

TWC/2015/0057

Land South of Springfield Industrial Estate, Station Road, Newport, Shropshire
Outline application for the erection of up to 120 dwellings with associated open space, infrastructure works and access of Station Road with all other matters reserved

APPLICANT

St Modwen Developments Ltd

RECEIVED

23/01/2015

PARISH

Chetwynd Aston and Woodcote,
Newport

WARD

Newport South and East, Church Aston
and Lilleshall

OFFICER Kate Stephens

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 9th AUGUST 2017 TO ADDRESS A LATE REPRESENTATION.

This late representation was received from the Shropshire Wildlife Trust and raised issues relating to Ecology.

In addition, further comments have since been received.

The additional comments received are summarised below:-

a) Newport Town Council

Want to update the position reported in the committee report that stated the Newport Neighbourhood Plan accepted the H13 housing allocation. The Town Council now update their position (see full comments and supporting info on file) summarised below as follows:-

- There is no longer a lack of 5 year housing supply.
- The Newport Neighbourhood Plan (NNP) reluctantly accepted the H13 housing allocation in order to ensure conformity with the Local Plan.
- The Local Plan Inspector's Main Modifications indicates that housing allocation site H13 is to be removed – this changes the Town Council's view.
- As the Local Authority owns all or some of the site, designate it as open green space instead to address issue of lack of green space in Newport.
- Now the Town Council strongly objects to planning application TWC/2015/0057.
- With a 6 years' supply of housing land, TWC does not need this land for housing and does not need to grant it under the presumption in favour of sustainable development.
- Therefore refuse the application in accordance with the existing Development Plan and NPPF policies.
- The application relies on the adjacent site for its open space, but the adjacent application is still awaiting signing of its s106, and puts at risk the suitable provision of open/green space.

b) Newport & District Civic Society (3 emails)

- Records of Great Crested Newts in the vicinity of the pond so need for fresh GCN survey.
- Other ecological information from nearly 3 years ago also needs updating and there's a lack of site-specific bird survey.
- There's legal precedent that all necessary surveys must be done.
- Lack of up to date ecological information is unacceptable for a site well known for its wildlife value.
- In relation to the officer report for the 9th August 2017 Plans Committee, the report as regards item 4.6 Newport Neighbourhood Plan, item 5.3 Newport Town Council objections and item 6.6.6 Loss of Open Space, fail to reflect the updated and additional comments issued by the Town Clerk and Michael Barker (former T&WC Head of Planning).
- Attached to the comments/objections issued by the Town Clerk is a 7 page Interim Statement issued by Michael Barker which deals with a number of other matters in the officer report including the recent case law on the so-called 'tilted balance' arguments which respond to the position set out in section 6.3 of the officer report.
- In addition, in the light of the Interim Statement, the short reference included in item 3.1 to the 2014 Court of Appeal decision, is wholly inadequate in failing to draw the attention of the Plans Committee to that part of the decision of the Court of Appeal to OL6 and its application to the site.
- Other parts of your report which deal with CS7 being 'out-of-date' and of little weight are inconsistent with how you have applied CS7 on application TWC/2016/0446 which was considered by T&W Plans Committee on the same agenda on 9th August 2017, where in item 7.2 you have applied CS7 to support your position.
- The note that you have included under 5.3 in your report still references an earlier comment about the lack of a 5 year housing land supply whereas a 5 year housing land supply was retrospectively finally established by T&W over 2 years ago.
- Council's position with regards the emerging Local Plan and impact on four allocated sites, including H13, is unique and highlights fundamental flaws in the T&W housing site allocation process and the need to remove four sites including this site H13 from the housing site allocations as a condition precedent for the Inspector not to find the eLP 'unsound'.
- Committee report misleading as not fully quoted the local plan Inspector which should say *"In respect of the proposed deletion of four housing sites it should be noted that no comment is being made about the acceptability or otherwise of the sites concerned: rather, the concerns raised relate to the Council's overall approach to the housing site identification process"*.
- The Council, in its undertaking to the Inspector, has in effect agreed not to bring forward site H13 for development during the eLP period and thus it must be withdrawn from consideration by the Committee, and staff have contacted outside bodies to inform site been removed. The sites are not being replaced and the Council says it can achieve housing target without need for replacement sites.
- The content and nature of the report reflects that little information has been uploaded by T&W to the application website since mid-2015 and thus the

manner in which this application was brought forward to Plans Committee without any prior warning only adds to our concerns as previously expressed to the District Auditor, that for this application to be assessed objectively it needs to be called-in by the Secretary of State and to be heard at a Planning Inquiry in front of an independent Planning Inspector.

c) Shropshire Wildlife Trust (2 letters)

- This application is now well over two years old. Natural England working practice assigns two-year validity to Protected Species survey data. Following this repeat survey data may be required to ensure conclusions are robust.
- The last great crested newt survey of the site was undertaken in 2012 and no great crested newts were found at that time. However since then a re-evaluation (not a survey) of the pond in 2014 suggests that the habitat suitability has improved. There have also been more recent and credible reports of great crested newts in much closer proximity to the site. These factors add weight to the need for an updated ecological assessment of the site.
- The need for proper survey information for great crested newts, a European Protected Species (EPS), is highlighted in Natural England's standing advice and Circular 06/2005 which requires surveys in advance of planning permission.
- We also have concerns regarding the lack of meaningful mitigation or compensation for the impacts of developing one of the last remaining sites of ecological value and accessible natural green space in the Newport area. Relying on neighbouring developments to provide open space is inappropriate and contrary to the mitigation hierarchy (NPPF para 118) which states: "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Shropshire Wildlife Trust believes that the eastern portion of the proposed development site has significant local biodiversity value and deserves protection in accordance with both national and local planning policy.

Context and background

- The PPG17 assessment (2008) identified a shortfall in the supply of open space in the Newport area to meet the needs of a growing population. It also identified the application site as Baddeleys Wells Natural Area and considered that the site's existing natural green space provision could be combined with a more formal provision to meet the shortfall. The assessment went on to recommend (PG9) that opportunities to provide further park area should be identified in the south of Newport.
- With regard to natural and semi-natural green space the assessment concluded that Newport had the lowest provision in the borough. It was the only analysis area to contain less than 100ha of natural and semi natural green space with just 22.08ha.
- The Local Green Infrastructure Needs Study (June 2013) - this replaced the earlier PPG17 assessment but the conclusions were much the same:
 - In Newport the Green Infrastructure performs very few functions".

- Amenity green space in Newport – “current provision meets less than 25% of the recommended standards”.
- Newport does not meet quality standards for natural and semi-natural green space.

Ecological features

- The site is one of very few in the area that has any significant ecological value. Interest includes:
 - Semi-natural broad-leaved woodland to the north of the site, this is listed as being of High Spatial Priority under the England Priority Habitat Network and included within Natural England’s Priority Habitat inventory.
 - Veteran Oak with potential to be used by bats.
 - Grassland; although identified as semi-improved there were species present characteristic of less improved
 - Habitat types (MG6 / MG5) as well as a good assemblage of wax cap mushrooms. The waxcap interest alone makes the site of at least county interest.
 - Seasonal/ephemeral pond which in addition to adding to the range of habitat structure has a Habitat Suitability Score of 0.67 indicating it is of average value to great crested newts.

