

TWC/2016/0568

Land East & South of, 74 - 86 (even) Wellington Road, Muxton, Telford, Shropshire  
Outline application for residential development of up to 150 dwellings and associated access, with all other matters reserved

**APPLICANT**

Seabridge Developments Limited

**RECEIVED**

23/06/2016

**PARISH**

Donnington and Muxton

**WARD**

Muxton

**OFFICER** Kate Stephens

**OBJECTIONS RECEIVED:** Yes

**DONNINGTON AND MUXTON PARISH COUNCIL HAVE REQUESTED THE APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE**

**INTRODUCTION**

An outline planning application for the erection of up to 150 dwellings was submitted to the council on 23 June 2016, and registered on 30 June. The Council requested an extension of time to determine the application, but the applicant (now the appellant) did not agree to an extension of time and instead submitted an appeal against non-determination.

The proposal will now be considered and determined by the Planning Inspectorate at a Public Inquiry to commence on 6<sup>th</sup> June 2017.

The purpose of this report is for Members of the Planning Committee to endorse what reasons for refusal would have been had the local planning authority determined the application, as those reasons will form the basis for the Council's case at the Public Inquiry.

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**1. THE PROPOSAL**

- 1.1 This is an outline proposal for residential development on a 6.95 hectare site for up to 150 dwellings (with 25% affordable housing) and public open space and formation of a new access onto Wellington Road. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent approval.
- 1.2 Illustrative documents have been received to inform the application but the actual detail of the scheme would be dealt with in a reserved matters application should the Inspector be minded to grant the appeal. An illustrative masterplan was submitted in support of the application that seeks to demonstrate how the quantity of development proposed could fit on the site. The dwellings are proposed on 4.6 hectares of the site, offering a density of about 33 dwellings per hectare. Approximately 2.1 hectares of the site would

be given to green infrastructure comprising landscaped public open space, a children's Local Equipped Play Area (LEAP), sustainable urban drainage and attenuating ponds, a foul pumping station and culverting of the brook under the proposed new road.

- 1.3 Access to the site will be via the formation of a new access onto Wellington Road to the north east of the main site. The illustrative masterplan indicates three dwellings fronting onto Wellington Road, but accessed off a short drive off the new access road and a further three dwellings fronting the new access road, before the access road then progresses south west into the main body of the site where the majority of the houses are proposed.
- 1.4 Pedestrian/cycle links are shown leading from the site to the two cul du sacs Nelson Way and Merrington Road. There is also an existing private field track leading off Wellington Road to the northern edge of the site. And from the site's western corner there is a private drive past a couple of houses onto Muxton Lane.
- 1.5 The proposal was subject to an Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The LPA have deemed the proposal to be a Schedule 2 10(b) "urban development project" development. The Local Planning Authority undertook an assessment and concluded there is no need for the proposal to be subject to Environmental Impact Assessment (EIA).
- 1.6 The applicant has submitted the following supporting documentation:-
  - Site Location Plan (dwg CSA/2352/118)
  - Illustrative masterplan (dwg CSA/2352/111)
  - Access arrangements (dwg. T0129-02 Rev D)
  - Topographical Survey
  - Planning Statement
  - Design and Access Statement (DAS)
  - Landscape & Visual Assessment (with Illustrative Landscape Strategy plan dwg CSA/2352/112)
  - Transport Assessment
  - Travel Plan
  - Ecological Impact Assessment (Phase 1 and Phase 2)
  - Agricultural Land Classification Report
  - Phase 1 (desk-top) Geo-environmental Assessment
  - Flood Risk Assessment (with outline drainage strategy)
  - Desk-based Archaeological Assessment & Heritage Impact Assessment

## **2. SITE AND SURROUNDINGS**

- 2.1 The 6.95 hectare site is located towards the east of the borough, approximately 5.5 miles (9 km) from Telford town centre. The site lies outside but contiguous with the built up boundary of Telford, as defined on the Wrekin

Local Plan Proposals Map, and so lies in the rural area. The proposed new access point will be beyond the last houses on Wellington Road. Beyond the eastern site boundary, gently undulating agricultural fields separate Muxton from the village of Lilleshall with its prominent hill and hilltop monument to the Duke of Sutherland.

- 2.2 The site slopes down towards the east, but is generally level. The site comprises several fields and paddocks of grade 2/3A agricultural arable land defined as “best and most versatile”. The largest field is in the centre, proposed for the majority of the housing, with two smaller paddocks at the western half that back onto houses along Muxton Lane. Part of a much larger field to the east is proposed for the access and approach road. There is a mature oak tree in the field towards the south eastern part of the site - this is shown as remaining on the illustrative masterplan. A Tree Preservation Order is on a tree on the site’s most eastern boundary and this is shown remaining. The internal field boundaries are defined by a network of predominantly hawthorn hedgerows.
- 2.3 The northern boundary of the site backs onto existing housing development along Wellington Road and cul du sacs Nelson Way and Merrington Road (off Sutherland Drive). The western boundary adjoins a new row of detached dwellings accessed off Muxton Lane. The eastern and southern site boundaries are delineated by mature hedgerow with some mature trees and a stream runs through the hedgerow along the eastern boundary. The far north eastern part of the site extends beyond the stream and hedgerow into the adjacent field - this area will take the new road to be formed off Wellington Road.
- 2.4 There are no Public Rights of Way (PRoW) across or around the site although a PRoW extends from the eastern edge of Muxton to Lilyhurst Road that passes approximately 150 m to the east of the site at its closest point. A private track off Muxton Lane serves a couple of dwellings and leads to the corner and gate of the most westerly paddock. This track is not public, although the appellant refers to it as a means of pedestrian access. There is evidence of informal use or a cut through to this private drive from the hedge that runs along the end of Merrington Road cul du sac. Another field track and field gate lead from the northern edge of the site on to Wellington Road, but this is not public. There are convenience shops, bus stops, primary school and doctor’s surgery in the general vicinity of the site.
- 2.5 The site does not have any statutory landscape or wildlife designation. The access road and associated 6 dwellings are located within the *Lilleshall Village* Strategic Landscape, which is being proposed through the emerging Telford & Wrekin Local Plan. Muxton Marsh Site of Special Scientific Interest (SSSI) is situated approximately 0.7kms to the southwest and Shropshire Granville Country Park Local Nature Reserve (LNR) is situated approximately 0.5km to the southwest and includes some of Muxton Marsh SSSI. Lilleshall Abbey Scheduled Ancient Monument is located approximately 1.5 km to the east, and the Lilleshall Hall Registered Park and Garden is located to the east of the Abbey. There are some 15 listed buildings within 1km radius of the site

which include in Lilleshall. The nearest listed buildings are Honnington Grange approx. 450m to the east along Wellington Road, Nos 44 and 45 Muxton Lane and Muxton House all on Muxton Lane a similar distance to the west.

### 3. RELEVANT PLANNING HISTORY

- 3.1 W96/0885 Extraction of coal and clay by open cast methods to create an enhanced landscape with areas of woodland, amenity lake and agriculture.
- 3.2 W94/0218: Extraction of coal and clay by open cast methods to create an enhanced landscape with areas of woodland, amenity lake and agriculture: Withdrawn 22/9/95.

