

TWC/2015/0556

Land East/South East of Granville Drive, Off Muxton Lane, Muxton, Telford, Shropshire
Outline planning application for a residential development of up to 78 dwellings with
associated access with all other matters reserved

APPLICANT

Gladman Developments

RECEIVED

18/06/2015

PARISH

Donnington and Muxton

WARD

Muxton

OFFICER Daniel Owen

1.0 PURPOSE

- 1.1 The purpose of this report is to update Members with regard to the two applications for housing development at Muxton Lane made by Gladman and their impending appeals.
- 1.2 One planning inquiry for 110 dwellings has already taken place in January 2016, but a second Inquiry will take place in April 2017 as the original Planning Inspector's decision has been quashed. The new combined Inquiry will consider both applications which are for 110 dwellings and alternatively for 78 dwellings on a smaller part of the site.

2.0 BACKGROUND

- 2.1 Gladman had previously appealed against planning refusal on land off Muxton Lane for 110 dwellings (TWC/2012/0612) that included a field off Granville Drive (the 'northern field'). This appeal was heard by Public Inquiry in January 2016. The appeal was dismissed - the appeal decision is appended to this report.
- 2.2 However, Gladman challenged the Planning Inspector's decision on a number of grounds via Judicial Review. The Secretary of State (acting for the Planning Inspectorate) conceded on one of the grounds and the Council conceded on a different one of the grounds. As a result the Inspector's decision was quashed and there will be a fresh public inquiry. This re-scheduled appeal is to be heard together with a later application that was refused for 78 dwellings.
- 2.3 The scheme for 110 dwellings was determined by the Planning Committee on 17 December 2014 for the following two reasons, similar to reasons 1 and 2 for the 78-dwellings:-
1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and*

demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9 and OL11 and Core Strategy policies CS7 and CS11.

2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a sustainable urban extension with integrated infrastructure as indicated in Shaping Places Proposed Housing and Employment Sites document. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*

2.4 Gladman lodged an appeal against the 110 scheme, but before it was heard they submitted a second outline application (TWC/2015/0556) for a smaller development on the same site which would provide up to 78 rather than up to 110 dwellings and which would leave the 'northern field' as an ecology area rather than housing development.

2.5 In respect of this second application the Planning Committee resolved at its meeting on 7th October 2015 to refuse outline planning permission for up to 78 dwellings at the above site (Committee report attached at end). The Committee resolution directed members to refuse planning permission for the following reasons, which they did:

1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.*
2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*
3. *The applicant has failed to properly consider the constraints of the site and insufficient information has been provided to demonstrate that the site can*

accommodate 78 homes without resulting in a cramped form of development that would not be acceptable in terms of scale, layout and design. The proposal which would have an overly urban form in a rural location would harm the character and appearance of the area contrary to the NPPF and with the urban design objectives of CS Policy CS15 and saved Wrekin Local Plan Policy UD2.

4. *The applicant has failed to adequately demonstrate that the loss of an area of grassland of local interest in terms of its ecological value can be appropriately mitigated against. No information has been put forward to demonstrate that the mitigation proposed has been costed or included within a detailed viability appraisal of the development. In addition insufficient information has been submitted with the application to demonstrate that the impact of the development on Great Crested Newts has been fully considered. As such the proposed development is contrary to the NPPF and the provisions of Core Strategy Policy CS12.*

3.0 MATERIAL CONSIDERATIONS SINCE THE APPEAL WAS LODGED.

- 3.1 Since the combined appeals were lodged, there are several matters that are liable to change and which could have a bearing on the appeal case. These are set out below.

Refusal reasons

- 3.2 Reason 3 on the 78-dwelling application refers to the appellant's failure to demonstrate that the reduced appeal site for 78 dwellings can indeed accommodate 78 dwellings as well as the necessary site constraints, resulting in a cramped and overly urban form of development. Whilst the Council acknowledges that the detailed layout of any scheme would come forward at Reserved Matters stage, the lack of evidence presented at outline stage did not convince the Council that a suitable scheme could be achieved. This situation was presented in the Council's appeal Statement of Case
- 3.4 Officers have further considered this reason, and consider that, should outline planning permission be granted at appeal, that it would have sufficient power and scope at Reserved Matters stage to ensure that a suitably designed scheme for "up to 78 dwellings" i.e. a maximum of 78, could be accommodated on the site. The layout design would also have to ensure that appropriate distance buffers between hedgerows, open space etc could be achieved to overcome initial officer concerns. Therefore the Council does not propose to defend refusal reason 3 at the forthcoming appeal.
- 3.5 Reason 4 on the 78-dwelling application is based on viability, following the removal of the 'northern field' at the end of Granville Drive, and that this northern field is now suggested as meadow and for public use. The Council was concerned about the appellant's lack of the evidence to demonstrate that the long-term ecological and conservation management of three fields, which are vital to balancing the loss of this resource, could be achieved whilst still providing the same amount of affordable housing as on the larger appeal scheme (i.e. 29%).
- 3.6 Whilst the appellant's have not submitted viability information, despite repeated requests, officers consider that these matters can now be adequately addressed by suitably worded planning conditions that could be imposed should planning permission be granted on appeal. Therefore the Council does not propose to defend refusal reason 4 at the forthcoming appeal

- 32.7 The Planning Inspector at the first Inquiry did consider the Council's arguments for reasons 3 and 4 but was not persuaded by them.

The Examination in Public (EiP) of the Telford and Wrekin Local Plan.

- 3.8 This was due to have commenced on 14th November 2016, but has been adjourned because the Inspector is currently ill. The EiP is now anticipated to start in January 2017. The EiP will give clarification and direction relating to the Council's 5 year housing land supply.
- 3.9 At the appeal Inquiry for the 110-dwelling scheme in January 2016, the Council's 5 year housing land position was discussed. Since then the Council has further published its June Housing Statement in which the Council is able to demonstrate it now has 12.9 years' supply of deliverable housing land.
- 3.10 The progress of the EiP and its main issues relating to housing land supply and housing policies may need to be reported and fed into any updated Statement of Case and Proofs of Evidence for the Inquiry in April.