Issues

- The deficit of accessible natural and semi-natural green space has been clearly demonstrated during both the PPG17 and Green Infrastructure studies. It has also been made clear through the consultation on these documents as well as on the emerging Newport Neighbourhood Plan and comments on this and earlier versions of the application, that the site is greatly valued by local residents and has been used for a considerable time for walking, quiet enjoyment of nature, etc.
- Given the responsibilities of the Local Authority to promote nature conservation/biodiversity and well-being it is surprising that this publically owned land has not been allocated for these purposes and used to enhance the green space provision for the growing population of Newport.
- Newport’s population of approximately 11,000 would require 11ha of Local Nature Reserve according to Natural England’s - Accessible Natural Greenspace Standard (ANGSt). The nearest Local Nature Reserve is Granville Country Park some 5km to the southwest. Telford & Wrekin have had a good record of declaring LNRs elsewhere in the Borough.
- Rather than developing the entire site, declaring this portion (1.7ha) as LNR would be far more appropriate and would assist in meeting the planning policy ambitions for green infrastructure in the town.
- Given the ecological value of the site and the suitability of habitats to support European Protected Species (EPS) we find the lack of any ecological update a serious omission. Although no EPS were recorded in previous surveys these results are now well over two years old. Natural England working practice assigns two-year validity to Protected Species survey data. Following this repeat survey may be required to ensure conclusions are robust. Updated survey data should be supplied prior to the planning decision (ODPM Circular 06/2005 paragraph 99).

- The mitigation hierarchy (National Planning Policy Framework, paragraph 118) has not been followed. There are options for avoiding impacts by limiting development to the larger western portion of the site which has been under arable use.
- The area of ecological interest is a relatively small portion of the land currently being considered for development in the south of Newport. The value of the site was clearly identified in earlier PPG17 and GI studies and this should have been incorporated into a sustainable planning strategy for this area of Newport.
- We do not agree with the officer's report and do not consider that paragraph 5.7 of this report adequately addresses our concerns:
 - The woodland would appear to qualify as a Habitat of Principal Importance as it is included on the Priority Habitats Inventory,
 - The waxcap assemblage is an important feature and would qualify for Local Site status in many counties. The fact the Shropshire has yet to develop waxcap selection criteria does not reduce the actual ecological value of the site,
 - We agree it would be good to retain the horse paddock, but do not accept that should the horse paddock be retained it would necessarily degrade in quality. As the best existing green space in the area management could be supported by S106 agreements. Local organisations and individuals have offered assistance and
 - Shropshire Wildlife Trust would be willing to help, as it does with other local authority sites in the Borough.
 - Retaining the pond and tree in isolation is far more likely to lead to a loss of these features than if the surrounding habitat was present and maintained as green space.
 - The proposed mitigation measures in the ecological assessment do not, in our opinion, satisfy the requirements of the NPPF. Other than the retention of the veteran tree and pond most recommendations are relatively vague requests to minimise losses and recreate habitat elsewhere with no assessment of the availability of receptor or creation sites or the practicality of such an approach.
 - Recommendations relating to fauna are now based on out of date information and so cannot be considered robust.
- We would consider the proposals contrary to: National Planning Policy Framework, paragraphs: 109, 110, 113, 117, 118 and Telford Local Plan Policies: SP2, NE1, NE5, NE6, NE7.
- We recommend that the decision is deferred until appropriate up to date information and a robust mitigation/compensation strategy can be supplied.

1 email of comment from local resident (19 Deer Park Drive)

- Express great concern that a site, with a documented spot of great crested newts, has not had a habitat survey and express particular concern that the site has been mowed, potentially disturbing (one hopes not intentionally) the wildlife.
- Trust that a community of protected species will be indeed protected by your processes.

OFFICER RESPONSE

The Officer response to the above comments will be done under topics/issues, as there is overlap between commentators.

ECOLOGY

Validity of survey data

- Both Shropshire Wildlife Trust and Newport & District Civic Society state that Natural England assign a two year validity to protected species survey data.
- Natural England's Standing Advice to Local Authorities does not specify or restrict the age of ecological data beyond recommending that local authorities ensure that data is 'up to date'. The British Standard for Biodiversity (BS 42020:2013) states that data should be 'sufficiently up to date (e.g. not normally more than two/three years old or as stipulated in good practice guidelines).'
- Telford & Wrekin Council generally accepts ecological data up to three years old in support of a planning application although with more sensitive species, high populations or particularly significant impacts there may be cases where more frequent updates would be required.
- With regards Great Crested Newts (GCNs) in particular, aware that overall information is approaching three years old, but Council's Ecologist visited the site in 2017 and is satisfied that the pond and the site are not significantly changed since the September 2014 assessment. Also a Reserved Matters planning application will need to be submitted for the site before any physical works can be undertaken and it is the Council's normal practice to require further updates to ecological survey work to be submitted with Reserved Matters applications where the previous data is over three years old.
- As the Council has received, in support of this application, an ecological assessment undertaken by an experienced ecologist which it considers to be sufficient and acceptable, the Council is acting in line with paragraph 99 of Circular 06/2005 and is engaging with its biodiversity duty under the Natural Environment and Rural Communities Act (2006).
- Therefore, although there has been a delay in this application being determined the Council's Ecologist is satisfied that the Ecological Assessment by FPCR dated January 2015 is sufficiently up to date for the purposes of a planning decision on this outline application.

Great Crested Newts (GCNs)

- A Habitat Suitability Index (HSI) score of the on-site pond was carried out in 2012 by Cotwold Wildlife Surveys, which assessed the pond as being 0.51 below average. Following the HSI and using a precautionary basis, a full presence/absence survey of the on-site pond was carried out in 2012 which found no GCNs and no great crested newts were discovered in any of the ponds within 500m which were surveyed.
- In September 2014 this HSI was updated by FPCR as part of their Ecological Assessment of the land (published in January 2015) and the pond received a score of 0.69 average at that time. FPCR considered the need to repeat the full GCN survey and concluded, in their professional opinion, that it was 'reasonably unlikely' that the species was present in the pond and that a repeat of the full survey was not required or appropriate.
- Since the deferment of the application on August 9th, FPCR contacted the Council's Ecologist to advise that a further full GCN survey had been carried out

in 2016 in order to keep the information relating to the site up to date. This survey had not been formally reported to the Council but a brief overview of its findings has now been provided by FPCR in a letter dated 16th August 2017.