### 4. PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent national guidance.
- 4.2 Core Strategy policies
  - CS1: Homes
  - CS3: Telford
  - CS6: Newport
  - CS7: Rural Area
  - CS9: Accessibility and Social Inclusion
  - CS11: Open Space
  - CS12: Natural Environment
  - CS13: Environmental Resources
  - CS15: Urban Design
- 4.3 Saved Wrekin Local Plan policies
  - UD2: Design Criteria
  - UD4: Landscape Design
  - H9: Location of New Housing
  - H10: Scale of Development
  - H23: Affordable Housing
  - OL6: Open Land
  - OL11: Woodland and Trees
  - OL12: Open Land and Landscape – contributions from new development
  - OL13: Maintenance of Open Space
  - LR6: Developers contributions to outdoor recreational open space provision within residential developments
  - T4: Development Principles
  - T22: Planning Obligations

#### 4.4 Telford & Wrekin Local Plan (Publication Version)

4.5 The Telford & Wrekin Local Plan (TWLP) has been submitted for independent examination, with the Examination in Public taking place between 30 January and 10 February 2017. Paragraph 216 of the NPPF advises that from the day of publication, decision takers may give weight to relevant policies in emerging plans according to:-

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

4.6 Given that the plan has been published and the public hearings associated with the Examination in Public have closed, it can be considered to be at a fairly advanced stage of preparation. Furthermore, the TWLP has been prepared on the basis of up-to-date evidence and the Council consider the policies contained in it to be sound and consistent with the guidance provided in the NPPF. The Inspector's decision is due in mid-April 2017.

4.7 The relevant policies are:-

- SP1: Telford
- SP3: Rural Area
- SP4: Presumption in favour of sustainable development
- HO1: Housing requirement
- HO2: Housing site allocations
- HO5: Affordable housing thresholds and percentages
- HO10: Residential development in the rural area
- NE1: Biodiversity and geodiversity
- NE2: Trees, hedgerows and woodlands
- NE3: Existing public open space
- NE4: Provision of public open space
- NE5: Management and maintenance of public open space
- NE6: Green Network
- NE7: Strategic Landscapes
- C1: Promoting alternatives to the car
- C3: Impact of development on highways
- C4: Design of roads and streets
- BE1: Design Criteria
- BE8: Archaeology and scheduled ancient monuments
- ER2: Mineral Safeguarding
- ER12: Flood Risk Management

## 5. SUMMARY OF CONSULTATION RESPONSES

### **Donnington and Muxton Parish Council - Object**

- Policy - contrary to Adopted Core Strategy Policy CS7, the Wrekin Local Plan policies H6, H9 and H10, Telford & Wrekin Council Minerals Local Plan M29, Telford & Wrekin Council Mineral Safeguarding Policy ER2 and National

Planning Policy Framework Chapter 9 – Protecting Green Belt Land s79 and s80.

- Drainage – Flooding already occurs at this location of Wellington Road, Muxton and this proposed development will only exacerbate the problem. The stream that runs through the proposed site becomes considerably bigger and faster flowing during inclement weather.
- Infrastructure – there will be increased pressure on local infrastructure i.e. schools, doctors, dentists etc which are already oversubscribed.
- Ecology – Approximately 100m of well-established hedgerow will be destroyed if this application proceeds as well as a considerable amount of wildlife habitat.
- Transport/traffic – Wellington Road, Muxton is already extremely busy at peak times with many vehicles using this route to avoid the congestion at the Clock tower Roundabout on the A518. The proposed application will only increase the volume of traffic which is already at an unacceptable level. Actual traffic speeds on the Wellington Road at the proposed entrance point are high (irrespective of speed limits and visibility splays) and vehicles exiting right from the site will be vulnerable as will pedestrians crossing to the single pavement. The Parish Council is currently in negotiations with Telford & Wrekin Council to introduce traffic calming measures along Wellington Road, Muxton such is the problem.
- The Parish Council wishes to “call in” this application.

#### **Lilleshall Parish Council - Object**

- (i) The houses are unnecessary as they exceed of the requirements of Policy HO1 of the Telford & Wrekin Local Plan.
- (ii) The development represents an urban extension into the rural area. This extension is over and above that covered in Policy HO2 of the Telford & Wrekin Local Plan, and therefore represents further erosion of the rural landscape within the parishes of Muxton and Lilleshall.
- (iii) The 6.5m access road falls within the designated Lilleshall Strategic Landscape Area; a designation that is fully supported by the Lilleshall Parish Council. The new road and associated construction would result in a serious impact upon the local landscape, and is therefore contrary to Policy NE 7 of the Local Plan.
- (iv) The siting for the junction between the proposed access road and the existing Wellington Road is badly located at a point of restricted visibility. Any works necessary provide an adequate visibility splay will require removal of the established hedgerows and a number of trees. The works will also require road widening, carriageway re-construction and drainage works, as well as substantial earthworks to reduce existing ground levels within the Strategic Landscape Area.
- (v) Inspection of maps produced by the British Geological Society showing Mineral Safeguarding Areas for Telford and Shropshire indicates that this site covers a safeguarded area. Consequently the application should be rejected as it fails to comply with the current Local Plan Policy ER2 as well as all other mineral safeguarding policies within preceding planning policy documents including Shaping Places.

The Parish Council trusts that Telford and Wrekin Council will reject this application

### **Shropshire Council Archaeology - Object**

- The relevant historic environment record in this instance is the Shropshire Council Historic Environment Record, but this does not appear to have been consulted by the applicant's archaeological consultant.
- The Desk-Based Archaeological Assessment and Heritage Impact Assessment submitted with this application does not define the study area(s) assessed for Designated and Non-designated Heritage Assets, and does not appear to include a number of Grade II Listed Buildings in Honnington/Lilleshall, all within 1km of the site boundary or correctly indicate distance away of Scheduled Ancient Monument of Lilleshall Abbey.
- **Following receipt of further information**, still recommend that an archaeological field evaluation of the application site be undertaken prior to the planning application being determined.

**In response to the appeal being lodged**, still want archaeological field evaluation of the application site to be undertaken prior to the planning application being determined. But if the Inspector chooses to grant consent, then recommend condition requiring a programme of archaeological work.

### **Shropshire Fire Service - No comment**

### **Police Place Partnership - summarised below (full 148 pages on file)**

- Crime and community safety are a planning consideration.
- National and local funding continues to cover salaries and maintenance costs, but there is insufficient funding to provide infrastructures to support the new development and predicated increase in crime.
- Need financial contributions to mitigate against additional impacts of development as existing Police infrastructures do not have the capacity to meet these and Police do not have funding ability to respond to growth.
- Request £25,609 comprising:-
  - £4,038 for equipping staff (radios, uniforms)
  - £2,772 for police vehicles
  - £18,799 for premises to accommodate staff.

### **West Mercia Police**

- Do not wish to formally object to the proposal at this time. However, 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, request that a condition is imposed that the applicant aim to achieve the Secured By Design (SBD) award status for this development, and detailed advice on how to achieve this.
- Advise the Council of its duty to prevent crime and disorder in its area".
- If approved, also recommend efforts to prevent crime should be considered during the building phase.

### **The Coal Authority**

- The planning application **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.
- There is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### **National Grid - initial concerns, but none now**

- The National Grid apparatus that has been identified as being in the vicinity of the site is: High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment; Low or Medium pressure (below 2 bar) gas pipes and associated equipment. As a result it is highly likely that there are gas services and associated apparatus in the vicinity.
- As the proposal is in proximity to National Grid's apparatus, we have referred the enquiry / consultation to the Gas Distribution Pipelines Team.
- This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus.
- *WM3001*, National Grid Distribution High Pressure Pipeline, is part of the transportation system and operates at a Pressure of *69bar*, is laid subject to easements and is cathodically protected by an impressed current system.
- The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within *77 metres* Building Proximity Distance of the proven pipeline position and with an approximate standard easement width of *24.4 metres*.
- Furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require and the land use planning document, (PADHI).
  
- The National Grid have since confirmed that the site is far enough away and the they have no concerns.