Policies

- 3.11 Although Core Strategy Policy CS1 (Homes) sets out the Council's approach towards the delivery of homes across the borough, the Council accepts that this policy is in part out of date because it has a maximum figure based on the rescinded Regional Spatial Strategy. The Council does not give the figures significant weight as a determining factor in this case, but the policy's spatial dimension is still up-to-date.
- 3.12 Reasons 1 and 2 contain reference to Wrekin Local Plan policies H9 (Location of New Housing) and OL11 (Woodland and Trees). Whilst policy H9 remains a 'saved' policy and the Planning and Compulsory Purchase Act s38(6) still applies, the Council will no longer be relying on Policy H9, as it is less strategic and more subservient to its more recent counterpart Core Strategy policy CS7 (Rural Area). The Council has considered the quashed appeal decision with regard to Policy OL11. As the policy applies to trees and woodland, not hedges, the Council will not be pursuing policy OL11.

4.0 RECOMMENDATION

- 4.1 At this stage Members are requested to:-
- a) note the Council's position on Wrekin Local Plan policies H9 and OL11 and Core Strategy Policy CS1.
 - b) endorse officers' decision not to proceed with reasons 3 and 4 but to defend refusal reasons 1 and 2, namely:-
 1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development*

proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.

2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*

*****ORIGINAL COMMITTEE REPORT FOR 78 DWELLINGS*****

OBJECTIONS RECEIVED: Yes.

1. PROPOSAL

- 1.1 This is an outline application for the erection of up to 78 homes. The means of access to the site is included in this application and the matters of layout, appearance, scale and landscaping have been reserved for later consideration. A single vehicular access point is proposed to the south east of the junction between Muxton Lane and Halycon Court at an existing access into the field.
- 1.2 The application site is approximately 10.4 hectares in size and Illustrative plans have been submitted indicating that approximately three quarters of the site would remain undeveloped and preserved as a managed nature conservation area and wildflower meadow. The illustrative plans indicate that the proposed housing would occupy approximately 2.9 hectares of the site within the field to the south east of Granville Drive and adjacent to Muxton Lane.
- 1.3 A section of existing hedgerow between the proposed access and the edge of the site (where it adjoins No.87 Muxton Lane, a distance of approximately 60 metres) would need to be 'translocated' in order to provide the required visibility splay and widening of Muxton Lane.
- 1.4 The following information has been submitted in support of the application:
 - Design and Access Statement (incorporating the illustrative plans)
 - Landscape and Visual Appraisal
 - Transport Assessment
 - Travel Plan
 - Ecology Appraisal
 - Arboricultural Report
 - Flood Risk Assessment
 - Foul Drainage analysis (and supplementary foul drainage analysis report)
 - Air Quality Assessment
 - Noise Assessment
 - Archaeological Desk Based Assessment
 - Socio Economic Statement

- Planning Statement
- Statement of Community Involvement
- Phase 1 Site Investigation Report
- Outline Biodiversity Management Plan

1.5 This application has been submitted following the refusal of application TWC/2014/0612 by Planning Committee in December 2014 for the erection of up to 110 dwellings. An appeal has been lodged against that decision and this application seeks to overcome the previous reasons for refusal. The main differences are that the field at the end of Granville Drive would no longer be developed for housing, the overall number of houses has reduced to 78, a single access point would be provided on Muxton Lane rather than two and a shorter length of Muxton Lane would need to be widened which would reduce the amount of hedgerow that would need to be 'translocated'.

2. SITE AND SURROUNDINGS:

2.1 The site is located towards the east of the borough boundary, approximately 5km north east of the centre of Telford, 4.5km south west of Newport and approximately 1 km south west of the village of Lilleshall.

2.2 The site adjoins, but is outside of, the built up area of Telford as defined within the Wrekin Local Plan and is therefore within the rural area. There is existing housing to the north west of the site and to the south west on the opposite side of Muxton Lane. The site is in agricultural use and comprises pastoral grassland fields with mature hedgerows running along part of the road side boundary and within the site. These fields are species-rich unimproved neutral grassland, which are of ecological importance.

2.3 Muxton Lane leads off Wellington Road and continues to the Shropshire Golf Club to the south east of the site. There is a mix of housing types and styles along Muxton Lane, including several listed buildings. Muxton Lane has housing and roads leading directly off it on both sides of the road, as far as the site. From the site to the Golf Club, housing is only present on the western side of Muxton Lane, but this housing is not directly accessed off Muxton Lane - instead it is accessed off Marshbrook Way and set behind a hedge. The character of Muxton Lane changes from suburban to rural as it moves past Granville Drive due to the existing hedgerows and fields.

2.4 Muxton primary school on Marshbrook Way is approx. 230m away and can be accessed on foot via an unlit footpath that links Muxton Lane and Marshbrook Way. The nearest secondary school is approximately 3kms away to the south west. The site is not located on a bus route - the nearest bus route is the No. 6 Arriva service that runs along Marshbrook Way and the nearest bus stop for this service is approximately 350m away. There are two small rows of local shops to the west of the site close to the junctions of Fieldhouse Drive and Wellington Road with School Road / Donnington Wood Way. Both are approximately 1.3km away. There is a doctor's surgery approx. 550m away on the corner of Muxton Lane and Saltwells Drive.

2.5 The site does not have any statutory landscape or wildlife designation. Muxton Marsh Site of Special Scientific Interest (SSSI) is situated approximately 0.5 km to the southwest and Shropshire Granville Country Park Local Nature Reserve (LNR) is situated approximately 0.3 km to the southwest and includes some of Muxton Marsh SSSI.

2.6 Two Public Rights of Way cross the site entering at two points off Muxton Lane that provide access into countryside further north east towards Lilleshall. There is evidence that people have forged other paths across the site, including into the fields proposed for the nature conservation area. All paths appear well used.

2.7 The northwest boundary of the site is partly bounded by the housing along Granville Drive. Where not bounded by housing the land north of the site consists of a number of fields before reaching existing housing off Wellington Road. To the west the site boundary is marked by Muxton Lane and a roadside hedge extends along most of the site frontage. There is a mature hedge on the opposite side of Muxton Lane with modern housing beyond that, most of which is accessed off Marshbrook Way.

3. RELEVANT PLANNING HISTORY:

3.1 Planning Applications:

- TWC/2014/0612: Outline application for the erection of up to 110 dwellings with associated access with all other matters reserved on Land at Muxton Lane, Muxton, Telford: Refused 19/12/2014. An appeal has been lodged against this decision.
- W85/0666: Residential development with construction of vehicular and pedestrian access (Outline): Refused 09/09/1985.
- W85/0665: Residential development with construction of vehicular and pedestrian access (Outline): Refused 09/09/1985.

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.