- In summary, a four-visit 'presence/absence' survey was carried out by FPCR on the on-site pond and the nearby Millwood Mere in May and June 2016. No GCNs were recorded in either of the ponds during the 2016 survey. This survey is considered to be certainly 'in date' and sufficient in terms of its scope and methodology to provide likely absence of the species from the site.
- The Council's Ecologist is also aware of 2 new GCN records being reported to the Council since 2015 within 1km of the site.
- FPCR were asked to consider the discovery of a population of GCNs at 13A Chetwynd Aston, which is approx. 450m from the site and across the A518. The A518 forms a significant barrier to GCNs and that at this distance it is unlikely that newts were moving between the known population and the proposed site and that the discovery of GCNs in this location did not represent a constraint to the development of the site nor impacts upon the validity of the surveys associated with the planning application.
- A second new population of GCNs has been recorded at 7 The Close, Church Aston and reported by Newport District Civic Society, although there is no information relating to the origin of this record. This location is over 700m from the on-site pond and separated by an area of housing development and agricultural fields. Given the distance and the extremely sub-optimal habitats between the two locations it is not considered reasonably likely that GCNs from that pond might be moving to the on-site pond or using the habitats within the site, but at this distance does not impact upon the validity of the surveys associated with the planning application.
- In conclusion about GCNs, the Council's Ecologist is satisfied that GCNs are reasonably unlikely to be present based on the 2012, 2014 and 2016 surveys of the pond. The recommended condition for a method statement to be submitted covering the re-configuration of the pond and the fact that the Council will require subsequent updates of the survey information when a Reserved Matters application is made, are appropriate measures in this case.

Habitat value of broadleaved woodland

- Shropshire Wildlife Trust identify that the area of broadleaved woodland on the north of the site is listed within Natural England's Priority Habitat Inventory.
- The Habitat Inventory was generated using a data model and cannot be regarded as being more accurate than a site visit by an experienced ecologist.
- FPCR assessed this habitat as unlikely to meet the Local Wildlife Site, Habitat of Principal Importance or Biodiversity Action Plan (BAP) quality thresholds.
- The Council's Ecologist is satisfied that the on-site assessment by FPCR should receive more weight than the data model inventory in this case.

Veteran tree

- Shropshire Wildlife Trust identify the presence of a veteran tree with bat roosting potential and the pond as having ecological value but both of these features are to be retained and are indicated as such on the site layout plan.
- The Council's Ecologist is satisfied that there is no resulting biodiversity loss to either of these features from the proposed development.

Grassland value

- Shropshire Wildlife Trust discuss the potential value of the grassland present on the site and the presence of some wax cap fungi within the site.
- The site was presented to the Local Sites Partnership on 12th January 2016 – the partnership is chaired by Shropshire Wildlife Trust and Robin Mager (who has written the Shropshire Wildlife comments) was present at the meeting.
- The site was not adopted by the Local Sites Partnership, who commented that *'the grassland does not meet the Local Sites Selection Criteria.'*

Skylarks

- The Newport & District Civic Society raise the presence of breeding skylark on the site and object to the lack of a specific bird survey for the site.
- A range of bird species have been recorded on the site by local interest groups some of which are common and some of which are considered to be declining. Given the habitats present on the site a full breeding bird survey would not be required according to Natural England's Standing Advice.
- Mitigation measures will be in place to ensure that valuable habitats including hedgerows and other boundary features are retained on the site and that active bird nests including those of ground nesting birds are protected in line with the law. Retained open space and landscape planting will also provide ongoing habitat for a range of bird species in the long term.
- There are informal records of species associated with farmed land including skylark, redwing and fieldfare. The site contains an area of habitat suitable for these species and is located on the edge of Newport where to the south and east there are significant expanses of apparently similarly suitable habitat which will remain available for these species in the local area.
- While the application will result in a small reduction in available habitat it cannot be concluded that the development would have a significant impact upon the favourable conservation status of these species within their natural range.

Ecological value of site

- The Council's Ecologist considers that while the site has some biodiversity value on a local level, the most valuable features (veteran tree, pond and majority of the hedgerows) are being retained and appropriately managed in the long term to minimise biodiversity loss, and that the recommendation to grant permission for this scheme to be in line with NPPF and relevant Wrekin Local Plan policies.

In conclusion on Ecology, the Council's Ecologist has no objection to the proposed development of the site as it is not of significant ecological value to prevent its development and all necessary surveys are sufficiently up to date. The site is not protected by any local or national wildlife/ecological designation and mitigation measures/conditions will be put in place to ensure that habitats, flora and fauna are appropriately protected.

LOCAL PLAN AND REMOVAL OF ALLOCATED SITE H13.

- a) The Local Plan Inspector, in his Main Modifications, has not expressed any view on the merits of the site for residential development, and is unlikely to do so in his final report. This was set out in para 6.5.3 of the committee report. Indeed the Inspector has clearly stated that *"it should be noted that no comment is being*

made about the acceptability or otherwise of the site concerned: rather concerns relate to the Council's overall approach to the housing site identification process".

- b) The Inspector has already considered all relevant evidence submitted by various parties as part of the preparation and examination of the Local Plan in relation to site H13 and, as a result, has not suggested to the Council that it should consider a new designation on the land, such as the Town Council's suggestion for open space.
- c) The Council have at no point agreed not to bring forward site H13 for development during the examination of the Local Plan, despite what the Civic Society claim.
- d) The Council have, as requested by the Inspector, removed site H13 from the revised list of site allocations which is included within the schedule of Proposed Main Modifications, but this does not prevent determination of the application.
- e) In practice the Council as Local Planning Authority are obliged to consider planning applications, including this one, regardless of a Local Plan process albeit in this case a site which, subject to the final Inspector's Report, is unlikely to be included as a Local Plan allocation.
- f) Reference to Policy CS7 is already explained in the officer committee report, particularly in para 6.3.4 - it is out of date but is still part of the development plan and can be afforded weight, even if that weight is limited. The alleged inconsistency regarding how officers have applied CS7 on application TWC/2016/0446 is not accepted.
- g) The reference to the intention of the Newport Town Council to "reaffirm its position of "strongly objecting" to the planning application" in view of its proposed removal from the emerging Local Plan list of sites allocated for housing and the potential for it to be making amendments to its draft Newport Neighbourhood Development Plan are noted and the NNDP point is dealt with at section 4.6 of the committee report.
- h) In conclusion, comments raised relating to the emerging Local Plan and any allocated site selection process or that relating to the Newport Neighbourhood Plan process do not preclude or prevent consideration of this planning application for housing development.

OPEN SPACE

- a) Some commentators consider that there is a shortage of open space in Newport and that this site should be designated as a public park and that its ecological value further merits this.
- b) As already listed above, the site does not possess any ecological value of such significance to prevent its development or which requires the site's protection.
- c) It has been stated that this application should not rely on the adjoining application (TWC/2011/0871) for the provision of "open/green space". Recreation provision for the site, which does rely on the adjacent development (see paragraph 5.5 of the report), is different from general open space and is nothing to do with ecology issues.
- d) While the Town Council and Wildlife Trust may have aspirations for the site to become open/green space, that decision ultimately rests with the Borough Council as landowner. And the Village Green application, which was submitted by residents and which sought to assert that the site had been used by local people for lawful sports and pastimes over a long period has since been rejected.