### **Health & Safety Executive**

- The proposed development site currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline;
- HSE needs to be consulted on any developments on this site.
- You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

### **TWC Drainage - Support subject to conditions**

- No objection to principle, but in working up any detailed scheme the following need to be taken into account:-
  - Development should continue in line with the principles established in the FRA.

- The developer has submitted an FRA and undertaken flood modelling for the watercourse crossing the site to determine the extent of Flood Zones 2 and 3 within the site.
- The developer will need to ensure that all property curtilages are located outside Flood Zone 2.
- The Drainage Strategy does not currently include access to the watercourse for maintenance; access to the watercourse for maintenance will need to be provided, including a 3m easement from the top of bank for any structures, fences etc.
- A detailed design for the development highway where it crosses the watercourse will need to be provided, demonstrating that the proposed crossing does not impede flood flows along the watercourse.
- The drainage layout shows the Northern portion of the site draining to oversized pipework under the development highway.
- Severn Trent Water do not normally adopt attenuation over the 1 in 30 year event and TWC will not adopt a highway with an unadopted asset running under it, therefore the developer will need to revise the drainage strategy to remove the attenuation over the 1 in 30 year event from below the development highway.
- Recommend conditions relating to:-
  - details for foul and surface water drainage including sustainable drainage;
  - restricting surface water run-off to 5 litres per second per hectare and any attenuation feature designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change;
  - details of access structure installed across the watercourse;
  - a SUDS management plan;
  - details of the future ownership and management responsibilities for the watercourse within the site.

### **TWC Parks & Open Spaces - Comment**

- Whilst the proposal is an outline application, the illustrative plans indicate a large area of Green Infrastructure (GI), which is mostly providing a landscape buffer between the proposed development and the surrounding area (Lilleshall).
- Whilst the GI provides a reasonable amount of provision for environmental/ecological/landscape benefit, there is insufficient formal recreational provision.
- This size of development should be providing on-site recreational/sports provision or providing contributions for off-site provision or improvements. Indeed, there is likely to be a need for an onsite NEAP rather than a LEAP due to the size of development.
- Locations of children's play should also consider the safety of the user particularly when located near to water.
- Natural materials and timber play items have a significantly shorter lifespan than traditional play products and are also significantly more expensive to maintain. Disabled access has been identified as required but the picture shown alongside the description identifies 2 items which are not easily accessible.
- This together with a large amount of POS proposed will need maintaining but the applicant has not confirmed how this is proposed to be carried out and how this is to be financed.
- A long term management plan would need to be agreed.

- In discussion, the Council's Healthy Spaces officer is willing to see a combined equipped LEAP and NEAP on site to cater for young children (toddler - 8 years) and the younger end of the older NEAP group (9-12 year olds), instead of insisting on a full NEAP, which is required with wheeled or balled play provision. The enhanced equipped play area would not need any additional buffer distances on site. Off-site contributions of £600 per dwelling (£90,000) would then be spent on improvements between three nearby play facilities at Marshbrook Way, Saltwells Drive and Brands Meadow.

### **TWC Arboricultural Officer**

- If consent is afforded to the proposal the reserved matters application should look to afford a greater structural stand off for trees T29, T30, & T31 - these trees are 21, 14 & 18 metres in height respectively.
- The illustrative masterplan shows a woodland strip that runs adjacent to the brook between T38 and G49, these have been designated as being outside of the red edge for the development and have not been included in the tree survey. However, they appear that they will have an influencing factor over at least four dwellings which are proposed at the entrance, the tree belt is on the south western boundary. If consent is granted they will require surveying and including in the arb implication assessment referred to below.
- They are growing on the south eastern boundary and will potentially have an influencing factor over the proposed dwellings.
- Should consent be granted we would require an Arboricultural Implications Assessment, which should include a shadowing assessment showing summer and winter shade cast over proposed dwelling locations by existing trees and a tree protection plan to show the location of the protective fencing.

### **TWC Ecology - initially objected, but no longer object**

Initially objected but following receipt of additional information no longer object and recommend conditions and informatives.

- The site comprises 6.95ha of arable and semi-natural grassland fields with conservation headlands, a stream with broadleaved woodland on banks in a 5m strip with good ground flora, mature hedgerows and trees. The conservation headlands are assessed by CSA Environmental as not being significantly diverse.
- The stream contains little aquatic or marginal vegetation and is silted and shaded - not suitable habitat to support water vole.
- The hedgerows on the site are a Section 41 Habitat of Principal Importance for Nature Conservation but do not qualify as 'important' under the Hedgerow Regulations (1997). The hedgerow between F2 and F4 is border-line on the importance criteria. The hedgerows do provide connectivity, support some mature trees and are of local value. The hedgerow between F2 and F4 would be lost as a result of the development along with some other internal hedgerows. I recommend that the landscaping scheme for the site include native species planting including both new hedgerow planting and enhancement of existing retained hedgerows.
- The woodland strip is largely retained with a weak section removed to facilitate access and the bridge across the stream. This is deemed to be an adverse site

level impact and will be addressed by new planting within the landscaping scheme for the site.

- Immediate impacts of pollution and sedimentation in the stream as a result of the bridging works will be controlled through a condition requiring a Construction Environmental Management Plan for the site.
- Bat activity transect surveys by CSA showed that the site supports foraging and commuting by relatively low numbers of a range of bat species in an assemblage that is of local value - Recommend conditions relating to tree retention, lighting and bat box provision at the end of this response.
- Ponds within 500m have been surveyed for Great Crested Newts - no further GCN surveys are required and the species is considered reasonably likely to be absent.
- There were no badger setts on or adjacent to the site, but there is evidence of foraging and commuting - Recommend a pre-commencement badger survey of the site.
- There would be an impact of development on any ground nesting bird species potentially using the site and vegetation removal has the potential to impact upon active birds' nests - Recommend that vegetation removal occurs outside of the bird nesting season, that a native species landscaping scheme be part of the proposals and that a scheme of bird box provision be made on the site.
- The site is 0.7km from Muxton Marsh SSSI and 0.5km from Granville Country Park LNR and there are 4 local wildlife sites and 3 ancient woodland sites in 2km of the proposed development.
- The Ecological Impact Assessment states that they held discussions with Natural England (NE) in July 2015 in which NE agreed that the 'potentially increased visitor numbers' at Muxton Marsh SSSI and Granville Country Park LNR were not deemed likely to have a significant adverse impact on either of the designated sites.
- The site is 6.8km from Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 - the Environment Agency and NE have provided guidance to the Council stating that at this distance and given that waste water treatment would not occur near the Ramsar site and that ground water would not flow from this location towards the European Site the development can be screened out of the HRA process. On this basis a detailed Habitat Regulations Assessment screening is not deemed necessary for this application.

Recommend conditions and informatives relating to:-

- Retention of Trees with Bat Roosting Potential
- Erection of artificial nesting/roosting boxes
- Detailed landscaping plan, including native species planting.
- Detailed habitat creation and management plan covering a period of at least 25 years and showing how the retained and new woodland and stream habitats will be appropriately managed in the long term (post construction).
- Bat Lighting Plan
- Pre-commencement inspection – Badger
- Informative for Nesting wild birds

## **TWC Highways - object**

### Transport Assessment

- The scope for the Transport Assessment (TA) was originally discussed and agreed towards the end of 2014 as part of pre-application discussions. Also the Council has now secured LEP funding for a number of junction improvements within the Borough and these network changes have also been built into the highway model, accepted by Highways England.
- The model data used by the applicant in the submitted TA is now out-of-date, so its conclusions cannot be relied upon. Therefore not possible to comment on whether the proposal is acceptable or what mitigation, even financial, may be required until the revised TA is completed.