- Core Planning Principles
- Section 4. Promoting sustainable transport
- Section 6. Delivering a wide choice of high quality homes
- Section 7. Requiring good design
- Section 8. Promoting healthy communities
- Section 11. Conserving and enhancing the natural environment

4.2 Core Strategy Policies

- CS1: Homes
- CS3: Telford
- CS7: Rural Area
- CS9: Accessibility and Social Inclusion
- CS10: Community Facilities
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental Resources
- CS14: Cultural, Historic and Built Environment
- CS15: Urban Design

4.3 Saved Wrekin Local Plan Policies

- UD2: Design Criteria

- UD3: Urban Design Assessments
- UD4: Landscape Design
- H9: Location of New Housing
- H23: Affordable Housing
- T22: Planning Obligations
- OL2: Designated Areas
- 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 New Residential Developments

4.4 Telford & Wrekin Local Plan (consultation 2015)

Limited weight can be given to this plan as it has not been the subject of public scrutiny. Nonetheless, the Local Plan has been prepared on the basis of detailed evidence and it is the Council's view that the policies in it are sound and consistent with national policy.

- HO1: Housing requirement

This Policy states that the Council will make provision for the delivery of 15,555 new dwellings (net of clearance) across the borough up to 2031. The Council has identified sufficient specific deliverable sites to meet the first five years of the plan and a further supply of developable sites for the remainder of the lifetime of the Local Plan.

- HO2: Housing site allocations

The purpose of this Policy is to clearly set out, in broad terms, the sites and locations critical to the delivery of the Local Plan strategy, as well as other allocations that will contribute towards meeting the growth requirements up to 2013. This policy proposes a number of site allocations where new development will be specifically promoted, including two Strategic Urban Extensions (land at Muxton – Site H1 and Land at Priorslee – Site H2).

- HO10: Residential development in the rural area

This Policy states that provision will be made for a net increase of approximately 900 dwellings in the rural area up to 2013 with the bulk of this new housing being directed to sites with unimplemented permissions and areas with extensive amounts of previously developed land. The council will also support a limited amount of infill development within the villages of Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton.

- HO11: Rural exceptions

This Policy sets out the exceptions that apply to residential development within the rural area and include solely affordable (small scale) schemes, self and custom build housing, conversions of redundant buildings and agricultural and forestry workers accommodation.

- SP3: Rural Area

This Policy states that development will address the needs of the rural area and that it will make the most effective and efficient use of land giving preference to the reuse of previously developed land.

- NE2: Management and maintenance of green infrastructure

This Policy advises that the Council will require development to provide adequate management and/or financial provision for the ongoing future management and maintenance of green infrastructure, open space and sports and recreational facilities.

- NE5: Biodiversity and geodiversity

This Policy states that biodiversity assets will be protected, maintained and improved. Development will not be supported where it is likely to

- NE4: Strategic Landscapes

This Policy identifies three areas as Strategic Landscapes. These are: Wrekin Forest; Weald Moors and Lilleshall Gap. The identified strategic Landscapes will be protected from inappropriate development and development which would cause detrimental change to the quality of landscape in the areas will not be supported.

- NE6: Trees, hedgerows and woodland

This Policy states that the Council will expect existing trees, hedgerows and woodland that positively contribute to the borough's green infrastructure assets and values to be retained, protected and appropriately managed.

5. SUMMARY OF CONSULTATION RESPONSES:

5.1 Standard consultation responses

5.1.1 Donnington and Muxton Parish Council: Objects to the application for the following reasons:

- The site is outside the built up area of Telford and the proposal would result in the undesirable encroachment into the open countryside to the detriment of visual amenity;
- It would reduce the visual and physical openness between Telford and Lilleshall;
- The translocation of the hedgerow would compound this;
- Muxton Lane is unable to support the additional traffic, there have been a number of accidents and the existing footpaths are narrow, the proposal would also be a danger to horse riders and cyclists;
- The proposed conservation/ecological area should be maintained by the Council to protect it from future development;
- Lack of infrastructure (schools, doctors, dentists) to support the proposal,
- Loss of privacy and light to existing houses;
- Coal Authority requested works would be detrimental to living conditions,
- Increased risk of flooding and existing drains and sewers would not cope,
- Potential loss of the Public Right of Way;
- Impact on wild orchards and newts;
- The applicant was invited to discuss the proposal with the Parish Council but refused to attend.

5.1.2 Education: No objection subject to the provision of £178,845 towards Primary education.

5.1.3 Environmental Services – Arboricultural: No objection subject to the final layout taking account of the presence of the mature trees and the implication that they can have on the newly built homes and their owners. Conditions are requested relating to a detailed landscape design, soil levels and a tree protection plan.

5.1.4 Environmental Services - Drainage: The drainage principles established in the Flood Risk Assessment are broadly acceptable and no objection is raised subject to conditions relating to matters covering detailed drainage design, foul drainage, surface water drainage and treatment, a SuDS management plan and the existing watercourse.

5.1.5 Environmental Services - Highways: No objection subject to conditions relating to the details of the highway works and the submission of a Travel Plan. In addition financial obligations are required totalling £45,000 for enhancement works to the bus stop, traffic management/calming measures and Travel Plan monitoring.

5.1.6 Environmental Services - Parks and Open Spaces: Detailed comments are provided relating to the provision of on/off site play facilities and the management and maintenance of the proposed Public Open Space. Further details are requested relating to these matters which have not been provided by the applicant. An off-site contribution of £600 per dwelling towards children's play areas should be provided along with £350 for maintenance of each tree proposed.

5.1.7 Planning and Development Plans – Ecology: Objection. The development continues to include the loss of an area of grassland of local interest and this loss should be given considerable weight in the balancing of material considerations. The financial impact of the proposed large nature conservation area on the viability of the proposal has not been fully detailed by the applicant and a costed habitat management plan is required at this outline planning stage since it is key to the balancing of the material considerations in this case.

5.1.8 Planning and Development Plans – Planning Policy: Objection. The site is not focused upon any named settlement under Policy CS7, or located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the rural area between Telford and the village of Lilleshall, and divert investment in new housing away from the borough's principal urban area. The site in question forms part of a sensitive landscape that serves as valuable and important visual break between urban Telford and Lilleshall. The proposal is at odds with the development plan and would harm the openness of this area, and is especially harmful given the lack of any housing justification for this proposal.

5.1.9 Public Protection – Contaminated Land: No objection subject to conditions relating to the submission of a site investigation, remediation scheme and unexpected contamination.

5.1.10 The Coal Authority: Initially raised concerns but following the submission of further information no objection is raised subject to conditions relating to the submission of site investigations and any necessary remedial works.

