 6.6 Policy H9 of the WLP is older and less strategic than policy CS7. However, it lists Lilleshall as a suitable settlement. Policy H10 goes on to state at a) that development will be permitted where it involves one or two dwellings on a suitable infill plot, and at b) that the site does not cause the loss of an important area of open space, nor cause an extension of the village into open countryside.
- 6.7 Since the previous application was refused, the Council published in February this year the Telford and Wrekin Local Plan (Publication Version). In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as the plan has been written to be consistent with the NPPF and is in an advanced stage of publication, and therefore is a material consideration. Policy HO 10 relating to residential development within the rural area identifies two additional settlements, Lilleshall and Edgmond, to the three already identified by the CS. The policy states that "a limited amount of infill development" in the five settlements will be supported.
- 6.8 Officers therefore consider that, while Lilleshall is not named as a suitable settlement within the CS, it is identified again in the WLP and within the most recent local policy of the TWLP. This endorses officers' previous recommendation to approve. The village has a school, village hall and sports facilities, as well as a bus services providing links to other services. This would be in accordance with the social inclusion aims of policy CS9 of the CS and policy SP 3 of the TWLP which states that development in the rural area should be directed to settlements with good infrastructure. Officers consider that this would address the first part of the refusal reason put forward by Members that the site is outside the identified suitable settlements.

- 6.9 The second element of the refusal reason suggested by Members stated that the site would not be suitable infill development so would result in an unacceptable extension of the village into the countryside. Officers have carefully considered this but remain of the opinion, as per the recommendation for the previous application, that the site is acceptable for limited development. Officers consider that the site is clearly defined and separate from the adjacent agricultural land and countryside beyond by its commercial use, boundary treatments and the position of the PRow to the east. It is well screened and is located on the edge of the village with adjacent built development to the north, south west and west. It is therefore considered that the site relates to the village and does not form an extension into open countryside, as outlined by policy H10 of the WLP, and is not an isolated site within the open countryside. Given its small scale (one dwelling) it is considered that the development in this location will not cause significant harm to the village.
- 6.10 Furthermore officers consider that the site will not result in the loss of agricultural land as the site has a previous commercial use, used formerly as a builders' yard. Although it is not in active use at present the site is untidy and there are metal storage containers/sheds, building materials and rubbish present. The proposal for a small scale residential development, for a single dwelling, would therefore be preferable and would improve the appearance of the site. Supporting the application would be in accordance with the NPPF. Given the site's commercial use it would also not be considered as open space protected by policy OL6 of the WLP or CS11 of the CS. Furthermore the development of this previously commercial site, which is contained and given to scrubland, would not cause a detrimental change to the quality of the strategic landscape around Lilleshall, in accordance with TWLP policy NE7.
- 6.11 Officers therefore remain of the opinion that the proposal would be a suitable development of this commercial site which is in a sustainable location and would not represent an extension into open countryside. Supporting the development would be in accordance with the most recent policies SP 3 and HO10 of the TWLP and in accordance with the NPPF's presumption in favour of sustainable development.

#### **Character and appearance**

- 6.12 The detailed design of the dwelling will be considered at the later, reserved matters stage although the indicative layout submitted demonstrates the position of a large detached dwelling with a detached double garage. The Parish Council and objectors have raised concerns that the proposal would be out of character with the village and that the proposed 1m high earth bund with 2m high fencing above would have an unacceptable visual impact.
- 6.13 Officers are satisfied that the site can adequately accommodate a dwelling, with the appropriate levels of parking and garden land, which would not be unacceptable within the context of the varied character of the surrounding area. It is therefore considered that an appropriately designed scheme would enhance the quality of the local environment and would be preferable to the current state of the site. The detail of the appearance, layout and scale would

be considered fully at the reserved matters stage against the requirements of policy UD2 of the WLP, CS15 of the CS and BE 1 of the TWLP. Details of landscaping and boundary treatments, including any necessary acoustic fencing and bunds, would also be considered at this stage. There is no objection in principle, however, to the proposed earth bund and fencing, as the position of which and landscaping to limit the impact can be controlled.