### Layout/junction

- Looking separately at the indicative site layout, it does reflect the pre-application discussion in terms of the internal road hierarchy (connector road and loop).
- The site access is shown as a ghost right turn priority junction. In theory this might work but the horizontal and vertical profile of the Wellington Road may be problematic in terms of visibility. The visibility splays are shown for the 30mph speed limit but observed speeds are around 40mph in both directions.
- The level of the site is appreciably higher than the highway at the point of access and whilst a suitable gradient probably can be achieved the LPA may wish to see how this will be delivered and what impact this may have on the frontage.
- The proposed junction works appear to impact on the existing speed limit gateway feature and this will need to be moved which in turn will necessitate a revised TRO.
- Given the speeding issue in this area more consideration needs to be given to the form of access and any associated features - in pre-application discussions a roundabout was suggested.

### Pedestrian links

- The site proposes pedestrian linkage to Wellington Road at the access and on to the existing footway on the northern side. Subject to a safe crossing point (which may have to change depending on the junction form) a link can be made. The existing footway is of variable width along its length and there are places where pedestrians would have to wait to pass.
- The proposal also indicates four potential pedestrian links - to Nelson Way, Merrington Drive, Muxton Lane and Wellington Road. The first three links sit outside the red edged area.
- In terms of Nelson Way and Merrington Drive the adopted highway does not abut the site boundary so there is a margin of land that is outside the control of the Applicant.
- As far as the link to Muxton Lane is concerned this would appear to be a field access although it now has the appearance as a private drive serving two dwellings. It is not clear if the Applicant controls this route as it sits outside the Application boundary or if they will be able to offer the necessary enhancements to bring this up to a suitable standard as a footway/cycleway link (surfacing, streetlights etc). The point where this route joins Muxton Lane has restricted visibility to the left due to the frontage hedge and the alignment of the carriageway. As such it does not represent the best crossing point. Pedestrians

would need to use the footway leading to Sutherland Drive in order to safely cross and then the existing pavements on Saltwells drive and Fieldhouse Drive to access the immediate facilities.

- The Applicant may wish to consider how this route would be integrated into the site as (if it can be delivered) it is likely to be quite important. The indicative plan shows it routed down a private drive and round the back of houses. It needs more status and to be made more desirable.
- The fourth route to Wellington Road utilises the existing main field access. Again this would have to be upgraded to a suitable standard. The footway on Wellington Road is not continuous at this point so pedestrians would have to cross to the other side. This provides the shortest achievable route to public transport but because of the truncated footway on the south side of Wellington Road bus users would be required to cross and re-cross the main road to reach the westbound stop.
- If the three southerly links cannot be provided then the only pedestrian routes off the site will be to Wellington Road towards the northern end of the site. This would represent a substantially more circuitous route for pedestrians and cyclists and would extend the distances to facilities and some elements of public transport. Until it is proven that the indicated links are possible I would suggest the sustainable travel parts of the report are optimistic.

### Cycling

- As far as cycling is concerned the Applicant was advised at pre-application stage that Sustrans route 55 was being moved away from Wellington Road. References to this in the TA are incorrect although the existing off road route will remain. Basically cyclists will be predominantly on road so I am not sure how this scores any higher than any other site.

### **TWC Affordable housing**

- The application form states that 38 (25%) of the new homes will be affordable, split equally between homes for social rent and intermediate housing.
- The Design and Access Statement notes that “A mix of house types, including 25% affordable housing...” is “...one of the key elements of the development” (p 4). The Planning Statement highlights that “...the proposed development would contribute to boosting housing supply, including providing much needed affordable housing”. Moreover that it will help to achieve the Borough’s vision of “...the provision of sufficient homes of the right type and quality in the right places to meet a growing and ageing population” (p 40).
- The inclusion within the development of specialist homes and homes built to accessible standards would therefore be welcomed.
- A proportion of 25% is acceptable on the basis that 80% are for affordable rent and 20% for shared ownership - this should be included as part of any outline planning consent that may be granted - this is also subject to agreement on the full details of the proposed Affordable Housing Scheme (see full comments on file).
- The provision of curtilage car parking rather than parking courts (DAS p 40) is preferred.
- Further discussion will be needed as soon as possible to agree the affordable provision. This will include dwelling tenure, types, bedroom sizes, location, space/development standards and proposals for maintaining the affordable

homes as affordable. The affordable homes should be transferred to an appropriate Registered Provider.

- A Local Lettings and Marketing Plan will also need to be agreed between the Council and the Registered Provider.
- An appropriate S106 agreement will be required to secure the affordable housing and all of the above arrangements.

### **TWC Education**

- The calculation gives a primary contribution of £358,201 and a secondary contribution of £221,697.
- If the site is built prior to September 2018 the contribution will be allocated towards remodelling works at Muxton Primary school and changing room facilities at Burton Borough and will also require a contribution towards transporting pupils to Burton Borough School to the value of £89,148.
- If the site is built after September 2018 the primary contribution will be allocated towards the new primary school in Muxton and remodelling works at Telford Priory School. There will be no need for a transport contribution as the Priory School will be within 3 miles of the development.

### **Public Consultation**

Some **380 letters of objection**, summarised below as follows (with full comments on file):-

#### Infrastructure

- Muxton doesn't need and cannot cope with any new developments.
- Schools and doctors are already full - have to wait weeks for an appointment.
- Existing drainage can't cope.
- Already flooding especially at Honnington Grange.
- Flooding will be made worse - balancing pond won't help.

#### Highways

- Increase in traffic.
- Wellington Road is already busy and used as a rat-run, so trying to get out of Muxton Lane already difficult.
- New development will bring 120,000 - 130,000 extra vehicles per year using Wellington Road, creating issues at other junctions including the Clock Tower roundabout.
- New access will be on a blind bend on a rise - will be dangerous.
- Traffic often exceeds the 30mph speed limit, especially as road goes abruptly from 60mph to 30mph and downhill.
- Loss of 100m of old hedge to create access will harm area.
- Single access point not good, especially in emergency.
- No pedestrian access via private lane to Muxton Lane - will residents jump over the hedge?

#### Character of area

- Area has attractive rural feel with open views across a mediaeval landscape and fields to Lilleshall.
- Will reduce gap and separation between Muxton and Lilleshall.
- Loss of sense of openness.

- Will ruin characteristics of village of Muxton
- Falls within Lilleshall Strategic Landscape
- Need to keep green fields
- Greenfields and opens spaces important for wildlife

#### Principle

- This is random, speculative development
- Not identified in 5 year housing supply.
- Council plans clearly show that there is enough other land to cover the housing needs our district has.
- Adding more unneeded homes is ludicrous, especially with nearby Gladman scheme - why Muxton.
- Outside urban area of Telford, so will be encroachment into countryside.
- Loss of good agricultural land when no need for development.
- Should build on brownfield sites first before greenfield sites.
- Empty houses in Telford, so why build more here.
- Will set precedent for even more housing.

#### Other

- Damage and loss of wildlife
- Increased noise and air pollution from extra traffic and construction traffic.
- Decrease in quality of life and area.
- Will not reduce car dependency.
- In a Minerals Safeguarding Area and coal mining history in area.

**Petition of 302 signatures** against the proposed development on grounds that development is unnecessary; will increase pressure on existing services; damage wildlife and beautiful medieval countryside; increase pollution and noise, and dangerous access.

