

TWC/2017/0233

Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire  
Erection of up to 55no. dwellings with associated access and all other matters reserved

**APPLICANT**

Elford Homes, Mr N Misselke

**RECEIVED**

20/03/2017

**PARISH**

Newport

**WARD**

Newport North and West

**OFFICER** Daniel Owen

OBJECTIONS RECEIVED: Yes.

This application is before Committee following a request from Councillor Tim Nelson that the application be considered by Planning Committee. The application is also subject to a S106 agreement.

**1. PROPOSAL**

- 1.1 This is an outline proposal for the erection of up to 55 dwellings and associated infrastructure. The means of access to the site is included within the application with the remaining matters of detail (appearance, landscaping, layout and scale) reserved for subsequent approval. A masterplan supports the application and seeks to demonstrate how the quantity of development proposed could fit on the site.
- 1.2 The proposed access point would be constructed onto Forton Road between Forton Cottage and Plough House, to the south of the existing roundabout at the A41 and to the north of the existing access at Plough Lane. No other vehicular access points, including the use of Plough Lane, have been proposed. A pedestrian access link to Plough Lane is shown on the Proposed Site Layout that would be located opposite the existing footpath link between Plough Lane and Kestrel Close.
- 1.3 A number of documents have been submitted in support of the application, including:
  - Design and Access Statement
  - Transport Assessment
  - Ecological Appraisal
  - Flood Risk Assessment and outline drainage strategy
  - Air Quality Assessment
  - Heritage Impact Assessment
  - Noise Assessment
  - Landscape and Visual Impact Assessment

- Framework Travel Plan
- Preliminary Risk Assessment

## **2. SITE AND SURROUNDINGS:**

- 2.1 Newport is a historic market town that is located approximately 11km to the north east of the centre of Telford and approximately 17km to the south west of Stafford. It is linked to both Telford and Stafford by the A518 and the A41 provides a north/south link to Chester and Wolverhampton. The site is located at the northern edge of Newport and is outside of the existing built up area of the town (as defined on the Wrekin Local Plan proposals map) and it is therefore within the current Development Plan rural area. The site is included within the Built up area of Newport on the emerging Telford & Wrekin Local Plan Policies Map and is also designated as being within the Green Network.
- 2.2 The western part of the site previously occupied nurseries that date back to the 1970s but this business has closed and the buildings have been demolished.
- 2.3 The NPPF states that land in grades 1, 2 and 3a constitute the best and most versatile agricultural land and the information submitted in support of the application states the site is grade 3a.
- 2.4 The site generally slopes down from north to south and there is a change in levels between the highest and lowest points of the site of approximately 6 metres. The site is open with minimal tree cover although there are a number of trees to the sites boundaries.
- 2.5 There are existing houses to the west of the site and to the south on the opposite side of Plough Lane. Plough Lane runs along the southern boundary of the site and there is further open agricultural land on the opposite side of Plough Lane. There is an area of open land to the east of the site. The A41 and associated embankment form the northern boundary of the site.

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

### **3.1 Planning Applications:**

- TWC/2016/0700: Outline application for the erection of approximately 110 dwellings with open space on land to the south of Plough Lane. Withdrawn: 05/10/2016.
- TWC/2015/1024: Outline application for the erection of approximately 110 dwellings with open space on land to the south of Plough Lane. An appeal

against non-determination was submitted but was subsequently withdrawn by the appellant.

- W76/0842: Change of use to growing and sale of trees, shrubs, plants and vegetable etc., and sale of these together with associated products at Plough Farm. Granted: 09/05/1977.
- W79/1020: Construction of customer's car park with two new access points at Plough Farm Nurseries. Granted: 21/02/1980.
- W81/0196: Erection of building for the propagation and sale of plants and associates products with use of a new septic tank for drainage at Plough Farm Nurseries. Granted: 22/06/1981.
  