#### **Relationship with adjacent farm use**

- 6.14 The Parish Council and neighbours, in particular the owner of the neighbouring farm, have again raised issue with the potential impact of noise, odour and flies on the proposed dwelling. There is concern that the noise and odour assessments are not representative of the activity at the farm and complaints from future residents may affect the farm's operation and ability to expand.
- 6.15 In addition to the submitted Odour and Pest Assessment and Acoustic Impact Assessment the applicant's Environmental and Acoustic consultant has submitted a supplementary note. This addresses the refusal reason, provides further clarification on the 'worst case scenario' observations and provides calculations for acoustic impacts of the revised layout. The statement also advises that the mechanisms for assessing the odour and noise impacts are in accordance with relevant guidelines and have been agreed by the Council's Environmental Health (EH) officers.
- 6.16 With regard to odour and pests the applicant's consultant considers that the conclusions of the report submitted with the previous application for three dwellings, based on observations undertaken in summer 2015, remain valid for the revised proposal and no additional observations have therefore been undertaken. The original observations were carried out on 5 separate occasions during warm sunny weather. Some of the observations were made whilst wind directions were blowing towards the site from the potential sources. From the observations, using the impact assessment criteria agreed with the council, the odour and pest report indicated that neither odour nor insects were likely to have an adverse impact at a distance of 20m from the potential sources. Increasing this distance to 35m with the revised layout for a single dwelling will further reduce the likelihood of any residual odour causing concern.
- 6.17 The separation of the dwelling from the farm together with a densely planted buffer zone are considered to be sufficient to reduce transient odours to a negligible level. The odour report also notes that odour problems only have the potential to affect the proposed dwelling less than 10% of the time as prevailing wind directions take any odours generated into open fields. With a condition requiring a scheme of odour mitigation control measures to be submitted as part of the reserved matters application EH officers continue to raise no objections to the application in respect of odour or pests, despite Members previous concerns.
- 6.18 In respect of noise objectors have raised particular concern regarding the method for collecting measurements; specifically that the applicant's Acoustic

Survey was not carried out at the worst time when the cows were indoors and that the number of visits and the times did not fully characterise the potential impact. The supporting statement advises that the assessment was carried out using overestimates. These include the assumption that all plant and machinery at the farm would operate simultaneously, two pumps would be working continuously at around 80 decibels (a level approximating to that of a noisy factory) and that there would be 100 impulsive noises per hour (crashes and bangs) at around 100 decibels (approximate to the level of a pneumatic hammer). The report concludes that 'none of the sounds assessed produce an unacceptable impact without additional mitigation. Additional mitigation therefore simply improves the acoustic environment, making the development more acceptable in acoustic terms (based on worst case)'. EH officers are satisfied that the impact has been appropriately calculated using 'worst case' scenario assumptions and acoustic calculations, rather than actual measured results from the short term monitoring events.

- 6.19 The noise report finally concludes that 'subject to mitigation measures specified and orientation and layout and the presence of a suitably located barrier there would be negligible impact'. With a condition requiring a scheme of mitigation measures to be submitted and agreed at the reserved matters stage EH officers remain satisfied that any noise impacts from the adjacent farm will not be significantly harmful to future occupants the dwelling and raise no objection.
- 6.20 It is worth noting that the Inspector at the previous appeal in 1997 dismissed all notions that the neighbouring farm complex was an impediment to the development as a result of noise or smells. While this was some time ago in 1997 it was considered that the site was of sufficient size to enable the siting of the dwellings a sufficient distance away to ensure that the potential for nuisance was not an issue. Notwithstanding this, the current proposal and the submitted reports and statement have been carefully considered by EH officers, and no objection has been raised in relation to noise, pests and odour subject to the suggested conditions.