## **6. PLANNING CONSIDERATIONS**

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

- a) Principle of development
- b) Highways and traffic
- c) Landscape
- d) Flooding and drainage
- e) Ecology and trees
- f) Open space & play areas
- g) Design and impact on neighbouring properties
- h) Historic environment
- i) Planning obligations
- j) Sustainable development
- k) Other matters

## **6.2 a) Principle of development**

- 6.2.1 Section 38 (6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the development plan for Telford and Wrekin comprise the Core Strategy, the 'saved' policies in the Wrekin Local Plan and the saved policies of the Shropshire, Telford and Wrekin Minerals Local Plan.
- 6.2.2 The replacement Telford & Wrekin Local Plan (TWLP) has now been submitted for independent examination in accordance with Section 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and the public hearings associated with the Examination in Public took place between 30 January - 10 February 2017. As a result the TWLP must be given some weight in the determination process in accordance with para 216 of the National Planning Policy Framework.
- 6.2.3 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.
- 6.2.4 Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.
- 6.2.5 The Council can demonstrate it has in excess of a 5 year supply of deliverable housing land, based on an Objectively Assessed Need for the borough and evidence has been submitted to the recent Local Plan Examination in Public (Jan-Feb 2017). As a result paragraph 49 of the NPPF is not engaged and the Council can rely on its housing policies.
- 6.2.6 Regardless of a 5 year housing land supply and even if paragraph 49 applies, neither paragraph 49 nor the fourth bullet point of paragraph 14 of the NPPF render the relevant policies irrelevant nor do they describe how much weight to give to such policies. Accordingly the policies must still be taken into account and given appropriate weight in accordance with para 216 of the NPPF.
- 6.2.7 The appeal site is located outside of the Telford urban boundary and therefore located within the rural area and falls to be determined against Core Strategy Policies CS1 and CS7 in the development plan. The spatial dimension of the

Core Strategy seeks to focus the majority of new homes within Telford's urban limits (CS1 and CS3) with some new housing in the market town of Newport (CS6) and limited development in appropriate locations the rural area (CS7).

- 6.2.8 Policies CS1, CS3 and CS7 are based on the revoked Regional Spatial Strategy, so the Council accepts that these policies are in part out-of-date. Therefore the Council does not give the figures significant weight as a determining factor in this case, but the spatial dimension of these policies is consistent with the aims of sustainable development that the Framework promotes, and this was a view put forward more recently by the appeal Inspector for Land South of the Priory (Ref: TWC/2015/0352 and APP/C3240/W/16/3143217).
- 6.2.9 The proposal is contrary to the provisions of Core Strategy Policy CS7 that seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs. Elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The appeal site is not focused upon any of the settlements named under Policy CS7 and the appellant has not advanced any exceptional circumstances to warrant a departure from policy.
- 6.2.10 Wrekin Local Plan policy H9 (Location of New Housing) remains a 'saved' policy and the Planning and Compulsory Purchase Act s38 (6) still applies. However, the limit of one or two infill dwellings is not deemed compliant with the NPPFs requirement to "boost significantly the supply of housing". It is also less strategic and more subservient to its more recent counterpart Core Strategy policy CS7 (Rural Area), so the Council will no longer rely on Policy H9.
- 6.2.11 As the appeal site lies in the rural area, having regard to the scale (150 dwellings), location and nature of the development, the proposal fails to comply with any relevant policies in respect of residential development within the rural area. This position is reinforced by the emerging Telford & Wrekin Local Plan which has been through an Examination in Public, and which did not anticipate the site being allocated to support future housing need, neither as an extension to Telford's urban boundary or as a rural allocation.
- 6.2.12 Given the significant supply of housing land available in Telford there is no policy justification to set aside current adopted housing supply policies or any other policies within the development plan and allow the extension of the existing development boundary of Telford to accommodate the site. One should only do so if there are sufficient material planning considerations that would outweigh the fact that the proposal is contrary to the development plan. This position is reinforced by the T&WLP which identifies the housing supply, including site allocations that will contribute towards the delivery of the Council's supply of housing to 2031. The appeal site is not a proposed allocated housing site.

### **6.3 b) Highways and traffic**

- 6.3.1 The applicant has submitted a Transport Assessment (TA). However the Council's highways engineer considers that the assessment has not taken into account the latest highway modelling that factors in proposed future housing allocations. Also the Council has now secured Local Enterprise Partnership (LEP) funding for a number of junction improvements within the Borough's strategic network and these network changes have also been built into the highway model accepted by Highways England. The model data used by the applicant in the submitted TA is now out-of-date, so its conclusions cannot be relied upon. Therefore it is not possible to comment on whether the proposal is acceptable or what mitigation or s106 contributions may be required until a revised TA has been undertaken and submitted using up-to-date traffic modelling and data.
- 6.3.2 In addition, the proposed access arrangements themselves have not been satisfactorily resolved. There is a single vehicular access point into/out of the site on Wellington Road. At this point, the land is on a rise and on a bend, so visibility is an issue. The applicant's proposed "ghost right turn" priority junction may work in theory, but visibility could be problematic. Visibility splays are shown for the 30mph speed limit, but observed speeds are around 40mph in both directions, which also has implications for hedge removal. Also as the proposed access works appear to impact on the existing speed limit signs this will need to be moved, which in turn will necessitate a revised Traffic Regulation Order.
- 6.3.3 The level of the site is appreciably higher than the highway at the point of access and whilst a suitable gradient may be achieved, planning officers have concerns as to what visual effect this may have on the Wellington Road frontage as well as the approach into the site on this elevated ground and breaching the hedge along the stream within the site. The Council's highways officer considers that with speeding issues in this area, further consideration needs to be given to the design and form of access - even possibly a roundabout.
- 6.3.4 However, the formation of an access at this point of Wellington Road, which is just within the 30mph "Muxton Please drive carefully" sign, will necessitate the removal of roadside hedge and verge. The existing entrance into Muxton from Wellington Road exhibits a strong sense of arrival with an abrupt transition of rural road to the village. This section of road retains a strong rural character. The introduction of an access road and hedge removal beyond the existing arrival point would detract from this rural character and important feature.
- 6.3.5 With regards pedestrian access between the site and surrounding area, the site proposes several linkages, one of which is along the new vehicular access and estate road into/out of the site. The proposal also indicates four other potential pedestrian links to Nelson Way, Merrington Drive, Muxton Lane and Wellington Road. The first three links sit outside the red edged area.

- 6.3.6 In terms of Nelson Way and Merrington Drive, the adopted highway does not abut the site boundary so there is a margin of land that is outside the control of the Applicant. This matter would need to be resolved to demonstrate that the proposed pedestrian access links being promoted as a benefit of the scheme can indeed be provided. The appellant also shows a pedestrian access to Muxton Lane via a private track to the eastern side of the site, that passes several private dwellings. It is not clear if the Applicant controls this route as it sits outside the red line site boundary. But the appellant promotes this as a pedestrian link to Muxton Lane and this would provide a shorter route to walk to Muxton primary school, the bus stops for the 5A service, the doctors' surgery.
- 6.3.7 But the fact that these pedestrian links are across third party land, or across non-highway land, creates uncertainty as to the status of these routes or whether there is any guarantee of their creation being possible. This then means that pedestrian links out of the site may not be possible and that new residents would therefore have to walk or cycle the long way round, existing the site at its vehicular junction and then progress along Wellington Road. This serves to make the site less sustainable for pedestrians/cyclists and increases the likelihood of reliance on the car and hence weighs against the sustainability of the scheme.
- 6.3.8 The fourth route to Wellington Road utilises the existing main field access and track. This would need upgrading to a suitable standard. The footway on Wellington Road is not continuous at this point so pedestrians would have to cross to the other side. This provides the shortest achievable route to public transport but because of the truncated footway on the south side of Wellington Road bus users would be required to cross and re-cross the main road to reach the westbound stop.
- 6.3.9 With regards cycling, the Sustrans route 55 has been moved and no longer goes down Muxton lane or along this part of Wellington Road. Whilst this does not prevent cyclists using these routes, there is no dedicated cycling route from the site to nearby services/facilities.