- TWC/2015/1003: Outline application for the erection of approximately 170 dwellings with open space on land to the south of Plough Lane. An appeal against non-determination was also submitted and the appeal was heard at Public Inquiry in 2016. The appeal was subsequently dismissed on 21<sup>st</sup> March 2017.

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

4.1 National Planning Policy Framework (the NPPF) – the NPPF 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.

- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 11: Conserving and enhancing the natural environment
- The relevance of the presumption in favour of sustainable development is referred to later in this report.

4.1 Core Strategy policies

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

4.2 Saved Wrekin Local Plan policies

- UD2: Design Criteria
- UD4: Landscape Design
- H23: Affordable Housing
- 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

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

4.3.1 The emerging Telford & Wrekin Local Plan (TWLP) has been submitted for independent examination. The Examination in Public hearings took place between 30 January and 10 February 2017. The Inspector has now published his proposed Main Modifications and they are currently subject to public consultation which will run until 22nd September 2017.

4.3.2 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.

4.3.3 Given that the Inspector's draft Main Modifications have now been published the plan is at an advanced stage. A significant amount of weight should now be given to those policies that are not subject to change within the proposed main modifications and the weight should be given to those policies that are included in the list of modifications will depend on the nature of the proposed modification and the likelihood of consultation resulting in a further change.

The emerging policies that are relevant to this application are:

- SP2: Newport
- SP4: Presumption in favour of sustainable development
- HO1: Housing requirement
- HO2: Housing site allocations
- NE1: Biodiversity and geodiversity
- NE2: Trees, hedgerows and woodlands
- NE4: Provision of public open space
- NE6: Green Network
- C1: Promoting alternatives to the car
- C3: Impact of development on highways
- C4: Design of roads and streets
- BE1: Design Criteria

- ER12: Flood Risk Management

#### 4.4 Newport Neighbourhood Plan (NNP)

- 4.4.1 A draft neighbourhood development plan has been prepared. The Plan has been subject to public consultation (2 May – 16 June 2017) under Regulation 14 of the Neighbourhood Planning General Regulations 2012.
- 4.4.2 Under para 216 of the NPPF weight can be given to relevant policies in emerging plans, including Neighbourhood Plans, depending on the stage of preparation, objections and degree of consistency with the NPPF. As the Neighbourhood Plan has not yet gone beyond pre-submission consultation nor been through any Examination, the plan and its policies are of little weight.

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

#### **Standard consultation responses**

- 5.1 Councillor Tim Nelson: Requested that the application is considered by the Planning Committee. The land in question is designated Green network in the published Local plan, the housing numbers proposed are in excess of the required numbers for Newport over the plan period, and the environmental detriment to the amenity of Newport residents is unacceptable
- 5.2 Newport Town Council: Object to this application for the following reasons:
- The impact of the existing road network in the vicinity, access and manoeuvrability for emergency services,
  - The impact on the green network,
  - The T&WLP should carry extensive weight,
  - The Council has a 5 year housing land supply and development outside of identified sites should be refused,
  - A significant amount of housing development is under construction in Newport and no new allocations should be made until the existing permissions are completed,
  - Pedestrian access to the town centre is restricted in places along Forton Road,
  - Loss of green space that provides separation and acts as green gateway to the Market Town,
  - Loss of natural amenity and potential impact on the SSSI.
- 5.3 Shropshire Fire Service: No objection.
- 5.4 West Mercia Police: No objection subject to a condition relating to the applicant aiming to achieve the Secured by Design award status for the development.