5.1.11 Natural England: No objection. This application is in close proximity to Muxton Marsh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We note the applicant is proposing to restore several hectares of grassland to priority habitat status and you should consider whether this enhancement outweighs the loss of the area of grassland to be lost to development.

5.1.12 Shropshire Fire Service: No objection subject to the attachment of an Informative.

5.1.13 Telford and Wrekin Local Access Forum: Although the forum cannot directly oppose the development the following comments should be taken into consideration:

- Public Rights of Way run through the site and no development can take place without a suitable diversion or other order;
- One of the proposed footpaths is to be placed along the pavement which would not be acceptable;
- The proposed footpaths have no value if they are not dedicated as Public Rights of Way by legal order and placed on the Definitive Map;
- The existing routes should be upgraded to Bridleway so that they can be used by cyclists.

5.2 Neighbour consultation responses

5.2.1 The application was advertised by notification letters being sent to the occupiers of neighbouring properties, an advertisement in the local press and through a site notice. As a result 141 letters of objection have been received raising the following material planning matters:

Need and brownfield land

- Reducing the numbers of proposed houses is irrelevant;
- The Council has identified a 5 year housing land supply (which was supported at a recent planning appeal);
- There is sufficient brownfield land in the borough (over 900 sites) and there is no need for this rural greenfield development;
- The Government advises that housing should be related to need and that brownfield sites should be developed first;
- The development would prompt further applications for housing;
- Muxton has been overdeveloped in recent years and the character of the village would be ruined;
- The development is contrary to the NPPF;

Traffic and access

- Muxton Lane is narrow and windy such that two cars can't always pass and drivers often speed and it cannot take the additional traffic, both during construction and post completion;
- The traffic survey that has been performed is not appropriate for the type of use the lane gets, with the data collected being biased;
- Access/egress will be created onto a dangerous narrow part of Muxton Lane;
- The junctions from Wellington Road and Marshbrook Way on to Donnington Wood Way are already dangerous at peak times;
- Extra traffic (200 extra cars a day) will make road safety and traffic speeds worse and increase noise;
- The road is semi-rural and used by horse riders, cyclists, runners and dog walkers and families walking to and from Granville Country Park;
- The reason there is no access by road from Lytham Green to Muxton Lane is because the Lane could not support the extra traffic;
- Existing footpaths are very narrow in places;
- Muxton Lane is being considered for Quiet Lane designation;
- The fabric of Muxton Lane is poor and may wear out

Wildlife and countryside

- Will destroy the green buffer (the 'Lilleshall Gap') between Lilleshall and Telford, destroy the semi-rural setting and character, and the encroachment beyond the boundary of Telford is inappropriate;
- The fields are used for recreation;
- Loss of established trees;
- The removal or "translocation" of the hedgerow is unacceptable as they, and the Eco structure they provide, are built up over decades and cannot be rebuilt overnight;
- A huge amount of environmental damage would be done including the depletion of biodiversity. Many species of both plants and animals will be destroyed including badgers, Newts, bats and buzzards;
- The Public rights of way should be protected;

- There would be nothing to stop the developer applying to build on the proposed nature areas in the future;
- The fields should be protected as part of the 'Green Guarantee'

Impact on local services/facilities

- The development is unsustainable in terms of public transport and with the doctors and schools already stretched so won't be able to cope with extra population.
- Lots of housing been built in Muxton, but not the facilities and services to match.

Other material planning matters

- Detrimental impact on a Listed Building which has the potential to fail structurally;
- Detrimental impact on the outlook of the countryside looking between Muxton and Lilleshall;
- Increase in antisocial behaviour;
- The sewer system is substandard and the water table is high, flooding will increase on the site and Muxton Lane;
- The development would have a high density;
- Additional noise from new housing;
- The electricity supply to Muxton is unstable;
- The Coal authority has raised substantive concerns;
- The information submitted regarding views were all taken in the summer when the trees are in full leaf;
- Impact on electricity and water capacity;
- No need for affordable housing.

5.2.2 In addition a petition of objection has been received containing 673 signatures raising the following issues:-

1. The Council has a five year housing land supply in the region of 8.5 years that has been successfully used in other applications;
2. The site is within a Coal Authority High Risk area and the Coal Authority has objected to this application;
3. The proposal does not convince that the development would create a "distinctive high quality sustainable development which enhances the quality and character" of the area;
4. Drainage;
5. Traffic impact – a community led traffic survey recorded 2640 traffic movements on Muxton Lane over a 12 hour period. An increase in housing density on Muxton Lane of 40% would lead to an unacceptable increase;
6. Enforcement of Quiet Lanes and Homezones Act. The Council must use the Transport Act 2000 and the Quiet Lanes and Homezones Regulation 2006 to oppose this application;
7. Construction Access / Impact of Highways and Access – construction likely over a three year period, huge safety concerns, damage to foundations of listed building, removal of trees and hedgerows, road widening concerns;
8. The Council's ecologist has objected to the application as it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010);
9. Classification of the land – the land is outside of the urban area and is rural.

6. PLANNING CONSIDERATIONS:

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

- The principle of the development;
- Design and landscape impact;
- Highways matters;
- Ecology;
- Affordable Housing;
- Sustainable Development;
- Drainage and flood risk;
- Planning obligations and S106 contributions ;
- Other matters.

6.2 The principle of the development

6.2.1 Paragraph 47 of the NPPF states that Councils should boost significantly the supply of housing. Paragraph 47 also states that *“local planning authorities should 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.”* When the previous application (TWC/2014/0612) was determined in December 2014 the Council could not demonstrate that it had a 5 year housing land supply and, in accordance with Paragraph 49 of the NPPF the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing were not considered up-to-date. The NPPF states (Paragraph 14) that where relevant policies of the development plan are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Even though the Council could not demonstrate that it had a 5 year housing land supply when the previous application was determined it was considered that the adverse impacts of the proposal would have significantly and demonstrably outweighed the benefits put forward.

6.2.2 In accordance with the requirement set out in NPPF Paragraph 47 the Council announced in March 2015 that it has a 5 year land supply following the publication of the Telford and Wrekin Objectively Assessed Housing Need Report (Peter Brett Associates March 2015). The applicant disputes that the Objectively Assessed Need Report represents the full objectively assessed needs of the Borough. As a result they do not consider that the Council can demonstrate a five year housing land supply against a NPPF and PPG compliant full objectively assessed need.

6.2.3 The Government’s *Planning Practice Guidance* (PPG) explains that *“where evidence in local plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.”* The acceptability of the Objectively Assessed Need Report and the degree of weight that should be afforded to it has recently been considered by the Secretary of State in a planning appeal at Tibberton (Planning Inspectorate reference APP/C3240/W/15/3003907). In that case the Planning Inspector concluded that the Report *“is credible and very up to date”* and that *“consequently, I consider that it is a material consideration of significant weight”*.