#### **Impact on living conditions of neighbouring properties**

- 6.21 The illustrative layout indicates that the proposed dwelling would be over 60m from the nearest residential property. The site is separated from the residential curtilage of Old Coppice Lodge to the west by woodland. Officers are satisfied that a suitably designed dwelling can be achieved at reserved matters stage such that the proposal would not have a detrimental effect on the residential amenities of neighbouring properties.

#### **Access and Public Right of Way**

- 6.22 Although the matter of access is not being considered at this outline stage the indicative site layout shows that this will be taken from Barrack Lane, along a single track to the north, owned and used by New House Farm. The access then separates off to the south forming a private drive within the application boundary. It is proposed to improve the existing single track drive into the site with a permeable surface to serve the proposed property. Objections have been raised by neighbouring properties to the access, stating that the track is

narrow with poor surfacing and no footpaths. It is also considered by objectors that the access is not suitable for additional vehicle numbers, particularly given the poor visibility onto Barrack Lane which would be dangerous to pedestrians and other road users.

- 6.23 The former use of the site was as a builders' yard, and although this is not in active use at present, it historically had the potential to generate unrestricted vehicle movements. Considering this, and that the development is for a single dwelling situated a fair distance from the adopted highway, no objections have been raised in principle by the council's highways officers.
- 6.24 The PRow, which runs along the eastern boundary of the site, will not be affected by the proposal. The Parks and Open Spaces (POS) officer has advised that the proposed landscaping of hedgerow planting within the development and acting as the boundary is immediately to the side of the footpath. A condition is therefore recommended to request a landscape management plan. The Telford and Wrekin Local Access Forum has commented that the PRow should not be obstructed in any way. An informative will accordingly be applied to advise the applicant of this.
- 6.25 Officers therefore consider that the access and parking arrangements are acceptable, and that the PRow will not be affected by the proposal.

#### **Ground conditions**

- 6.26 A phase 1 Geo-environmental report has been submitted with the application which identifies potential ground conditions and land contamination. Objectors have raised concerns regarding contamination and ground stability.
- 6.27 The report concludes that previous site uses have included agricultural, residential, a builders' yard and most recently for storage of building materials and equipment. The report recommends that an intrusive ground investigation should be carried out prior to detailed design and re-development of the site to allow final design of foundations, assess requirements for mine stabilisation and drainage measures, and to allow more detailed risk assessments to be undertaken with respect to potential ground contamination and ground gas. Subject to the potential need for precautions and mitigation the initial assessment has shown no reason why the site could not be safely developed.
- 6.28 The Council's Contaminated Land officer has reiterated the comments made at the time of the previous application, recommending a condition regarding further investigations. Conditions will accordingly be applied to any permission requiring investigations in respect of ground conditions and land contamination.

#### **Archaeology**

- 6.29 Objectors have raised concern regarding the impact on archaeology at the site. Shropshire Council's archaeologist has commented that the proposed development site lies in an area formerly occupied by a branch and terminus of the Donnington Wood and immediately adjacent to the Lilleshall Limestone Workings. The branch of the Donnington Wood Canal connected the

limestone quarries, mines, and kilns at Lilleshall to the Lilleshall Ironworks and the Lodge Furnaces at Donnington Wood. The branch was closed in 1873. Nevertheless, archaeological remains associated with the canal and possible wharfages are likely to survive below ground. The proposed development may therefore impact on archaeological remains associated with the canal and wharfages. In view of this it is recommended that a programme of archaeological work be conditioned.

### **Ecology**

- 6.30 The submitted Phase 1 and Phase 2 Environmental Survey has been considered by the council's ecologist. The report concludes that there are no priority habitats present on the site and there is no evidence of badgers or reptiles. None of the trees on site have bat roosting potential, although there is potential for bats to be foraging in the wider environment. The council's ecologist has raised no issue with these conclusions and is in support of the application subject to conditions requiring the erection of artificial nesting/roosting boxes and details of a lighting plan. Informatives are also recommended relating to nesting wild birds and the disturbance of debris and rubble.
- 6.31 The previous application was considered under the Habitats Regulations Assessment process as the site is within 10km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. The council's ecologist has advised that, as previous development for more dwellings was assessed and considered acceptable, it is not necessary for this to be repeated for this application.