- 5.5 Shropshire Council: No objection subject to a condition requiring the submission and implementation of a programme of archaeological work.
- 5.6 Natural England: No objection.
- 5.7 Shropshire Wildlife Trust: Object due to concerns about the environmental impact of the development. The area has a rich and varied fauna and flora and is home to many species of significance. The land is popular with dog walkers. Forton Road is very busy and the junction opposite the Kings Head may not be able to deal with the extra traffic.
- 5.8 Environmental Services (Arboricultural): No objection subject to conditions to ensure replacement planting and to require a tree protection plan.
- 5.9 Environmental Services (Drainage): No objection subject to conditions relating to foul and surface water drainage, infiltration features, surface water treatment, SUDS management and an informative relating to garden planters and driveways and drainage calculations.
- 5.10 Environmental Services (Highways): No objection subject to conditions relating to the details of the parking and turning areas, the provision of a visibility splay and details of off-site highway works. In addition a financial contribution is requested towards the A41/A518/Stafford Road junction improvements.
- 5.11 Healthy Spaces: No objection. The provision of an on-site LEAP play facility is acceptable. Conditions are requested relating to maintenance of open space. A contribution towards leisure facilities will be required.
- 5.12 Ecology: No objection subject to conditions requiring an ecological method statement, the erection of bat and bird boxes, the submission of a lighting plan, a habitat creation, landscaping and management plan and a pre-commencement inspection relating to badgers. In addition informatives are requested relating to badgers and nesting wild birds.
- 5.13 Environmental Health (Pollution Control): No objection subject to conditions relating to noise, hours of construction and dust mitigation.
- 5.14 Environmental Health (Contaminated Land): No objection subject to conditions relating to the submission of a site investigation report, unforeseen contamination and imported material.

## **5.2 Neighbour consultation responses**

5.2.1 A total of 11 letters were sent to the occupiers of neighbouring properties and the application was advertised in the local press. In response 28 letters of objection were received from 21 separate addresses. The main issues raised relate to:

- The borough has sufficient housing land;
- Lack of infrastructure for the number of dwellings in Newport;
- The site is outside of the built up area;
- Appeal dismissed on neighbouring land;
- Proximity to the A41;
- Loss of greenfield land;
- Safety concerns regarding the access;
- Increase in traffic;
- Very little public transport is available in this part of the town;
- The site is designated as Green Network in the new local plan;
- The development of the site has already rejected by the Council as part of the previous plan for a number of reasons that are valid to this application,
- Close proximity to marshland and the canal,
- There are no facilities within walking distance of the site,
- Loss of important habitats and wildlife;
- Loss of privacy;
- Impact on enjoyment of the public footpath;

## **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;
- Green network;
- Ecological impacts;
- Highway Impacts;
- The design and layout of the proposal;
- The impact on neighbours;
- Living conditions for the occupiers of the proposed houses;
- Flood risk and drainage;
- Open Space & Play facilities;
- Planning obligations;
- Other matters

The principle of the development.

6.2 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.

- 6.3 Paragraph 14 of the NPPF states that, unless other material considerations indicate otherwise, 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.
- 6.4 Paragraph 47 of the NPPF requires local planning authorities to identify a five year supply of sites against their housing requirements. Paragraph 49 advises that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.
- 6.5 There have been a series of recent appeal decisions regarding sites in the Borough which are located on the edge of the built up areas. These have, in the Council's view, left the housing policy position as follows:
- The Council can demonstrate a 5 year supply of housing, and
  - However, on an individual basis, the Council's relevant policies for the supply of housing are, as a matter of planning judgement, not up-to-date, as they are either time expired, or based on housing figures from a revoked Regional Spatial Strategy or there is some inconsistency with elements of the NPPF.
- 6.6 As a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF para 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 6.7 Despite having to apply the 'tilted balance' it is important to note that this does not mean that planning permission will always be granted. The approach to the determination of planning applications is still a matter of planning judgment, however, it is necessary to demonstrate that the harm caused by a proposal significantly outweighs the benefits.
- 6.8 As required by statute, applications for planning permission are still to be determined in accordance with the development plan unless material considerations indicate otherwise. Even though the housing supply policies are "out-of-date" they retain statutory force and have to be given weight in the determination process.