Despite the opposing view of the applicant in this instance it is considered that the Council can demonstrate a 5 year housing land supply and that the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing are up-to-date and can be afforded full weight in the consideration of this application.

- 6.2.4 The site is located outside the current boundary of the Telford urban area. Therefore, the site, whilst contiguous with the existing built-up area, is considered to be located in the rural area. The policies relevant in this regard are therefore Core Strategy Policy CS7 (Rural Area) and Wrekin Local Plan Policy H9 (Location of New Housing). Policy CS7 seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside.
- 6.2.5 This proposal site is not focused upon any named settlement under Policy CS7, nor is it located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the open countryside between Telford and Lilleshall, and divert investment in new housing away from the borough's principal urban area and the application does not represent a rural exception.
- 6.2.6 The proposal performs poorly when assessed against Core Strategy Policy CS7 (Rural Area) and saved Wrekin Local Plan Policy H9 (Location of New Housing). This represents the main reason why the proposal is unacceptable when assessed against the development plan.

6.3 Design and Landscape Impact

- 6.3.1 This is an outline planning application that seeks to establish the principle of the development, the means of access to the site and an upper limit on the number of houses that could be built (up to 78 homes). Matters relating to the detailed design of the houses, their exact location within the site, the position of windows and boundary treatments etc. would be submitted and considered as part of a subsequent reserved matters application should outline planning permission be granted.
- 6.3.2 It is still necessary to assess whether the amount of development being applied for (up to 78 homes) could be accommodated within the site. The area proposed for new housing measures 2.87 hectares and the proposal is for up to 78 houses. This would equate to approximately 27 houses per hectare which would be comparable with the previously refused application and with the development within Granville Drive to the north west of the site.
- 6.3.3 The Ecological Appraisal submitted in support of the application states that the hedgerows within the application site are of a high ecological value. It continues to state that the network of hedgerows provides suitable habitat for many species and that this high value is such that retention and buffering of the hedgerows should form a key element of the Development Framework and that the inclusion of hedgerows within gardens will be avoided. The applicant's appraisal does not specify a buffer distance, however the Council's Ecologist has advised that a buffer of at least 20 metres would typically be sought between significant mature hedgerows and trees and new development. The submitted Framework Plan indicates that housing would be proposed in much closer proximity to the existing hedgerows than would be considered appropriate and this is likely to reduce the developable area of the site and increase the density of the development.

- 6.3.4 The Planning Statement submitted in support of the application states that a formal play area (LEAP) would be provided centrally in the site however the Illustrative Masterplan included within the supporting Design and Access Statement does not show any play area within the site. If an on-site formal play area is provided then a buffer zone of 30 metres between the play area and any houses would be required which would have further reduced the developable area of the site. This issue was raised with the applicant who has advised that contrary to the contents of the Planning Statement a financial contribution would be provided towards off-site facilities rather than through the provision of a new on-site play facility.
- 6.3.5 Whilst this is an outline application officers consider that insufficient information has been put forward in support of the application to demonstrate that 78 homes, as set out in the application form, can be accommodated on the site whilst taking account of the necessary constraints. The constraints include the buffer zone required for the existing hedgerows and trees, the need to take account of the existing public rights of way across the site, ensuring that suitable levels of privacy and garden areas for existing and proposed residents are provided whilst ensuring that the development would result in an attractive place to live whilst respecting the rural nature of the site and the wider area. The proposal is therefore contrary to the provision of Policy CS15 of the adopted Core Strategy and saved Policy UD2 of the Wrekin Local Plan.
- 6.3.6 Although this was not put forward as a reason for refusal in the previous planning application this application has been assessed in full following its submission. In addition the announcement that the Council has a 5 year housing land supply and the publication of the Telford & Wrekin Local Plan are both material planning considerations that must be given consideration. The absence of a 5 year housing land supply and the reduction in weight that could therefore be afforded to some policies within the development plan weighed in favour of the previous application.
- 6.3.7 Central to the design considerations of the proposal is the impact that the development of the site would have on the wider landscape. Saved Wrekin Local Plan Policy OL6 (Open Land) states that the Council will protect from development *“locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat.”*
- 6.3.8 The site in question forms part of a sensitive landscape that serves as valuable and important visual break between the defined urban area of Telford and the rural village of Lilleshall. It is considered that the site meets all the criteria of specified under Wrekin Local Plan Policy OL6. Policy OL6 is clearly consistent with the National Planning Policy Framework (NPPF), which seeks to conserve and enhance the natural environment, in particular protecting and enhancing valued landscapes, and protecting the best and most versatile agricultural land. Consequently, the proposal is at odds with the development plan and would harm the openness of this area, and is especially harmful given the lack of any housing justification for this proposal.
- 6.3.9 The Telford & Wrekin Local Plan identifies Lilleshall Gap as one of three strategic landscapes in the borough, in recognition of the sensitivity of this visual break. The Council therefore considers that the proposal is in conflict with the emerging Local Plan, including Policies NE4, SP3 and HO11 which seek to control development in the rural area.
- 6.4 Highways
- 6.4.1 This application includes the means of access to the site. The proposal includes a single point of vehicular access that would be located towards the north west end of the site in the approximate location of an existing gated access into the field.