- e) The land is likely to remain as “white land” in the new Local Plan and lie within the proposed built up boundary of Newport.
- f) A planning application is only required to meet its own demands for open space – a developer cannot be required to make up existing identified shortfalls as this would go beyond the scope of the three tests for planning obligations/CIL compliance (regulation 122 of the Community Infrastructure Levy Regulations 2010).
- g) The Council notes that there is likely to be a demand for additional open space in the future and that an appropriate means for this to be addressed is through new development.
- h) The supply of housing land measured at any given point in time is a matter of fact and judgment and does not, of itself, determine the acceptability or otherwise of development - it merely provides another route to engaging paragraph 14 and the ‘tilted balance’; As stated in the committee report, the Council consider a number of relevant policies of the adopted development plan to be out of date for reasons not specific to housing land supply, thus engaging paragraph 14.
- i) Paras 6.6.1 – 6.6.6 of the committee report below set out why the site is not regarded as “locally important incidental open land” under Policy OL6, despite the Audley Avenue appeal Inspector’s comments.
- j) Officers are satisfied that appropriate recreation provision can be secured in association with the adjacent site, or that if that provision is not forthcoming for whatever reason that appropriate provision is made in the s106 agreement and Grampian conditions to secure on-site provision, or appropriate financial provision for off-site improvements to the nearby Wallsend Way recreation ground including children’s play.
- k) This planning application is for housing development and must be considered as such. This planning application is not the mechanism to designate the land for another purpose, nor is it proper to refuse the application because a different land use is preferred by some people.

NO PRIOR WARNING and CALL-IN

- a) It is accepted that the application has been awaiting determination for some time for a variety of reasons.
- b) However, it is appropriate to bring the application before the Planning Committee now as it is ready to be determined.
- c) The Council does not as a matter of course inform people of when an application is to be taken to Planning Committee – initial notification letters make it clear that it is up to individuals to keep themselves updated on an application’s progress.
- d) The Secretary of State (via the National Planning Casework Unit) is already aware of the third party requests for the application to be “called-in” and this request already forms part of the committee report recommendation (see para 8.1 A) .
- e) Indeed the NPCU was informed that the application was to go before the Planning Committee on August 9th and will be informed of the Planning Committee on August 30th.
- f) The NPCU have advised the Council to inform it of the Planning Committee resolution and then the NPCU will decide whether the application should be called-in for the Secretary of State to determine or not.

PUBLIC RIGHTS OF WAY

- Paragraphs 2.5 and 6.14.5 of the Report refer to a “Rights of Way plan attached”. This was unfortunately omitted from the Committee papers. This plan is now attached.
- Further to paragraph 6.14.7 of the Report, the Council as landowner, has confirmed its acceptance that, on the basis that it is an indicative plan only, the claimed rights of way exist as shown on the attached plan. As a consequence, members can determine this application as if the Definitive routes and the Claimed routes (as indicated) exist.
- For clarity, with reference to paragraph 6.13.5 of the report, the illustrative masterplan shows that, if permission is granted, users of the existing and claimed routes travelling north to/from south (approx.) will have to walk (in part) along the proposed estate road/footway instead of these routes being retained as public footpaths.

PHOTOS

These were sent to members ahead of the last meeting, but have now been included with this committee report and will also be viewable on the power point display.

RECOMMENDATION

No change to the Officer recommendation in light of the above comments, save to add a further planning obligation at paragraph 8.1 B) x) and Grampian condition for recreation provision namely:-

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

- A) The Council submitting this report, application to the National Planning Casework Unit for consideration and, if they do not wish to call in the application:
- B) The applicant/landowner and other interested parties entering into a Memorandum with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) with indexing applicable to contributions from the date of the committee resolution to grant outline consent:-
 - i. £156,957 towards off-site highway works to the A518/Station Road roundabout and its approaches and the links along the A518 up to Audley Avenue (but not contributing towards the cost of works the proposed new access for the Station Road site (ref: TWC/2011/0871).
 - ii. £120,000 towards public transport service enhancements to divert bus services into the site.
 - iii. £10,000 for public transport infrastructure – bus shelter/stop(s) along Station Road.
 - iv. £5,000 towards Travel Plan monitoring.

- v. £290,901 towards Newport Infant School - for 2 class bases and kitchen expansion.
- vi. £177,524 secondary for 150 place expansion of Burton Borough.
- vii. 35% Affordable housing.
- viii. Open space maintenance commuted sum to be confirmed if Telford & Wrekin Council take on the maintenance of the space shown on site.
- ix. £1,000 plus £500 per s016 contribution.
- x. **Provision of on-site equipped play provision or an appropriate commuted sum towards off-site play provision (to be determined by the Development Management Service Delivery Manager) if the open space/play provision to be provided under the adjacent development (TWC/2015/0871) is not available for public use before development commences on this application site.**

C) And subject to the following conditions and informatives (similar to conditions for the East/West Station Road site) with officer delegated powers to update/amend as necessary).

- Time limit - Outline
- Time limit – Submission of Reserved Matters.
- Standard outline some matters reserved.
- Details of materials.
- Landscape design.
- Landscape Management and Maintenance.
- Highway conditions as specified by Highways Engineers (including Travel Plan.
- Detailed Scheme of Noise Attenuation Measures for dwellings.
- Land contamination.
- Site Environmental Management Plan for construction works.
- Piling
- Tree protective fencing.
- Trees Services root protection.
- TPO Extent of works
- Trees No Dig Method.
- TPO Replacements, Planting details and Scheme.
- Scheme of sustainable construction with regards to housing.
- Details for the erection of bird boxes.
- Ecological Mitigation and Method Statement.
- Landscape Implementation hard and soft.
- TPO Tree Suitable Contractor.
- Trees – no burning.
- Trees – Soil levels.
- Trees – Material Storage.
- Construction hours
- Archaeological investigation programme of work.
- Foul and surface water drainage (SuDS)
- Surface drainage
- Development in GSPZ1 and GSPZ2
- Surface water treatment

- Exceedance flow routing plan
- SuDS management plan.
- Further ground investigations
- **Grampian condition relating to recreation space**

Informatives:

I106 – Section 106 agreements

I40 - Conditions

I44 – Reasons for grant of outline consent

Other various informatives

*****ORIGINAL REPORT BELOW *****

With corrections made to duplicate paragraph numbers

1. THE PROPOSAL

- 1.1 The application seeks outline permission with access for a residential development of up to 120 dwellings including public open space and associated infrastructure works. Layout, scale, appearance and landscape are reserved matters for later consideration should outline consent be granted. The application proposes 35% affordable housing.
- 1.2 Access is proposed via a new roundabout on Station Road, that would also serve the adjacent 28ha application site TWC/2011/0871 east and west of Station Road that has a resolution for the grant of outline planning permission, subject to a s106 agreement, for a mixed use development for up to 350 dwellings, extra care housing, 4.5ha of employment land (Use Classes B1, B2 and B8), public open space and landscaping provision including a sports pitch and a landscaped park.
- 1.3 The application form and plans are also accompanied by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment and Travel Plan
 - Landscape Visual Impact Assessment
 - Geological Phase 1 Desk Study
 - Flood Risk Assessment
 - Open Space Assessment
 - Air Quality Assessment
 - Ecological Assessment
 - Acoustics report
 - Heritage Statement
 - Arboricultural Assessment
 - Statement of Community Involvement
- 1.4 The applicant has made clear that matters such as house types will be determined at reserved matters stages but indicates that the completed

development would be likely to be two storeys in height. Illustrative green - spaces are shown on the masterplan and trees around the boundary including a large veteran oak tree would be retained as would a pond on the site.