- 6.9 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. The site is in the Development Plan Rural area and is not focussed upon any of the settlements named under Policy CS7 and therefore the proposal is contrary to this aspect of CS7. CS7 goes on to say that “Outside of these settlements development will be limited and within the open countryside will be strictly controlled.” However as stated above, CS7 is out-of-date, and whilst this conflict with the development plan causes some harm it needs to be weighed in the overall balance of whether the adverse impacts significantly and demonstrably outweigh the benefits.
- 6.10 The site is also proposed to be included within the urban boundary of Newport in the T&WLP and as such it would not fall within the rural area once that plan is adopted. The Inspector’s proposed Main Modifications have now been published and the Council does not propose to make any alterations to the proposed urban boundary as shown in the Policies Map in this location. Whilst the emerging policies do not yet carry full weight, and they do not form part of the adopted development plan, those policies which are not likely to be subject to proposed changes can now be afforded significant weight.
- 6.11 As stated above the relevant development plan policies relating to the supply of housing are out-of-date and can only be afforded limited weight. In addition, the fact that they are out-of-date means that the ‘tilted balance’ referred to in para 14 of the NPPF is engaged and that the proposal should be approved unless any adverse impacts would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted. The following sections will demonstrate that the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits.

#### Green Network

- 6.12 The application site forms part of a wider proposed Green Network allocation within the T&WLP. The Green Network emerged from the original Landscape Master planning of Telford and was later adopted within the Telford Local Plan and the Wrekin Local Plan and has been extremely effective in protecting green space within Telford and shaping the appearance of the town. The Green Network is identified as a strategic interconnected network of open spaces within the urban areas of Telford and Newport.
- 6.13 Policy NE6 states that the Council will protect, maintain, enhance and where possible extend the Green Network. It continues to state that new

development within the Green Network will only be supported where it identifies, protects and enhances the Green Network and its functions. Policy NE6 can be afforded significant weight in the decision making process, as a material consideration, as it is not included within the draft Main Modifications to the T&WLP. It is important to note however that the policy does not form part of the adopted development plan at this stage.

6.14 The Site Layout Plan shows that a relatively large area of the site would be set aside as biodiversity habitat / open space and the majority of the trees to the boundaries of the site would be retained. Where trees are to be removed suitable replacement planting would be secured.

6.15 Land within the Green Network has been assessed as performing the following functions:

- To provide significant visual amenity value in the form of extensive views over green open areas, water bodies or woodland;
- To provide separation between built up areas and to help retain and enhance the individual identity of local communities;
- To provide an appropriate supply of open land to meet the diverse recreational needs of an expanding population;
- To maintain, protect and enhance the borough's ecological value in terms of natural habitats and species;
- To maintain, protect and enhance the unique geological and archaeological features within the borough;
- To provide open space linkages through which footpath, cycle ways and ecological corridors can connect different parts of Telford or Newport.

6.16 Having undertaken an assessment of the proposed development against the functions listed above the following conclusions have been reached:

- The site does not provide *significant* visual amenity in the form of extensive views over green open areas. The views across the site are available from a limited number of public vantage points and the site is relatively contained by the A41 and the trees and vegetation to its boundaries.
- The proposal would not result in the development within the open countryside and whilst it would result in new housing between the existing housing and the village of Forton to the North it would not result in the coalescence of the North of Newport and Forton.
- The site is private land and has no value in terms of meeting the recreational needs of the population.
- No unique geological or archaeological features have been identified within the site. Shropshire Council Archaeological service have been consulted on the application and they have not raised any objection to the

scheme subject to the imposition of a condition that would require the submission of an archaeological watching brief.

- As stated above the application site is private land and there are no rights of public access across it, in terms of footpaths or cycle ways. The site does provide an ecological function and, as set out below, the Council's Ecology Specialist has confirmed that the proposal is acceptable in this regard.

6.17 Based on the above, and subject to the proposal being acceptable in terms of its ecological impacts, then the proposed development is acceptable with regard to the functions of the Green Network in this location.