### **Trees**

- 6.32 A tree survey and report have been submitted as part of the application, which has been assessed by the council's Arboricultural officer. He has commented that the adjacent woodland to the east and to the north of the access road is protected by a preservation order and there is the potential for the development to impact on the roots. Conditions are therefore requested which will require the submission of a landscaping design, a site specific tree protection plan and the design and specification of the 'no dig' access road.

### **Drainage**

- 6.33 It is proposed that the foul water will be discharged to septic tanks, or possibly a package treatment facility and the outfall, along with all the surface water will be discharged to soakaways. Notwithstanding the concerns from objectors the Council's drainage officers have responded in support of the application subject to conditions requiring a scheme of foul and surface water drainage. The scheme will be required to include details of soakaways and tests to be submitted for approval, as well as the location of the soakaways being no less than 5m from any building or boundary and at a distance from any recorded mine entries/mine shafts to ensure their stability and integrity.

### **Other matters**

- 6.34 An issue has been raised during the consultation process relating to ownership of the access track. The relevant certificate of ownership has been

submitted with the application and notice has been served on the owners, and also placed in the Newport Advertiser. Officers are satisfied that the correct procedures have been followed in this respect and any future matters relating to access or the undertaking of works would be a private matter. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

## 7. CONCLUSIONS

- 7.1 While Lilleshall is not identified within the Core Strategy as a suitable settlement it is identified in the Wrekin Local Plan and again within the Telford and Wrekin Local Plan as a suitable settlement, where limited amounts of housing will be supported. The commercial site is clearly defined from the adjacent agricultural land by its use, the existing boundary treatment and position of the PRoW to the east. The site is therefore considered to be a contained and confined parcel of land on the edge of the village and not an encroachment into the open countryside. There will be no loss of agricultural land nor will the proposal cause a detrimental change to the quality of the strategic landscape around Lilleshall. The development of the site with this small scale proposal for a single dwelling would also be preferable to the current state, reusing land previously used for commercial purposes. The technical information submitted relating to noise and odour have demonstrated to the satisfaction of EH officers that the operation of the neighbouring farm, with appropriate mitigation measures incorporated within the development, would not have an adverse impact on the living conditions of future occupants from noise, odour or pests.
- 7.2 Officers are satisfied that an appropriately designed dwelling can be achieved at the reserved matters stage so as not to adversely impact on the character and appearance of the area or the residential amenities of neighbouring properties. Matters relating to access, drainage, ground conditions, ecology, trees and archaeology are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. The development would therefore be in accordance with Wrekin Local Plan policies H9, H10, OL6 and UD2, Core Strategy policies CS9 and CS15, Telford and Wrekin Local Plan policies SP3, HO10 and BE1 and the National Planning Policy Framework.

## 8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is to **GRANT OUTLINE PLANNING PERMISSION** subject to the following conditions:
1. A01 Time limit outline
  2. A03 Time limit- Submission of Reserved Matters
  3. B001 Standard Outline- all matters reserved
  4. B003 General details required
  5. B011 Samples of materials
  6. B057 Land Contamination
  7. B059 Ground investigations

8. B061 Foul and surface water
9. B084 Noise mitigation
10. B089 Odour and pest mitigation
11. B110 HE- Programme of archaeological work
12. B121 Landscape Design
13. B126 Landscape management plan for east boundary treatment
14. B130 Trees- protective fencing
15. B132 Trees- no dig method
16. B145 Lighting strategy
17. B149 Erection of artificial nesting/roosting boxes
18. C040 No approval of layout

#### Informatives

- I17 Minerals area
- I18 Landfill Gases
- I25m Nesting birds (vegetation)
- I35 Disturbance of debris and rubble
- I35 No obstruction of Public Right of Way
- 140 Conditions
- 144 Reasons for outline consent
- RANPPF1 Approval- National Planning Policy Framework