- 1.5 The masterplan makes clear that a substantial area of public open space to serve the development will be provided within the adjacent larger scheme (TWC/2011/0871). This would need to be secured through a section 106 agreement with a clause that if the larger surrounding application TWC/2011/0871 was not developed for whatever reason, that either open space/equipped play provision was provided on the site, or a financial contribution was paid towards off-site provision.
- 1.6 Following Highway Officer concerns about the internal road layout, the layout has been amended and now shows the potential for a connector road and an internal loop road arrangements.
- 1.6 The Council confirmed by letter in November 2014 that the scheme does not need to be accompanied by an Environmental Impact Assessment.
- 1.7 Third parties have asked the National Planning Casework Unit (NPCU) - part of the Department of Communities and Local Government - to "call in" this application and ask the Secretary of State to determine it. An NPCU official has advised that if the Committee is minded to grant planning permission, the NPCU will then need to determine whether the application has any issues of a significant enough nature to warrant intervention from the Secretary of State, or whether the final decision can be left to the Local Planning Authority. Similar requests were made of the other housing applications on Wellington Road (300 dwellings), Land North of Audley Avenue (215 dwellings), and the large adjacent site East and West of Station Road (350 dwellings). The Secretary of State did not call-in any of those applications, nor did he consider they needed to be considered together. The NPCU has been advised that the application has been brought before members with a recommendation for approval.

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.
- 2.2 This 4.56 ha site is located south of Newport town centre and north of the A518 by pass. It is bounded to the east by Station Road and to the south and west by a development site that has a resolution to grant outline approval (reference TWC/2011/0871) for up to 350 dwellings and a mix of uses including 4.5 ha of employment land, extra care home, public open space, sports pitch and landscaped park. The Springfield Industrial site is located to the north of the site. This has been subject to various planning applications, including full planning permission for residential development (22 houses and 11 apartments) on 21st March 2017 (reference TWC/2016/0535); and erection of 8 bungalows on 25th June 2015 (TWC/2015/0375).

- 2.3 The site is a greenfield site. It is generally Grade 2 agricultural land. Within the eastern part of the site is a grassed horse paddock enclosed by fencing, although the tenant has vacated. A pond is situated to the south east. The site is bounded to the east by a timber fence separating it from Station Road. The northern part of the site also contains a licensed landfill, forming part of the former railway line.
- 2.4 The western part of the site comprises an arable field, and a hedgerow forms the western site boundary. The field is subject to short term tenancy. The Baddeley's Wells pumping station abuts part of the western site boundary.
- 2.5 The Hutchison Way definitive public footpath starts at Station Road and runs along a route shown by a red line on the Rights of Way plan attached to this report. In addition, there are claimed rights of way across the site, shown with black dashed lines, which have been submitted by third parties and which are being processed.

3 RELEVANT PLANNING HISTORY

- 3.1 TWC/2011/0916 - Full application for erection of a new superstore and petrol filling station, highway works, associated infrastructure and landscaping (Amended Description). This was subject to a Secretary of State Call-in Inquiry heard in January 2013. A decision was not made following the death of the Inquiry Inspector. The inquiry was to be re-heard in January 2014. However the Inspector ruled it should be heard after the Court of Appeal decision on a separate supermarket proposal at Audley Avenue (TWC/2011/0632). The Inquiry was re-scheduled for January 2015, but the application was withdrawn 31 October 2014.
- 3.2 TWC/2011/0871 - Outline application for erection for up to 350 dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development. This Outline application originally included the current application site where it was proposed to locate a supermarket and petrol filling station. However, the Outline application and site boundary have since been amended to omit the current site application area and the supermarket and petrol station proposal.

4 PLANNING POLICY CONTEXT

4.1 National Planning Policy Framework (the NPPF)

The NPPF is a material consideration. The application should be assessed against the whole of the NPPF however the following sections are particularly relevant:-

- Paragraphs 7 and 8: Three mutually dependant dimensions to sustainable development; namely economic, social and environmental,
- Paragraph 14: The presumption in favour of sustainable development,
- Paragraph 17: 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.
- Paragraph 215: Weight attributable to existing development plan policies in context of the NPPF
- Paragraph 216: Weight attributable to emerging development plan policies

The NPPF is also supported by the Planning Practice Guidance which provides advice on how to interpret national policy.

4.2 Core Strategy policies

- CS1: Homes
- CS6: Newport
- CS7: Rural Area
- CS9: Accessibility and Social Inclusion
- 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

- H9: Location of New Housing
- H23: Affordable Housing
- UD2: Design Criteria
- UD4: Landscape Design
- 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
- T22: Planning Obligations

4.4 Telford & Wrekin Local Plan (Publication Version)

4.4.1 The emerging Telford & Wrekin Local Plan (TWLP) is currently at the Examination stage. As part of the Examination, hearings took place between 30th January – 10th February 2017. The TWLP is at an advanced stage of preparation but the weight to be attached to relevant policies in the TWLP will depend on the extent to which there are unresolved objections to those policies and the degree of consistency of those policies and the policies in the NPPF. In the TWLP version submitted for Examination the site is shown as a proposed housing allocation (Site H13) under policy HO2. The Policies Map accompanying the TWLP shows the “built up area” boundary around Newport as including the application site and various other housing sites around

Newport that have resolutions to grant or have been built on the edge of Newport. To the south, the Policies Map built up area boundary extends up to the A518 by-pass.

- 4.4.2 The Local Plan Inspector has raised some concerns about the methodology for calculating the Objectively Assessed Need and approach to site selection, but has not commented on the merits or suitability of particular sites. In response to interim notes from the Inspector, the Council has accepted the proposal to adjust the current schedule of site allocations in Policy HO2 to reflect only those sites with planning permission or Section 7(1) New Towns Act approval. Allocations without consent are likely to be removed, which would mean removal of the application site from the list.
- 4.4.3 The Inspector's proposed Modifications have now been received and have been published for an 8 week public consultation until September 22nd. The Inspector's proposed Modifications recommend the removal of proposed housing allocated sites without consent or resolutions. Therefore allocated housing site H13 in Newport (i.e. this application site) is likely to be removed from the emerging TWLP.
- 4.4.4 This means that the site's housing allocation in the TWLP is of no significant weight in favour of this application. However, the likely removal from the list does not count against the site in the consideration of this application or prevent determination of this application for housing, which was submitted in 2015.
- 4.4.5 The Policies Map submitted to the TWLP examination also shows the site located within the proposed new built up area of Newport where Policy SP2 (Newport) would apply. The Local Plan Inspector has not indicated that the proposed boundary around Newport should be re-drawn to exclude site H13 and he has not suggested that H13 is removed because the site is unsuitable – indeed it is only the methodology for site selection that had concerned him. With this application site being surrounded by existing dwellings or land with the benefit of a resolution to grant permission for dwellings; and with there being a need to accommodate growth in Newport on greenfield and edge of town sites; and with the A518 already presenting a logical boundary for the Built Up area; and with there being some proposed employment uses to the South of the A518, the Council is not proposing to amend this part of the Built Up area boundary as shown in the Policies Map submitted to the TWLP examination, and so the site will remain within the new Built Up area for Newport once the emerging Local Plan is adopted.
- 4.4.6 Policy SP2 (Newport) is the most relevant emerging housing policy in the determination of this application which seeks to promote development to support Newport's role as a market town with approximately 1,200 net new homes over the plan period up to 2031. However, this figure is now likely to increase to 1,330 with the increased housing requirement figure and the Inspector's proposed Modifications, which will mean that Newport is likely to need to receive more housing.