#### Ecological impacts.

- 6.18 The site comprises species poor semi-improved grassland, dense scrub and tall ruderal vegetation, the southern boundary is a hedge and the northern boundary is broadleaved plantation woodland. The habitats present are of low – medium ecological value with the scrub, woodland and hedgerows having medium value.
- 6.19 Submitted badger surveys have identified that a two-hole annex sett and a six-hole main sett are both active within the site. The proposal is that the two-hole annex sett is closed under Natural England Licence but that the main sett is retained. A condition for a pre-commencement inspection for badgers is considered necessary so that detailed mitigation measures can then be identified.
- 6.20 The proposed development will not result in the loss of foraging or roosting potential for bats, however those trees being removed should be done so under supervision. A wildlife pond could be accommodated on the site as part of the detailed design stage and there would be no detrimental impact on Great Crested Newts, smooth newts or common frogs as a result of the proposal.
- 6.21 A small number of bird species in and around the site were identified in the submitted surveys, however the site has relatively low potential for ground nesting birds and birds of conservation concern. The retention of the majority of the boundary vegetation, appropriate landscaping (through the reserved matters application) and the erection of bat and bird boxes will ensure that the development is acceptable in this regard.
- 6.22 The presence of Cinnabar moth, a Section 41 Species, has been identified by the applicant. As this is a S41 species for research rather than for its conservation status no specific on-site provisions are considered necessary.

- 6.23 The site is within 1km of two Sites of Special Scientific Interest (SSSI), Aqualate Mere SSSI and the Newport Canal SSSI. Natural England has confirmed that they have no objection to the application and that it will not have any likely significant effects on the Aqualate Mere and that it will not damage or destroy the interest feature for which the Newport Canal has been identified.
- 6.24 The Council's Ecological Specialist has considered the proposed development and has confirmed that, subject to the imposition of conditions, they have no objection to the proposed development.

#### Highway Impacts

- 6.25 As stated above the proposed development, for up to 55 houses, would be accessed via a new vehicular access point that would be provided directly from Forton Road. The applicant's Transport Assessment (Addendum) calculates that this would result in a total peak hour trip generation of 38 vehicles in the morning (08:00 to 09:00) and 44 vehicles in the evening (17:00 to 18:00). The Council's Highways officers have assessed the proposal and have confirmed that subject to the imposition of conditions relating to the provision of visibility splays along Forton Road, the provision of a footpath from the access to Plough Lane and the laying out of parking and turning areas, then they have no objection to the application.
- 6.26 In line with other recent planning approvals within Newport a financial contribution is required towards highway infrastructure works to the A41 bypass. A development of 55 houses would require a contribution of £39,577.45 that would be directed towards the A41/A518/Stafford Road junction improvements.

#### The design and layout of the proposals

- 6.27 This is an outline planning application with all matters of detail reserved for subsequent consideration, apart from the means of access to the site. The precise siting, design and appearance of the houses are therefore not known at this stage however a Design and Access (D&A) Statement and a Proposed Site Layout have been submitted in support of the proposal.
- 6.28 They indicate that the site would provide a mixture of detached, semi-detached and terraced houses that would face onto the proposed access road, internal estate road and the proposed open space. The layout plan shows that adequate separation distances could be achieved and that on-plot car parking and private rear gardens would also be provided.

- 6.29 The site measure approximately 2.76 hectares and the area proposed for development, excluding the area of open space, would measure approximately 2 hectares. This would result in a density of development of 27.5 dwellings per hectare which is considered to be acceptable in this location.
- 6.30 The character of the wider area is mixed although the predominant character is of detached relatively modern housing within the estates to the South of the site. Subject to the detailed design of the scheme at the reserved matters stage it is that the proposal would be in accordance with Core Strategy Policy CS15, saved Wrekin Local Plan policy UD2 and the NPPF.