- 6.4.2 Muxton Lane runs from Wellington Road in the north to the Shropshire Golf Club in the south, after which the road becomes less well maintained, but does continue to Granville Country Park. There is pavement on both sides of Muxton Lane for most of its length from Wellington Road as far as the site, and then the pavement on the eastern side stops, but continues along the western side of Muxton Lane as far as the Golf Club.
- 6.4.3 As part of the development proposals the applicant intends to widen the carriageway of Muxton Lane to a width of 5.5m but this would be limited to an area between the proposed access point and the north western end of the site, a distance of approximately 60 metres. A 2 metre wide footway on the eastern boundary of Muxton Lane between the access and the north west end of the site and traffic calming measures would also be provided. New lighting and surface improvements to the existing footway link between Muxton Lane and Marshbrook Way would also be provided along with financial contributions towards improvements to existing bus stops within the vicinity of the site.
- 6.4.4 A significant number of objections have been received raising concerns over the suitability of Muxton Lane to accommodate the additional traffic that would be generated by the development. In order to assess the suitability of the local highway network and its capacity to accommodate the proposed development, the applicant submitted a Transport Assessment (TA) for the Council's Highway Engineer to consider. Following consideration of that document the Local Highways Authority has advised that they do not have any objection to the proposed development subject to conditions relating to detailed design.
- 6.4.5 As part of the previous planning application local residents undertook their own traffic survey. Over a 12 hour period they counted 2574 vehicles plus 58 cyclists and 8 horse riders passing the survey point in either direction with the busiest times between 8-10am, 2-3pm and 4-7pm. The residents who undertook the survey estimated that about a third of the traffic they surveyed exceeded the 30mph speed limit. The residents' survey provides a snap-shot of traffic movements on a particular day, but as the survey is different from the TA surveys it is not possible to make direct comparisons or draw any particular conclusions. However, the applicant's TA offers a more comprehensive and professionally informed assessment of traffic impacts arising from the proposed development and more weight has to be attached to it. In addition the previous application, which was for a higher number of dwellings, was not refused on traffic or highway safety related reasons.
- 6.4.6 There are two definitive public rights of way that cross the site from Muxton Lane and converge to provide a link between Lilleshall and Muxton Lane, although there is evidence on site that people have forged other footpath routes across other parts of the fields. The illustrative layout plans indicate that the designated routes and alignments will be retained as green links. Officers would expect any detailed Reserved Matters applications to retain and integrate these routes so that they continue to link into the existing footpath network and for the developer to contact the Telford & Wrekin Access Forum.

6.5 Ecology

- 6.5.1 The site comprises 4 unimproved species rich neutral grassland fields, 3 of which are currently managed for hay and grazed afterwards and the fourth is grazed by horses and supports ridge and furrow features. There are mature hedgerows and tree belts between the fields and around the boundaries associated with small stream features. Some of the trees are of sufficient age to be classed as veteran. All the fields meet

the criteria for designation as a local wildlife site for neutral grassland and lowland meadow habitats.

- 6.5.2 There are 16 individual hedgerows which are generally species rich according to FPCR. 60% of the hedgerows on the site meet the definition of being 'important' under the Hedgerow Regulations and most have high ecological value and diverse ground flora. The site contains 60 individual trees including ash, oak, alder, crack willow and field maple. Some trees on the site have features suitable for use by roosting bats and several could meet the definition of veteran trees.
- 6.5.3 The proposed development uses the least diverse of the fields for residential development and retains two of the other fields as a proposed area of nature conservation part with restricted access and a further field as a species rich grassland area with some tree planting and a balancing pond. The applicant has submitted an Outline Biodiversity Management Plan which refers to broad principles only and does not include the level of detail required by the council's Ecologist. The management plan should cover a period of at least 20 years and include a full breakdown of associated costs and roles and responsibilities. This would then form the basis of a Section 106 agreement with associated commuted sum should the nature conservation area be proposed for transfer to the Local Authority, or would be the basis of the work carried out by any private management company on the site.
- 6.5.4 The costed management plan should be secured up front at the outline stage rather than as a planning condition since the associated costs of managing a large nature conservation area appropriately over a long period should be fed into any assessment of viability for the scheme. Securing the long term appropriate management of the 3 fields within the nature conservation area is vital to balancing the loss of the field intended for development in line with the National Planning Policy Framework. It is not considered that this has been satisfactorily demonstrated by the applicant in this instance and as such the proposal is contrary to Core Strategy Policy CS12 (Natural Environment) and the NPPF. This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.5.5 An Ecological Appraisal has been submitted in support of the application that contains details of protected species surveys. They have considered the potential impact on Bats, Reptiles, Nesting Wild Birds, Badgers, White Clawed Crayfish and Water Voles. The submitted information shows that subject to appropriate conditions and vegetation being removed outside of the bird nesting season then there would be no detrimental impact from the development on these protected species.
- 6.5.6 Information has also been submitted relating to the potential impact from the development on great crested newts. There are 14 ponds within 500m of the site but only 3 have been surveyed for great crested newts due to a lack of access permission. The submitted information gives no details of what attempts were made to seek access to the other ponds for survey and that information is required. This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.5.7 It is not considered that sufficient information has been put forward by the applicant to demonstrate whether the proposed nature conservation areas and public wildflower meadow is financially sustainable or deliverable as part of the proposed development. The provision of these areas is necessary to mitigate against the loss of the field for the housing and it has not been demonstrated that the benefits of the

proposal would considerably outweigh the harm caused. As such the proposal is therefore considered to be contrary to the provisions of Core Strategy Policy CS12.

6.6 Affordable Housing

6.6.1 The applicant has proposed 29% affordable housing. This amount of affordable housing falls short of the council's target for the area of between 38% and 40% as set out in saved Wrekin Local Plan Policy H23 and Core Strategy CS7. The proposed level is also below the 35% set out in Policy HO5 of the draft Telford & Wrekin Local Plan. No information has been put forward by the applicant with this proposal to justify this level of affordable housing.

6.6.2 In addition the Planning Statement submitted in support of the application and the draft Heads of Terms document include within it make repeated reference to the provision of 29% affordable housing being subject to viability. Given that the long term maintenance of the Public Open Space and managed nature conservation areas is likely to be a significant cost to the developer the amount of affordable housing could be further reduced. Whilst the provision of affordable housing would be a positive consideration there is a significant supply of housing land available elsewhere in the borough and no demonstrable requirement for this site to be developed. It is considered that due to the fact that a reduced amount of affordable housing is being proposed and the likelihood that this could be reduced further once a detailed viability assessment has been submitted by the applicant then the weight that should be attached to the provision of a limited amount of affordable housing is reduced.

6.7 Sustainable Development

6.7.1 Paragraph 6 of the NPPF advises that the policies in paras 18-219 of the NPPF are taken as a whole and sets out the government's view of what sustainable development is and paragraph 7 identifies three mutually dependent dimensions to sustainable development - namely economic, social and environmental - and that these should be mutually dependent and balanced out to ensure appropriate development.

6.7.2 The applicant has submitted a sustainability matrix that seeks to show how far facilities and services are located from the site and concludes that the site is sustainable. The development would bring some socio-economic benefits. More housing in the borough, including some affordable housing should bring associated spending and employment and help create a mixed community. However the Council has a supply of new housing land in excess of 8 years and the level of affordable housing proposed is below the level required by policy and may be reduced further. The new development would place some burden on education and local recreation/play facilities, but these impacts could be mitigated against to some degree by financial contributions to the Council towards improving facilities.