4.4.7 In view of the objections received to the TWLP, the weight attributable to Policy SP2 in the planning balance needs to be considered. The Inspector has considered the objections and has proposed main modifications which leave SP2 unaltered, save for the increase in housing numbers from 1,200 to 1,330. Therefore, it is the opinion of officers that SP2 has significant weight.

Other relevant TWLP policies include:

- SP2: Newport
- SP4 Presumption in favour of sustainable development.
- HO1: Housing requirement
- HO2 Housing allocations
- HO4 Housing mix
- HO5 Affordable housing thresholds and percentages
- HO10 Residential development in the rural area
- NE1 Biodiversity and geodiversity
- NE2 Trees, hedgerows and woodlands
- NE4: Provision of public open space
- NE5: Management and maintenance of green infrastructure
- C1: Promoting alternatives to the car
- C3 Impact of development on highways
- C4: Design of roads and streets
- BE1 Design Criteria
- BE8 Archaeology and scheduled ancient monuments
- ER12: Flood Risk Management

4.5 Newport Neighbourhood Plan (NNP)

4.5.1 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.

4.5.2 The NNP boundary follows the town/parish boundary and so differs from the Built Up area boundary shown in the emerging Local Plan. As such the NNP only includes part of the application site, not the horse paddock. However, the Reg 14 version of the NNP acknowledges and recognises the Borough Council's intention to allocate the site for housing and consequently the NNP does not include the H13 site as open space or any other designation.

4.5.3 NNP policy H1 supports housing development within Newport that meets local needs and will be expected to include affordable housing. Policy H2 includes various criteria for H1 development, such a good pedestrian/cycle routes, high quality design in keeping with area, protecting existing trees and hedgerows; no loss of amenity for neighbouring properties and traffic generation/parking does not adversely affect road and pedestrian safety. Policy GS2 seeks to ensure that new development contributes to provision of recreational open space, and GS3 seeks to establish publicly accessible links to green spaces wherever possible.

- 4.5.4 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 Newport 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

Note: Consultation comments were received in 2015 when the application was submitted, so references to housing land supply and emerging local plan are now outdated as the Council can now demonstrate a 5 year housing land supply and the emerging Local Plan has been through Examination in Public and the Inspector's proposed Main Modifications have now been published for public consultation.

5.1 Chetwynd Aston and Woodcote Parish Council: Objection

Telford & Wrekin Council already has the full quota of new houses required. This greenfield site should be retained as amenity area for people of Newport and surrounding area. Well used by walkers, children and dog walkers. A development of this size would ruin the character of this parish forever. No infrastructure to support the huge increase in the number of residents. The number of electors in the Parish would probably double. The road network is already overstretched, and would be unable to cope with any increase in traffic.

5.2 Church Aston Parish Council: Objection

- No proven need for development to come forward - contrary to development plan.
- Wrong to assume borough only has 2.4 years' housing land supply.
- Local demand for housing insufficient to meet amount being built. Not sufficient employment in the area so development will result in out-commuting to work. Premature to promote this scheme.
- Cumulative impact on local infrastructure.

5.3 Newport Town Council: objection

- Disappointed to receive notification of an application on another green field site.
- However, members acknowledge that with the implementation of the NPPF and the ongoing formation and emergence of the Local Plan, developers wish to take advantage of the lack of a 5 year deliverable housing supply and would urge the Local Planning Authority (LPA) to bring forward those developments with extant permissions. If the LPA are minded to grant permission members would wish that consideration is given to several objectives and ideals to make the development of this Green Space more acceptable: •
- T&W Council should give some weight to the Newport Town Council Town Plan which provides evidence as to the importance of retention and provision of "Green Space" for recreation use. Hutchinson Way and the footpath across field of great importance to residents. Much work

undertaken by volunteers to promote and enhance existing entrance on Station Road. Members would wish that these trails are well-defined and protected. Ideally consideration should be to provide a wide track, with a designation for use in a much more varied way for usage as a footpath, bridleways, cycle track and provision for dog walking, all in a pedestrian only environment.

- Members would prefer to see lower density of housing including 1 and 2 bedroom and starter homes to create a more balanced housing stock facilitating the retention of younger local residents in the town and 35% element of affordable housing on site and not reduced or commuted at a later date. The standard of build must be of the highest standard both in quality of design and levels of sustainability which are reflective of the town and the conservation area adjacent. Concur with police advice that consideration given to design out crime and /or the fear of crime and promote community safety
- Members noted the inclusion of a traffic island. Need to consider long term competing demands of the road network system throughout this area and the town. Development is concentric and being delivered on a centre outward basis, hence with the current housing development projects underway bottle necks and traffic jams are already forming on the existing tributary routes and existing roads at peak times.
- S106 monies should be proportionate and significant, in addition, of benefit to the wider community of Newport. For example, there is a demonstrated requirement for a community building and sports pitches.

Council and external technical consultees

5.4 T&W Highways: No objection

- Initial concerns about traffic assessment, but satisfied that the development will work satisfactorily.
- Propose conditions covering: surface water drainage; details of road/footway construction; and a travel plan.
- Propose s106 contributions for off-site highway infrastructure of £156,957.10; public transport service enhancements - £120,000; public transport infrastructure - £10,000 (unless delivered through the S278 roundabout works); and travel plan monitoring of £5,000.

5.5 T&W Parks and Open Space: comment

- Development triggers need for a Neighbourhood Equipped Area of Play. This is proposed on adjacent land and relies on this adjacent land to be developed. Need to have confirmation of when adjacent land will be developed. If this scheme approved and adjacent land not built out, provision should be made for a temporary play area on this site to an agreed standard.
- Need to have a management scheme for areas of open space shown on site.
- Need for more sport contribution as a result of scheme - £60,000 suggested for Newport swimming pool.

5.6 T&W Education: no objection

Recommend contributions towards Newport Infant School for 2 class bases and kitchen expansion (£290,901) and towards the 150 place expansion of Burton Borough secondary school (£177,524).

5.7 T&W Ecology: No objections

- Has carried out HRA test and concluded no significance or integrity test impacts.
- Recommend conditions (nesting/ roosting boxes; pre-commencement ecological conditions; common toad and bat survey; construction environmental management plan and habitat management plan; lighting plan; landscape design and various informatives).
- Have considered Shropshire Wildlife Trust's objection (see later in report) and offer the following comments:
 - The species diversity within the horse paddock does not qualify it as a Habitat of Principal Importance, a Shropshire BAP habitat or an important waxcap habitat. It does, however, meet the Local Wildlife Site selection criteria for neutral meadows.
 - It might be good for the horse paddock to be retained (and enhanced) but such a small, isolated site – if it were retained – would soon degrade in quality, given the vast increase in recreational pressure which is expected with all the residential development approved in the area.
 - The other issues Shropshire Wildlife Trust raise in their objection are in relation to the veteran tree (which is being retained), the pond (which is being retained and enhanced) and hedgerows (which are being retained as much as possible, with enhancement and additional planting proposed).
 - The proposed compensation and mitigation measures in the ecological assessment accord with paragraph 118 of the NPPF.