#### The impact on neighbours

- 6.31 There are a limited number of existing houses that have the potential to be around the site that could be affected by the proposal. Forton Cottage is located immediately to the north of the proposed vehicular access point and Lavender Leap and The Plough House are both located to the south of the site adjacent to Plough Lane. No.115 Forton Road is located on the western side of Forton Road, opposite the junction with Plough Lane.
- 6.32 The proposed access road would run along the southern boundary of Forton Cottage. There are habitable room windows and a conservatory on the south facing side elevation of Forton Cottage. An existing close-boarded fence separates the site from the land to the south and it would be necessary to ensure that this fence was either retained or replaced as part of the proposed development. The indicative site layout plan does not show any proposed housing directly overlooking Forton House or its associated garden land and the house shown to the south would be sited approximately 16.5m away from the two-storey element of Forton House which would be sufficient to prevent an unacceptable outlook. It will be necessary to ensure that the detailed design of the housing does not result in a loss of amenity for the occupiers of Forton House.
- 6.33 The proposed rear garden for The Plough House would be approximately 18 metres in depth which would be sufficient to protect the outlook from the rear of that property. Lavender Leap is a bungalow and is set approximately 7.5m from the boundary with the site. Subject to the detailed layout and design of the proposed housing it is considered that the proposal would not result in a detrimental impact on the amenities of the occupiers of existing properties and the proposal is acceptable in this regard.

#### Living conditions for the occupiers of the proposed houses.

- 6.34 The A41 runs close to the northern boundary of the site and a noise assessment was submitted in support of the application that identified areas of concern. The Council's Public Protection officers have assessed the proposal and have confirmed that a fence 2m in height should be erected along the boundary of the site to the A41 (with a minimum density of 10kg/m<sup>2</sup>). They have also requested that all habitable rooms are fitted with window systems with a minimum rating of Rw 31dB. This will ensure that the development would be acceptable with regard to the living conditions of the future occupiers of the houses.
- 6.35 It is also proposed to attach conditions to request a construction environmental management plan that will, amongst other things, control the hours of construction of the development. It is considered that the proposed development would be acceptable in this regard.

#### Flood risk and drainage matters

- 6.36 The application is supported by a Flood Risk Assessment. The Council's drainage engineers have assessed the FRA and the proposed development and they have confirmed that subject to the imposition of conditions they have no objection to the proposed development. Those conditions relate to the necessity to ensure that the development comes forward in accordance with the FRA, to ensure that a scheme of foul and surface water drainage is submitted for approval, to ensure that any infiltration measures do not adversely affect the A41, to ensure a detailed scheme for the treatment of surface water is submitted and to ensure that a SUDS management plan is submitted. All of the requested conditions will be attached to the decision notice if Planning Committee is minded to approve this proposal.

#### Open Space & Play facilities

- 6.37 The proposal includes the provision of a LEAP play facility which is considered to be acceptable for a development of this scale. Further details of the precise location and detailed design will be required before the development commences but this can be dealt with through the imposition of a suitably worded condition. Further details will be required at the reserved matters stage relating to the future maintenance of any areas of public open space within the site. The Council's Healthy Spaces Officer has requested a financial contribution towards leisure facilities which can be secured through a financial contribution.
- 6.38 It is considered that the management and maintenance of the proposed areas of open space could be dealt with as a condition and/or at the reserved matters stage when the detailed landscaping design of the site is proposed. The development is considered to be acceptable in this regard.

6.39 The previous application on this site was assessed against saved Policy OL6 of the Wrekin Local Plan. This seeks to 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 of a natural habitat. The relevance of this policy was considered by the Inspector for the Kestrel Close appeal (to the south of Plough Lane). As with that site the land subject to this application is not identified as OL6 land on the Local Plan's Proposals Map and, although the land is currently open and on the edge of a built-up area, it does not have any 'incidental' function to the settlement. Whilst it cannot be denied that the site contributes to the character and amenity of the area, in so far as it is undeveloped, it does not have value as a recreational space (as access across it is unauthorised) or importance as a natural habitat. As the site cannot be properly regarded as being incidental it is not considered that Policy OL6 is relevant to this application.

#### Planning Obligations

6.40 The following planning obligations have been identified for this proposal:

- As the site is located within Newport affordable housing would be provided at a rate of 35%,
- Primary education: £121,537.00
- Highways Infrastructure Works: £39,577.45,
- Canal footpath improvement works: £45,000.00,
- A financial contribution towards leisure facilities: £600 per dwelling.