#### **6.4 c) Landscape and countryside encroachment**

- 6.4.1 The site is not covered by any national landscape or wildlife designations, but the north-eastern part of the site is located within the proposed *Lilleshall Village* Strategic Landscape (SL) and so has some special landscape characteristics.
- 6.4.2 The site occupies open countryside, immediately adjacent to the built up boundary of Telford. There is no public access across the site although a PRow extends from the eastern edge of Muxton to Lilyhurst Road, passing approximately 150 m to the east of the site at its closest point. Residents of existing dwellings on Wellington Road and the adjacent housing estate have some open views of the site from their windows and it can be glimpsed from Wellington Road up the field access track. Its hedged boundaries can also be

seen at the end of the cul-du-sacs on Nelson Drive and from the private residential road leading to 5 houses off Muxton Lane that face the site's far western boundary. The northern site boundary, where the access is proposed, fronts a public highway (Wellington Road) and parts of the site are also clearly visible from Lilleshall Monument and from sections of a public footpath that leads across open fields between Lilleshall and Muxton Lane/Granville Drive.

- 6.4.3 The applicant has submitted a Landscape & Visual Impact Assessment (LVIA) which concludes that the proposed development will not have a significant impact on the wider landscape. However, the Council commissioned advice from an independent Chartered Member of the Landscape Institute which noted that the applicant's LVIA had understated some effects. In summary, it was advised that in addition to some significant visual effects on nearby residents, road users and recreational users, the proposed development would compromise the distinctive strong sense of arrival into the Muxton and detract from the integrity and some special qualities of the *Lilleshall Village SL*.
- 6.4.4 The site of the proposed development is located on the southern fringes of the *Estate Farmlands* landscape character type (LCT) although in contrast to the prevailing medium to large scale of this LCT, the site has an intimate appearance. The distinctive pattern of hedgerows and trees that enclosed the site contributes to the attractive appearance of the landscape, its strong sense of place and experience of rural character.
- 6.4.5 Although surrounding hedgerows and woodland would help to screen part of the proposed development, its introduction would result in the loss of the intimate pattern of fields and some sections of hedgerow that form a locally important undeveloped and rural setting to Muxton. Built development would also detract from the pattern of surrounding rural fields, dense hedgerows and woodlands. Furthermore, the access road and several associated dwellings would extend into the sensitive open agricultural landscape.
- 6.4.6 Although proposed tree planting along the eastern boundary would provide some screening from lower lying areas, the proposed development would compromise the existing sensitive wooded edge. From Lilleshall Hill, it is likely that some development would appear clearly visible and if street lighting were required along the access road, effects would be exacerbated. Even if at Reserved Matters the layout is amended to omit the dwellings along the access road, the road and any street lighting would still adversely affect the landscape.
- 6.4.7 Consequently, some of the special qualities of area, including the *Lilleshall Village SL* such as the expansive views from the Monument towards the wooded edge of Telford and the separation of Lilleshall from surrounding urban areas would be affected. The experience of rural character and sense of tranquillity would also be eroded. Although the extent of development within the *Lilleshall Village SL* is relatively small, any encroachment into this area would compromise its integrity and function.

- 6.4.8 The existing approach into Muxton along Wellington Road exhibits a strong sense of arrival with an abrupt transition of rural road to the village. This section of road that leads towards Lilleshall retains a strong rural character and the introduction of an access road beyond the existing arrival point would compromise this sensitive quality.
- 6.4.9 In terms of visual considerations, it is very likely that some significant effects would be experienced by residents from nearby dwellings that overlook the site, road users travelling along Wellington Road and from parts of the nearby PRoW that passes in close proximity to the east of the site.
- 6.4.10 From some nearby areas, the proposed development would be clearly noticeable with at least a moderate proportion of the view affected and in general, this would contrast with the composition of open fields, woodland and hedgerows. Although the extent of these effects are relatively localised, the introduction of built development across open ground to the east of the existing woodland would form a striking contrast to its rural and undeveloped setting. Furthermore, much of the site is clearly from Lilleshall Hill, particularly during winter months.
- 6.4.11 While it is acknowledged that existing hedgerows and woodland would help to restrict the extent of landscape and visual effects of development to the west of the woodland, the introduction of development to the east would be very difficult to mitigate without any significant effects on nearby receptors. Although the proposed addition of woodland planting along the eastern boundary would provide a degree of screening to the access road and associated dwellings, this part of the development would still appear particularly incongruous in the landscape.
- 6.4.12 The land is Grade 2 and 3a according to the DEFRA Agricultural land classification. The appellant has submitted an Agricultural Land Classification Report which concludes that the land falls within sub-grade 3a (good quality). NPPF para 112 requires LPAs to take account of the economic and other benefits of such land and the scale of any loss. The Council acknowledges that much of the land around Telford is of similar grade and any extension of Telford's urban boundary will invariably result in the loss of such. Indeed the Council has accepted a loss with the proposed allocations of two urban sustainable locations in the emerging TWLP and loss of land around Newport, but this loss has been offset in the planning balance undertaken at the time against the wider gains resulting from the scale of proposed development, including provision of schools, shops and other facilities to create a sustainable community. Whilst the loss of 6.95 hectares is not significant, nonetheless the loss of the agricultural land on this site for ad hoc speculative development is unnecessary, when the Council has sought to allocate principally urban sites for housing in its emerging TWLP, serves to indicate another factor of the site's general unsuitability.

## **6.5 d) Flood risk and drainage matters**

- 6.5.1 The stream is not large enough to fall within national flood zones. Therefore the Council's drainage engineers asked the appellant to do water flow and flood modelling of the stream that runs through the site. The Council's drainage engineers have no objection to the drainage of the site in principle, but advise that further work will be required to work up any detailed scheme, including details of how the access road will cross the stream and ground levels.
- 6.5.2 The illustrative layout shows the stream bordering proposed areas of public open space, which ensures that the stream will not pass through the curtilages of individual properties, as this would have ownership and maintenance issues. The drainage proposal also includes sustainable drainage methods, including the provision of on-site attenuation ponds. The appellant also proposes a pumping station on site to deal with foul drainage.
- 6.5.3 There are no technical reasons to refuse on drainage or flooding that can't be mitigated against by conditions.

## **6.6 e ) Ecology and trees**

- 6.6.1 The Council's Ecologist was initially concerned that not enough surveys and justification had been provided. Following submission of additional surveys, the Council's Ecologist can now support the proposal, subject to conditions.
- 6.6.2 With regards trees, the Council's Arboriculturist considers that additional assessment will be required for reserved matters to ensure that any site layout takes proper account of the existing mature trees and any shadowing they may cause.

## **6.7 f) Open Space & Play facilities**

- 6.7.1 The proposed scheme triggers the need for both an on-site Neighbour Equipped Area of Play (NEAP) for older children and a Locally Equipped Area of Play (LEAP) for younger children up to the age of 8. However, the illustrative layout shows only a LEAP. The nearest NEAP facility is on Marshbrook Way and a ball court off Brands Meadow. Both these facilities are approximately 1,000m away, which is close to the upper limit of walking distance. Whilst it is probably an acceptable distance for older children, it is too far for 9-12 year olds. Therefore, the Council's Healthy Spaces officer is willing to see a combined equipped LEAP and NEAP on site, which will not need any additional buffer distance before the area and nearest residential properties, and an off-site contribution of £600 per dwelling for improvements to nearby play facilities at Marshbrook Way, Saltwells Drive and Brands Meadow.
- 6.7.2 There would also need to be maintenance plans and maintenance sums for management of the open spaces. The developer could elect to employ a management company or ask the Council to adopted and maintain the open

space. This could be secured by planning conditions and a s106, which would require confirmation and details of the management plan, method of maintenance (Council adoption or Management Company), and details of the management company which should be funded by a service charge to residents.