5.8 T&W Pollution Control: comments

Have reviewed acoustic assessment submitted with application. No objection subject to a condition requiring glazing and ventilation treatment to be implemented in accordance with assessment.

5.9 T&W Contaminated land: no comment.

5.10 T&W Drainage: Support with conditions

- The FRA has outlined the principles of the sustainable management of surface water on this site, however further details are required.
- Telford & Wrekin Council would expect to see above ground drainage features utilised on a site of this size - a below ground system, while providing attenuation, will not provide water treatment for the site (ref. Treatment Train CIRIA C697) or deliver any ecological or amenity value.
- Given the evidence for high groundwater levels on the site, a full investigation of groundwater levels should be undertaken and the results should inform the design of the surface water drainage system.
- SuDS should be on the surface or shallow and lined in order to prevent floatation and infiltration. The site is located within GSPZ (Groundwater Source Protection Zone) Zones 1 (Inner Zone) and 2 and the local water

environment is sensitive to contamination. The Environment Agency should be contacted to discuss drainage requirements and possible mitigation measures for the site e.g. restricted infiltration and surface water treatment. Recommend conditions for:-

- foul and surface water drainage including proposals for sustainable drainage;
- surface drainage scheme shall restrict surface water runoff to 5 litres per second per hectare and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change;
- written confirmation that the drainage design caters to the Environment Agency's requirements for a development in GSPZ1 and GSPZ2 to prevent pollution of the water environment and avoid contamination of the water supply;
- surface water treatment scheme that identifies the required number of treatment stages for each source of runoff and provide details on the required methods of treatment;
- Exceedance flow routing plan for flows above the 1 in 100+30% even; SUDS management plan.

5.11 Environment Agency: No objection

- Part of site covered by an Environmental Permit when former railway cutting was filled with controlled waste.
- Site on a principal aquifer. Site should not be developed in a way that affects the aquifer.
- Need appropriate surface and foul water drainage. Developer to seek comments from Severn Trent Water.
- Recommend SuDS and an amendment to the Flood Risk Assessment study.
- Recommend conditions covering surface water drainage, standard contamination statement.

5.12 Natural England (NE): no objection

- Site close to Midland Meres and Mosses Phase II Ramsar site (Aqualate Mere).
- Council needs to be satisfied with the Habitats Regulations Assessment (HRA) submitted by the developer.
- NE satisfied the development will not impact on SSSIs.
- NE advises T&W Council to consider other possible local impacts on this development.

5.13 Shropshire Council Historic Environment Archaeology Service: No objection

- Site lies in area that contains a boundary bank and ditch from post-medieval area and aware of Newport Historical Society view about the boundary being mentioned in the town's Anglo-Saxon Charter.
- Development may impact on archaeological remains associated with the former boundary.

- Recommend condition for an archaeological investigation programme of work.

5.14 Shropshire Wildlife Trust: objection

- Development of the horse paddock contrary to NPPF, Core Strategy Policy CS12 and Council's own assessment of Green Space and Council's biodiversity duty set out in the Natural Environment and Rural Communities Act (2006),
- Ecological Assessment identified that :
 - The grassland habitat meets the selection criteria for Shropshire Local Wildlife Site adoption so is of at least county level interest.
 - The woodland and scrub on site contribute to the diversity of habitats in the area.
 - A veteran tree (T5) is of district value.
 - Hedgerows on site meet the criteria as a Habitat of Principle Importance as well as providing habitat for a range of species.
 - The pond supports a good range of marginal and aquatic plants
- Grassland qualifies as a Local Wildlife Site and the associated features or pond, hedgerows, woodland and scrub would all add value. Alongside this is the high social value of the site would also be an important consideration. The horse paddock (Black Butts) can therefore be regarded of a site of county level significance with an ecological value that makes it a material consideration within the planning process.
- Should the development go ahead in its current form significant harm would result to the ecological interest and mitigation and compensation measures suggested are not adequate to address the impact and therefore permission should be refused.
- The granting of permission in the town has exacerbated problems first identified in the PPG17 study relating to a lack of accessible natural green space. A considerable level of housing development is possible in the area without encroaching on the horse paddock. A more farsighted and justifiable approach by the local authority would be to retain this area as much needed green space, provide appropriate ecological management, address the local green space deficit and meet their legal duties.

5.15 Severn Trent Water: no objection

No objections to the proposals subject to the inclusion of the following condition. *'The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.'*

5.16 Police: comment

- No formal objection but recognise that there are opportunities to design out crime / fear of crime and promote community safety.

- Recommend imposition of a condition requiring scheme to achieve Secured by Design award status. Reminds Council of its responsibility under Section 17 of the Crime and Disorder Act 1998 to prevent crime and disorder in its area.

Other consultation comments

5.17 Newport History Society: Objection

- Field has been in Newport land documents since 14th century with a long history. Development on this land would result in loss of a heritage asset (medieval ridge and furrow).
- Site called “Springfields” – it has an ephemeral pond.
- Tracks and paths in the area.
- Loss of open space a departure from the development plan too. Would result in loss of site with OL6 status. Local people’s attachment to the site attested to at recent Village Green Public inquiry. Incorrect to say site is not publicly accessible.
- Will ask Secretary of State to call in the application if the Council’s Planning Committee is minded to approve the scheme.

5.18 Save Newport Campaign: Objection

- Scheme contrary to development plan.
- Site is an OL6 site.
- Cllr Sahota said “we need to ensure we protect open spaces for leisure and other uses”.
- No AMR for 2014 with information on housing figures.

5.19 Newport and District Civic Society

- Newport has an undersupply of green spaces.
- Site was recognised by a Planning Inspector as “greatly valued as an informal recreational resource”.
- Cllr Sahota said “we need to ensure we protect open spaces for leisure and other uses”.
- Newport Town Council want current applications approved to be built out including brownfield land and sites such as Water Lane before more approvals are given for housing to be built on the few remaining areas of green open spaces in the town.
- T&W Council must release the numbers of houses approved in Telford.

5.20 Heart of England in Bloom (Newport Group): objection

- Valued open space in the area being removed by house building or by outline planning permission being granted for the land.
- The land off Station Road was identified by the Inspector Christina Downes in her planning decision in 2012 as being land ‘greatly valued as an informal recreational resource.’ This was affirmed by the Court of Appeal in its judgment on 2nd April 2014 – paragraphs 52 to 54 in particular.
- The Leader of T&W Council, Cllr. Kuldip Sahota has been quoted in the Shropshire Star as saying ‘We need to ensure we protect open spaces for leisure and other uses’.

- The Hutchison Way entrance off Station Road has been a focus for community involvement in planting and maintaining since 2007 part funded by Telford and Wrekin Council.
- This is a very important green space for Newport south and is well used and a lovely entrance to the south of the town.
- Area has been neglected with introduction of fencing and planted areas churned up. No longer managed. Residents are no longer able to enjoy this once lovely place.