6.41 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.

6.41 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.

#### Other matters

6.42 The previous application for the residential redevelopment of this site (TWC/2015/1024) was subject of an appeal against non-determination that was subsequently withdrawn. As part of the process of the appeal a report

was presented to the Planning Committee that advised that had the Local Planning Authority determined the application it would have refused it for several reasons relating to ecology, highways impact, landscape impact, drainage and noise. This was because the applicant had failed to submit sufficient information to the LPA before submitting the appeal against non-determination to demonstrate that the proposal was acceptable with regard to those matters. As set out above the applicant in this instance has demonstrated that the proposal is acceptable with regard to all of these technical matters.

- 6.43 Within the appeal decision for the neighbouring site (Kestrel Close: APP/C3240/W/16/3144445) the Planning Inspector questioned whether the location of the site was suited to make the fullest possible use of public transport, walking and cycling. He identified that the site was approximately 1.5 kilometres from Newport and that pedestrian access would be via Forton Road which has variable footway provision and is limited in width in parts. This was not a reason for refusal that was put forward by the Council.
- 6.44 Discussions have been held with the applicant and the Council's Senior Rights of Way officer regarding plans to upgrade the footpath that runs along the canal to the south of the site and provides an alternative pedestrian access route into Newport. Works to provide a 1.5m wide tarmac footpath for a length of 400m between Summerhouse Bridge and to the top of the canal have been identified at a cost of £45,000.00. As this would provide a viable alternative route to Forton Road for the proposed residents to access Newport the applicant has agreed to fund the cost of this work.

## **7. CONCLUSIONS**

- 7.1 The Framework confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan policies for housing are out-of-date and Core Strategy Policy CS 7, which seeks to strictly control development in the countryside, carries limited weight.
- 7.2 Paragraph 14 of the Framework demands that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3 As the Framework says, there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent.

- 7.4 The proposal would provide employment associated with the development and additional spending in the local economy to support businesses and services. This would be a benefit of the proposal.
- 7.5 The provision of additional market and affordable housing is also a benefit of the proposal despite the fact that the Council can demonstrate a five-year supply of housing land.
- 7.6 The proposed play space and open space are required to mitigate the impact of the development and should not receive any enhanced weight. However opening up the proposed open space for public use would be another benefit of the proposal.
- 7.7 The agreed financial contribution towards the upgrading works to the canal footpath, whilst providing a viable alternative pedestrian link into Newport for the future occupiers of the site, will provide a benefit to the wider community and this also weighs in favour of the application.
- 7.8 The development of a greenfield site, which is of best and most versatile agricultural land, does weigh against the proposal against those benefits.
- 7.9 As stated above, as a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF para 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 7.10 It is considered that there are a number of benefits from the proposed development and that whilst there would also be some negative impacts they do not significantly and demonstrably outweigh the identified benefits. There are no additional material planning considerations that weigh against the proposal and as such the application is considered to be acceptable.

## **8. RECOMMENDATION**

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **PLANNING PERMISSION IS GRANTED** subject to the following:

A.) The applicant/landowner and other interested parties entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) with indexing

applicable from the date of the committee resolution to grant outline consent for the following:

- (i) The provision of 35% affordable housing;
- (ii) Financial contributions towards
  - Primary education: £121,537.00
  - Highways Infrastructure Works: £39,577.45,
  - Canal footpath improvement works: £45,000.00,
  - A financial contribution towards leisure facilities: £600 per dwelling.

B.) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

- 1. A01: Time Limit Outline
- 2. A03: Submission of reserved matters
- 3. B002: Reserved matters

#### Informatives

- 1. I40 Conditions
- 2. I41 Reason for grant of permission
- 3. Ecology: Bats
- 4. Ecology: Ecology – Nesting Wild Birds
- 5. RANPPF1 Approval – National Planning Policy Framework