## **6.8 g) The design and impact on neighbours**

- 6.8.1 WLP policies UD2, UD3 and UD4 and Core Strategy policy CS15 all seek to promote good design and good concepts of “place making” to create “Attractive, responsive and adaptable environments in which to live, work and play and are essential to creating sustainable local communities.” The NPPF has as one of its 12 core planning principles to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, and goes on to advise at para 59 that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Policy BE1 of the emerging TWLP endorses similar principles.
- 6.8.2 This is an outline planning application with all matters of detail reserved for subsequent consideration except for access to the site. Therefore the precise siting, design and appearance of the houses are not known at this stage. However a Design and Access (D&A) Statement and an illustrative layout have been submitted in support of the proposal to show the quantum of development, the general configuration of housing, likely position of the estate road, landscaping, open space etc.
- 6.8.3 Properties would be of a traditional brick and tile (pitched roof construction), and most would be 2 storeys in height, but with some 2 and ½ storey dwellings towards the centre of the site. The illustrative layout shows it should be possible to site dwellings with adequate separation and orientation to avoid direct overlooking/loss of privacy of existing properties.
- 6.8.4 Officers are satisfied that the proposed illustrative layout in itself demonstrates theoretically a suitable design layout for the quantity of development proposed and shows it can. Officers are satisfied that the proposed illustrative layout could be worked up into a detailed scheme in any subsequent Reserved Matters application, should outline planning permission be granted. However, the dwellings shown facing Wellington Road and along the estate road at its junction with Wellington Road are particularly obtrusive and any reserved matters application would be expected to omit these.
- 6.8.5 Notwithstanding these layout details and that a well-designed scheme could theoretically be achieved at Reserved Matters stage, officers consider that overall the building of houses on this site will have a detrimental effect on the character and appearance of the countryside in this location, as discussed elsewhere in this report.

## **6.9 h) Historic Environment**

- 6.9.1 Wrekin Local Plan Policy HE24 seeks to ensure that historic parks and gardens and their settings are protected or enhanced, and similarly Core Strategy policy CS14 seeks to protect and enhance the borough's unique built and cultural assets. The NPPF seeks to conserve heritage assets.
- 6.9.2 There are two scheduled monuments in the vicinity of the site - Muxton Bridge Colliery to the south and Lilleshall Abbey, plus a Registered Park and Garden located at Lilleshall Hall, adjacent to the eastern edge of the Lilleshall Abbey scheduled monument. Officers consider that the type and location of the proposed development will have no significant effect upon these historic assets, especially considering their distance from the appeal site.
- 6.9.3 There are a number of listed buildings and structures within the vicinity of the site including in nearby Lilleshall village, including the Sutherland Monument on top of Lilleshall Hill. Views are expansive and due to the local topography and matrix of fields and hedges development of the site would not adversely affect the setting of the monument.
- 6.9.4 The nearest listed buildings are Honnington Grange on Wellington Road. But due to the separation distance and intervening land there will be no adverse impact on its setting. The other nearby listed properties on Muxton Lane (44, 45 and Muxton House) are also a distance away and with the intervening existing residential development officers consider there will be no adverse effect on their character or setting. Officers are therefore satisfied that there is no conflict with the NPPF, Wrekin Local Plan Policy HE24 and Core Strategy policy CS14 with regards historic environment.
- 6.9.5 With regards archaeology, the County Archaeologist requires further field evaluation work before the application is determined, despite the appellant providing some additional information. Now an appeal has been lodged, the County Archaeologist would still requires pre-determination evaluation, but as the matter is in the hands of the inspector, if he/she finds in favour of the application then there should be at least a pre-commencement condition requiring a programme of archaeological work.

## **6.10 i) Planning obligations**

6.10.1 The proposed development will impact on facilities and services. As part of the consultation process various financial contributions have been requested to offset the impact.

### **6.10.2 Education:**

The calculation gives a primary contribution of £358,201 and a secondary contribution of £221,697. If the site is built prior to September 2018 the contribution will be allocated towards remodelling works at Muxton Primary school and changing room facilities at Burton Borough and will also require a contribution towards transporting pupils to Burton Borough School to the value of £89,148. If the site is built after September 2018 the primary contribution will be allocated towards the new primary school in Muxton and remodelling works at Telford Priory School. There will be no need for a

transport contribution as the Priory School will be within 3 miles of the development. Discussion will take place with Education and the appellant as to how best to proceed to secure the education contribution.

#### 6.10.3 Open space:

Instead of having a NEAP on site, as well as a LEAP, the Council's Parks & Open Space officer has requested a financial contribution of £600 per dwelling (£90,000 based on 150 dwellings) for improvements to nearby play facilities at Marshbrook Way, Saltwells Drive and Brands Meadow plus any commuted sum (to be agreed) for maintenance of open space, and the equipped play area, if the developer wants the Council to adopt and maintain them. This would be in accordance with saved Policy LR6, CS11 and TWLP policy NE4 and NE5.

#### 6.10.4 Affordable housing:

The applicant is proposing 25% affordable housing, split equally between social rent and shared ownership. Policy CS7 requires 40% provision in the rural area, although the emerging TWLP proposes 35% for the rural area. No viability assessment has been submitted and officers consider that 25% affordable housing (with equal split between rent and shared ownership) has not been justified and is therefore contrary to policy CS7 and HO5 of the emerging TWLP.

#### 6.10.5 Highways:

On the assumption that all highway matters are resolved, it is likely that financial contributions of £136,493.64 will be required towards the strategic highway network. However, as the highway issues have not yet been resolved other contributions or mitigation works may be required.

#### 6.10.6 Police:

Place Partnership (on behalf of West Mercia Police) has requested a financial contribution of £25,609 towards the associated infrastructure costs that would arise directly as a result of the development. This is based on a development of 150 houses resulting in the requirement for 0.83 members of additional staff being required to effectively deliver policing to the borough. The contribution would go towards the following:

|  |         |
|--|---------|
| - Recruitment and equipping of officers and staff: | £ 4,038 |
| - Police Vehicles:                                 | £ 2,772 |
| - Office Accommodation:                            | £18,799 |

However, the Council does not consider that the request is site specific or directly related to the development and hence is not CIL compliant.

#### 6.10.7 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.10.8 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the financial contributions set out above meet the relevant tests and should be included within a draft S106 that would be provided to the Planning Inspector in the event that the appeal is allowed.

6.10.9 As a result the following s106 contributions would be required:-

- i. 40% affordable housing,
- ii. £358,201 for primary education - remodelling of Muxton Primary School,
- iii. £221,697 for secondary education - either i) for changing room facilities at Burton Borough (plus £89,148 for transporting pupils to Burton Borough School) or ii) remodelling works at Telford Priory School (depending if house building starts before or after September 2018 and with discussion as to how best to proceed to secure the education contribution).
- iv. £600 per dwelling (max £90,000) for off-site play contributions at Marshbrook Way, Saltwells Drive and Brands Meadow plus any commuted sum (to be agreed) for maintenance of open space if the developer wants the Council to adopt and maintain them,
- v. £136,493.64 towards the strategic highway network.
- vi. Other highway contributions may be required when updated TA modelling undertaken and submitted.

## **6.11 j) Sustainable development**

6.11.1 The NPPF has the presumption in favour of sustainable development as a golden thread, so there is still a need to consider whether the proposal represents sustainable development, as defined in the NPPF as a whole. Paragraph 7 identifies three mutually dependent dimensions to sustainable development, namely economic, social and environmental, that need to be considered and weighed up.