6.7.3 In terms of the site's location it is not on a bus route and the nearest railway station in Telford town centre is over 5kms away, as the crow flies. The nearest bus stop is approximately 350m away on Marshbrook Way. This situation has changed since the previous application was refused following the alterations to the Arriva service across the borough. However it is debatable whether these distances would actually encourage bus patronage.

6.7.4 Muxton Lane currently forms part of the Sustrans National Cycle Network route 55 that runs from Ironbridge to Stafford via Muxton Lane and the Golf Club. However,

route 55 is to be re-routed as part of future planned route realignments and will no longer pass along Wellington Road or Muxton Lane. Whilst this route downgrade won't prevent people cycling along Muxton Lane, it means there wouldn't be a strategic cycle route in the immediate vicinity of the site.

- 6.7.5 The site is adequately located for the Primary School on Marshbrook Way as it is located some 250m away on foot taking the nearest route via the currently unlit footpath between Muxton Lane and Marshbrook Way. The nearest secondary school lies approximately 3kms away and furthermore the nearest shops on Wellington Road/Donnington Way are approximately 1.3kms away - a distance that is likely to be undertaken by car. Despite financial contributions towards highway and bus stop improvements, essentially the site is located along a quiet rural lane without direct access to public transport, education and other social and community facilities and as a consequence does not meet with the social inclusion objectives set out in the Core Strategy and Policy CS9.
- 6.7.6 In the wider sustainability context, one of the NPPF's twelve core planning principles requires Local Planning Authorities to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". Paragraph 52 the NPPF recommends that the "the supply of new homes can sometimes be best achieved through planning for larger scale new development, such as new settlements or extensions to existing villages and towns that follows the principles of Garden Cities". To this end the Council has published for consultation the Telford & Wrekin Local Plan that will replace the existing Core Strategy (2007-2016) and saved policies in the Wrekin Local Plan (1995-2006), and which will allocate sites for employment and housing up to 2031.
- 6.7.7 The overriding aim of the Local Plan is to strengthen and protect the identity of Telford as a "green town" and establish the borough as a place characterised by extensive areas of open land and prominent landscape features. Housing sites selected for allocation have been drawn from sites included in the 2012 Strategic Housing Land Availability Assessment (2012 SHLAA) and have been subject to an assessment against their performance against the Shaping Places Local Plan strategic aims and objectives. The application site has not featured in the 2012 SHLAA nor has it been included as one of the sites in the Telford & Wrekin Local Plan for housing.
- 6.7.8 The Council's strategy is to promote "good planning" and involves a cluster of sites that form a Strategic Urban Extension on the north eastern edge of Telford in the Muxton area, located close to strategic employment land around the east of Telford and located either side of the A518, which is a strategic highway route through the Borough that links to Stafford via Newport. This cluster of sites would amount to some 83 hectares with a possible yield of some 2,538 dwellings and would represent a planned urban extension to Telford. It would also necessitate and include provision of a school and a local centre (comprising shops, health and other community services) and facilitate opportunities for high degrees of connectivity with public transport and pedestrian and cycle routes. This "integrated approach to considering the location of housing, economic uses and community facilities and services" (NPPF para 70) brings benefits of allowing for planned infrastructure with more efficient and equitable use of resources and finances, economies of scale and helps manage and mitigate against the cumulative impact of development including controlling visual impact. Furthermore such an approach can increase opportunities for people to have greater accessibility to services and facilities and this engenders the Council's social inclusion objectives outlined in Core Strategy policy CS9.

6.7.9 Whilst the Telford & Wrekin Local Plan does not yet have development plan status it does demonstrate how the Council is proactively planning for housing growth in the future. Accordingly some weight should be attached to it.

6.7.10 Granting planning permission for this site would also set a precedent for other speculative development sites that may come forward on other parcels of land adjacent to Muxton or along Muxton Lane. Even though any such applications would have to be assessed on their individual merits, the presence of built development on the application site, if approved, would undoubtedly be an influencing factor on future applications. This would serve to further undermine and compromise the delivery of preferred strategic development and infrastructure and the Strategic Urban Extension at Muxton and could lead to uncontrolled and inappropriate patterns of development.

6.8 Drainage and Flood Risk

6.8.1 The issue of flooding has been raised within a number of the objections that have been received. The applicant has undertaken a Flood Risk Assessment (FRA) and the area is not deemed to be at risk from flooding in relation to the Environment Agency Flood Zones. The Council's drainage engineer has assessed the proposal and the submitted FRA and has not raised any objection to the proposal subject to the imposition of conditions relating to the submission of a scheme of foul drainage and surface water drainage; that there be a reduction in surface water runoff and that the ownership of any proposed SuDS features is supplied. Any detailed reserved matters applications will require more detailed drainage calculations. The maintenance and/or adoption of any SuDS features will need to be determined in due course, and a clause can be written into the s106 requiring the necessary commuted sums should the council agree to adopt them.

6.9 Planning obligations and S106 contributions

6.9.1 Financial contributions are required for Education, Public Open Space provision, highways improvement works.

6.9.2 The development will have a number of impacts on the local community and infrastructure. The developer has proposed heads of terms for a S106 agreement covering affordable housing, open space (informal open spaces and equipped children play areas and commuted sums for maintenance), highways and public transport improvements, education provision and any other necessary identified contributions. The heads of terms for this legal agreement are generally consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.9.3 Following consultation on the application, the following infrastructure contributions have been identified:-

- £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site;
- £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road;
- £5,000 for travel plan monitoring;
- £178,845 towards primary education;
- £600 per dwelling towards upgrading existing nearby off-site equipped play areas;
- Affordable housing - to be confirmed;
- Clause to secure a commuted sum for maintenance of the SuDS features if deemed necessary and not operated by a management company.

- 6.9.4 The provision of affordable housing is necessary in order to be consistent with Core Strategy Policies CS1 and CS7, Local Plan Policy H23 and the NPPF. At this stage the applicant has proposed 29% affordable housing which is below the required level. No viability information has been submitted with this application to justify a reduction in the level of affordable housing to be provided. The contributions towards highway improvements reflect the necessity to widen the road to make the development acceptable and its location relative to public transport and the negotiation of these contributions is consistent with Local Plan Policy T22. The provision of a financial contribution towards educational improvements is necessary because of the link between the development and the impact on local school rolls and contribution to off-site play provision in the vicinity of the site will help mitigate against the increased population pressure on these facilities in accordance with CS10, OL13 and LR6.
- 6.9.5 As stated above no detailed costings have been provided regarding the maintenance of the ecology areas and it likely that this would have a significant impact on the viability of the proposed development the ability of the scheme to deliver all of the above contributions.
- 6.9.6 No viability information has been submitted with this planning application. a viability appraisal was submitted with the previously refused application and that made an allowance towards landscape provision (this figure will now be higher) but it did not make any provision for either future maintenance or a commuted sum payment to the Council to adopt the areas. If further costs are added it is likely that the level of affordable housing will be reduced below the 29% currently being proposed.
- 6.9.7 This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.10 Other Matters
- 6.10.1 The NPPF seeks to conserve heritage assets. Saved Wrekin Local Plan Policy HE24 seeks to ensure that historic parks and gardens and their settings are protected or enhanced. Core Strategy Policy CS14 seeks to protect and enhance the borough's unique built and cultural assets.
- 6.10.2 There are two scheduled monuments within 1km of the site - Muxton Bridge Colliery and Lilleshall Abbey. There is also a Registered Park and Garden located at Lilleshall Hall adjacent to the eastern edge of the Lilleshall Abbey scheduled monument. Given the separation distances involved the type and location of the proposed development will have no significant effect upon these historic assets.
- 6.10.3 There are a number of listed buildings and structures recorded in Lilleshall village including the Sutherland Monument on top of Lilleshall Hill. The applicant's submitted Landscape & Visual Appraisal includes photographs of views from the monument. Views are expansive and due to the local topography and matrix of fields and hedges the development of the site would not adversely affect the setting of the monument even though it would encroach onto Lilleshall.
- 6.10.4 The nearest listed buildings are located on Muxton Lane within 500m of the site's boundary - namely No.45 Muxton Lane (known locally as The Crooked House), Muxton House and Muxton Manor. Due to the separation between these properties and the site and the intervening existing residential development along Muxton Lane and Granville Drive 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 to the historic environment.

- 6.10.5 It is noted that concern has been raised regarding the potential impact of construction traffic on the structural integrity of the Crooked House. This is a civil matter between the property owners and the applicant/developer and cannot be used to influence the outcome of this application.
- 6.10.6 There is evidence of historic unrecorded underground coal mining activity in the area. The Coal Authority initially raised an objection to the proposal but following the submission of additional information they have confirmed that they do not have any objection to the proposal subject to site investigation being undertaken prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.
- 6.10.7 The proposed development will result in some loss of Grade 3 agricultural land (as defined on the Agricultural Land Classification (ALC) map held by Natural England). The ALC system classifies land into five grades and it is acknowledged that Grades 1, 2 and 3a offer the most flexible, productive and efficient land that can best deliver future crops for food and non-food uses. Paragraph 112 of the NPPF requires LPAs to take into account the economic and other benefits of the best and most versatile agricultural land, particular attention is required to be devoted to proposals for significant development. Often the loss of agricultural land is an inevitable consequence of growth, especially on the urban/rural fringes. However, loss of this land presents another marginal concern with the proposal.

7. CONCLUSIONS

- 7.1 The Council has in excess of a five year supply of deliverable land and therefore the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing are up-to-date and can be afforded full weight in the consideration of this application. The site is located in the rural area and the policies considered most relevant in this regard are therefore Core Strategy Policy CS7 (Rural Area) and Wrekin Local Plan Policy H9 (Location of New Housing). Policy CS7 seeks to focus 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. This proposal site is not focused upon any named settlement under Policy CS7, or located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the rural area, and divert investment in new housing away from the borough's principal urban area.
- 7.2 The development represents an extension to the built up area of Telford and an undesirable encroachment into the countryside that would serve to reduce the visual and physical separation and openness between the urban area of Telford and the village of Lilleshall and result in their undesirable coalescence. The potential for coalescence would be further increased by the precedent the development of this site would set for other sites in the immediate area that may come forward for speculative development resulting in uncontrolled and inappropriate development patterns. The development of the site and the resulting encroachment and coalescence will destroy the visual and physical separation and openness between the two settlements and the surrounding countryside and cause irreversible significant and demonstrable

harm. Hence the development would be contrary to the NPPF, Wrekin Local Plan policies OL6 and OL11, and Core Strategy policies CS7 and CS11.

- 7.3 The site comprises a significant ecological asset as species-rich pastoral grassland fields, which is of County importance. The proposal involves developing on one of the species-rich fields and retaining the eastern-most fields as a managed conservation area in order to secure their permanent retention and enhancement. Whilst there could be some overall biodiversity gain in this regard the applicant has failed to satisfactorily demonstrate that this element of the proposal is financially viable. In addition insufficient information has been submitted in regard to the great crested newt surveys that have been undertaken.
- 7.4 It is not considered that the development represents sustainable development, despite some environmental, social and economic gains and despite financial S106 contributions. Essentially the site is located along a quiet rural lane without direct access to public transport and other social and community facilities and this further reinforces the site's unacceptability. Locating development here would further serve to undermine the Council's intentions for a strategic urban extension to Telford in the Muxton area, as shown in the Telford & Wrekin Local Plan which should be afforded some weight. As such the development would not be in accordance with social inclusion objectives of Core Strategy policy CS9.
- 7.5 There will be no adverse effect on any historic assets in the vicinity of the site. There are no technical reasons on grounds of drainage, highways or ground conditions to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions and necessary s106 financial contributions. The site is not a designated or protected landscape or wildlife site and the development will not have an adverse impact on the nearby SSSI site at Muxton Marsh or Local Nature Reserve at Granville.
- 7.6 Taking all relevant matters into account officers are of the view that there will be a significant and demonstrable harm resulting from the development such that the development proposal would not meet the sustainable development objectives of the NPPF.

8. RECOMMENDATION

Based on the conclusions above, it is recommended that the Committee REFUSE PLANNING PERMISSION for the following reasons:

- 1 The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.
2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with

associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.

3. The applicant has failed to properly consider the constraints of the site and insufficient information has been provided to demonstrate that the site can accommodate 78 homes without resulting in a cramped form of development that would not be acceptable in terms of scale, layout and design. The proposal which would have an overly urban form in a rural location would harm the character and appearance of the area contrary to the NPPF and with the urban design objectives of CS Policy CS15 and saved Wrekin Local Plan Policy UD2.
4. The applicant has failed to adequately demonstrate that the loss of an area of grassland of local interest in terms of its ecological value can be appropriately mitigated against. No information has been put forward to demonstrate that the mitigation proposed has been costed or included within a detailed viability appraisal of the development. In addition insufficient information has been submitted with the application to demonstrate that the impact of the development on Great Crested Newts has been fully considered. As such the proposed development is contrary to the NPPF and the provisions of Core Strategy Policy CS12.