Economic role:

6.11.2 There will be some benefits to the local economy, arising from construction and sales, increased revenues to the Council, and additional spending by local residents on local services and facilities. There will be up to 150 additional dwellings including some affordable housing, but the affordable provision is below that required by policy and no justification or viability assessment has been submitted. Furthermore, 150 dwellings is not considered to significantly boost the supply of housing when the Council can already demonstrate it has a healthy land supply, and the Council would wish to see a greater proportion of affordable housing in line with existing and emerging policy. Whilst there will be some economic benefits, but they will not be of a scale, amount or uniqueness as to be so determinative or to outweigh all other factors.

Social role:

6.11.3 There will be benefits arising from the provision of market and affordable housing (although this is less than the policy requirement), helping to create a mixed community. There will also be increased and enhanced provision of public open space in the area with the site's proposed equipped play area and open space.

6.11.4 Whilst there are bus stops on Wellington Road for the half-hourly Arriva No. 5 service between Stafford and Telford town centre, the site is not well located to local services and facilities to make the site sustainable or to encourage the use of other non-car modes of transport. This is potentially exacerbated by the fact that the proposed pedestrian links from the site through to existing adjacent housing areas are of uncertain status and ownership, such that there is no guarantee they can be provided. Without these pedestrian links, residents would have to walk even further and a more circuitous route along Wellington Road. For those unable to walk even to the bus stop this creates even more disadvantage and potential social exclusion at odds with government aims to increase social inclusion and contrary to policy CS9. Officers consider this is a significant material factor that should weigh against this case. Therefore the proposal fails this role.

Environmental role:

6.11.5 This includes consideration of the natural, built and historic environment. There will be no loss of any national designated landscape or protected wildlife site or protected species, although there will be some encroachment into the proposed *Lilleshall Village Strategic Landscape*. There will be loss of grade 2/3a best and most versatile agricultural land, and whilst this is regrettable, it would not be a sole reason for refusal when considering there is similar grade land around most of Telford's urban area and the amount is not of a substantial scale. There will be enhanced woodland planting and the mature oak in the southern end of the site will be retained. There will also be an increase in public open space and formal play provision, and there will be some biodiversity gain with additional landscaping and bat and bird boxes. Overall there could be a biodiversity enhancement. However, development of the site will be an encroachment into the countryside and loss of a greenfield site, contrary to the Council's planning policy. Given the significant supply of housing land available in Telford there is no justification to set aside current adopted housing supply policies or any other policies within the development plan and allow the extension of the existing development boundary of Telford to accommodate the site. In addition, the development will result in an undesirable encroachment into the surrounding countryside, which will result in significant harm and impact to the landscape setting of the area that cannot be adequately mitigated against, and loss of landscape features. Furthermore, the creation of a new access on a rural stretch of Wellington Road will have a harmful effect on the landscape character and appearance on this part of Muxton on the edge of Telford. Therefore the proposal fails this role.

6.11.6 Overall, officers do not consider that the site represents sustainable development.

## **6.12 k) Other matters**

6.12.11 There are no technical drainage, ecological, Arboricultural, historic, or archaeological issues to warrant refusal.

6.12.12 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**

7.1.1 The site lies within the rural area and outside of the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled to ensure sustainable patterns of development. The Council has a housing land supply in excess of five years and there is no pressure to release further land for housing to meet the needs of Telford. The proposal is contrary to Policies CS1 and CS7 as it proposes a significant number of dwellings in the rural area and cannot be considered to represent sustainable development.

7.1.2 There are unresolved access and highway issues such that there is insufficient information to demonstrate that the existing highway network can accommodate the proposed development and the proposed access arrangements for the development are acceptable.

7.1.3 The appeal site is a greenfield site that consists of Grade 2/3a best and most versatile agricultural land and contains fields of species-rich grassland. Whilst, the Council accepts that loss of agricultural land does occur as towns expand into countryside over time and a lot of Telford's rural area is of a similar grade, the Council has sought to allocate housing sites within the urban area of Telford to avoid the loss of this resource from speculative and ad hoc development, which in turn could undermine the Council's delivery of other planned development. Whilst not a determinative issue on its own, it serves to further illustrate the site's unsuitability for development.

7.1.4 In terms of the sustainable development, there would be some economic, social and environmental benefits, including some boost to the local economy, the provision of mixed market and affordable housing and provision of public open space. However, affordable housing provision is below the policy requirement without justification. Officers do not consider that the site is well located in relation to services and facilities and proposed pedestrian links are not guaranteed so that pedestrian access could be worsened, such that residents are likely to be car-dependant. For those without a car and mobility issues, they will be even more disadvantaged which could lead to social exclusion, contrary to CS9 and the NPPF. Therefore the site is not sustainably located.

7.1.5 The development will cause harm to the landscape setting on this edge of Telford and adversely affect its rural setting and character. Furthermore, the formation of a new access will require the removal of a substantial length of

hedge and verge on this rural stretch of road, that will be detrimental to the rural setting and character of the area.

- 7.1.6 Despite some environmental gain, there will be significant harm to the character and appearance and the landscape of this rural edge site by the urbanisation caused by the provision of dwellings. Furthermore, the loss of roadside hedge needed for the formation of a new access on a rural stretch of Wellington Road will adversely affect the approaches to Telford and harm the character and appearance of the area. As such there is environmental harm.
- 7.1.6 Overall, applying planning balance officers do not consider that the development represents sustainable development, despite some environmental, social and economic gains. Financial s106 contributions are mitigation rather than benefits. The proposed development is contrary to the provisions of the development plan and the development does not represent sustainable development. There are no material planning considerations that weigh in favour of the proposal to sufficiently outweigh the significant and demonstrable harm caused. Officers therefore consider that if the Council had been able to determine the application it would have refused the application for the reasons set out below.

## **8. RECOMMENDATION**

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee is that had an appeal against non-determination not been submitted that OUTLINE PLANNING PERMISSION would have been REFUSED for the following reasons:
1. The site lies in countryside outside the built up area of Telford, where new development is to be controlled, and outside the settlements of High Ercall, Tibberton and Waters Upton where new development within the rural area is expected to be focused. As such the development proposal fails to secure sustainable development contrary to Core Strategy policies CS1 and CS7, Policies SP1, SP3, SP4, and HO10 of the Telford & Wrekin Local Plan (Publication Version), and the NPPF.
  2. The developer has failed to demonstrate that affordable housing will be provided consistent with development plan policy or the emerging Telford & Wrekin Local Plan. As such the development proposal fails to secure sustainable development contrary to Core Strategy policies CS1 and CS7, Policies SP1, SP3, SP4, HO1, HO5 and HO10 of the Telford & Wrekin Local Plan (Publication Version), and the NPPF.
  3. The proposed housing development and the formation of the proposed new access will have a harmful impact on the landscape and on the character and appearance of the area. As such the proposal is contrary to Wrekin Local Plan policy UD2, Core Strategy policy CS15, Policies SP4, NE2, NE7 and BE1 of the Telford & Wrekin Local Plan (Publication Version) and the NPPF.

4. The proposed development is not sustainably located, unresolved pedestrian access links will further result in residents being more likely to be car dependant with the potential to create social exclusion contrary to Core Strategy Policy CS9, Policies C3 and C4 of the Telford & Wrekin Local Plan (Publication Version) and the NPPF.
  5. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network and that the proposed access arrangements for the development can be adequately provided. As such the development proposal is contrary to saved Wrekin Local Plan Policies UD2 and T22, Core Strategy policy CS15, policies C3 and C4 of the Telford & Wrekin Local Plan (Publication Version) and the NPPF.
- 8.2 In order to give officers flexibility during the progress of this appeal, the Development Management Service Delivery Manager (or any other officer authorised by him), be authorised to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations, in consultation with the Chair of Planning Committee.