5.21 Cllr Peter Scott

- Please do not undo all of the hard work done by Newport Heart of England In Bloom at the entrance to the Hutchinson Way.
- This is an important area for local people and is planted up all year round for the benefit of everyone, and there is no need to make any changes here the people of Newport would not want you to do anything that would jeopardise this floral amenity.
- Keep the pathway of the Hutchinson Way more in keeping with a PROW rather than change it to just tarmac.

5.22 Some 107 emails/letters from residents received raising the following matters, summarised below:-

- Housing scheme not needed as Newport has enough housing in the pipeline (over 1,000 homes) and too much building already in the town.
- More than five years' housing land supply. T&W Council should produce more data on sites being developed for housing in the town.
- More development should go to Telford to help realise original vision for the New Town.
- Newport needs more open space in the south of the town, not upmarket housing.
- Newport and Church Aston lack open spaces for communal use.
- Development on this site not in conformity with the Wrekin Local Plan.
- Premature to bring it forward/ consider it now for development until new Local Plan in place.
- Density of scheme not appropriate for a site at the edge of the town.
- Will not deliver the extent of affordable housing the developer says it will.
- Proposal will have an impact local services (e.g. GPs waiting lists, schools). Will new schools be needed? T&W Council needs to do an infrastructure capacity analysis of the town before approving any more housing. Needs to consult local people on cumulative effects of over 1000 new homes. Loss of recycling facility in the town will cause residents to driver further to recycle.
- Potential water supply/ drainage issues. Underground spring on the site. How will it be diverted? How will foul sewerage be handled? Site in a floodplain.
- Wrong to build on open land/greenfield site. Would result in erosion of greenfield sites in the town.
- Site is productive agricultural land, has agricultural value.
- It is also cherished by local people who have planted bulbs on the site (Newport in Bloom). It is an oasis. It should be kept for recreational purposes, consistent with measures to tackle obesity.

- Site has ecological value (veteran oak tree, grassland, pond life invertebrates). Site is a vital nesting ground for a number of species of RSPB red and yellow listing (skylarks). Land should be kept as open space for future generations.
- It is a Wrekin Local Plan OL6 site as considered by a previous planning inspector.
- Rights of way/access to the site. Site well used by walkers, cyclists and runners. Has been used for recreational purposes too and for dog walkers. One of few dog walking areas in the town.
- Historic field, the last in this area of ridge and furrow, surrounded by a medieval hedge. Should be kept open. Should not be destroyed.
- Inconsistent with Council statements that it wishes to protect open spaces for leisure and other uses. Newport has a shortage of such spaces especially in the south of the town.
- Wrong to have considered the site for retail development beforehand. Council has been inconsistent in decision making. If it won't approve retail, then why is it promoting housing instead?
- T&W Council running roughshod over Newport Town Council as owner and promoter of the site.
- Other development sites in Newport are not providing large playing fields.
- Site located within the Parish of Chetwynd Aston & Woodcote. It will significantly alter character of the village and mean that the village will lose its separate identity from Newport.
- Site should be considered for light industry/ commercial use. More housing should not be promoted without work opportunities for residents.
- Highways impacts. Newport already gridlocked. Traffic island will cause problems when exiting from Pen-y-Bryn Estate and Station Road. Difficult getting onto bypass already. Impacts on nearby schools (picking up and dropping off already a chaos). Road into town from A518 already very busy. No traffic wardens, pedestrian for zebra crossings.
- Site will generate pollution. More Newport residents will need to drive to the countryside too. New residents will have to drive to work.
- T&W Council has refused other sites on green land (e.g., Muxton) and should do the same here.
- The need to recover money should not be put above the requirements and safety of local community. Need to value the site's environmental and health attributes too. Newport being treated as a poor cousin to Telford. T&WC needs to show it cares about local opinion.

6. PLANNING CONSIDERATIONS

- 6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:
- Principle of development
 - Housing policies
 - Housing need
 - Prematurity
 - Loss of open space

- Highways impacts
- Design and amenity considerations
- Affordable housing
- Ecology
- Landscaping and trees
- Ground conditions, drainage, flooding
- S106 contributions
- Other matters
- Sustainable development

6.2 Principle of development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Telford and Wrekin comprises the Core Strategy, the 'saved' policies in the Wrekin Local Plan and the saved policies of the Shropshire, Telford and Wrekin Minerals Local Plan.

6.2.2 The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions, but advises at Paragraph 12 that it does not change the statutory status of the development plan as the starting point for decision making, whereby development that accords with an up-to-date local plan should be approved and development that conflicts should be refused, unless material considerations indicate otherwise.

6.2.3 Paragraph 14 of the NPPF advises local authorities that when deciding a planning application that they should be:-

- "approving development proposals that accord with the development plan without delay; and
- where the development is absent, silent or relevant policies are out-of-date, granting unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
 - specific policies in this Framework indicate development should be restricted."

The second bullet point test has become known as the "enhanced presumption" or "tilted balance".

6.2.4 Paragraph 49 of the NPPF states that housing supply policies in the development plan should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. The Council can demonstrate it has a 5 year housing land supply. As a consequence, the above tilted balance in NPPF para 14 is not *automatically* engaged. However, even though Telford and Wrekin Council has a five year housing supply and the enhanced presumption is not *automatically* engaged, if the Council's relevant policies are out-of-date anyway e.g. because they are based on

information which has since been superseded, the position is that the tilted balance will apply when considering a residential application.

- 6.2.5 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,
 - 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, based on housing figures from a revoked Regional Spatial Strategy or there is some inconsistency with elements of the NPPF,
 - 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 this Framework taken as a whole, or specific policies in this Framework (or in the development plan) indicate that development should be restricted.
- 6.2.6 Even though the Council needs to apply this presumption/tilted balance in favour of granting permission, 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.
- 6.2.7 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 Council has had to concede that its housing supply policies are "out-of-date" as time expired, or based on old figures or have some inconsistencies with the NPPF, those policies still retain statutory force and have to be given weight in the determination process as a matter of planning judgement. The difference is that, in some applications, the enhanced presumption may "tilt the balance" in favour of approval.
- 6.2.8 The weighting of relevant policies in the planning balance needs to be done with reference to:-
- (i) para 215 NPPF which states that "...due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies on the Framework, the greater weight that may be given)." and
 - (ii) para 216 NPPF which states that "decision takers may also 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); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the

emerging plan top the policies in the Framework, the greater the weight that may be given).

6.3 Housing policies

- 6.3.1 With reference to the Development Plan, the spatial distribution of housing across the Borough sees Telford as the main focus for new development (policy CS1), then Newport (policy CS6), followed by three identified rural settlements of High Ercall, Tibberton, and Waters Upton in Policy CS7.
- 6.3.2 The site is located outside but contiguous with the built up area of Newport as shown in the Wrekin Local Plan Proposals Map and is therefore regarded as being in the rural area in both the Wrekin Local Plan and the 2007 Core Strategy. Core Strategy Policy CS7 states that in the rural area, development is focused on the three settlements of High Ercall, Tibberton and Waters Upton, outside of these settlements development will be limited and in the open countryside strictly controlled. Consequently this development proposal raises conformity issues with the development plan.
- 6.3.3 In the recent Kestrel Close appeal decision letter (APP/C3240/W/16/3144445) the Planning Inspector concluded that “*Core Strategy Policy CS7, which seeks to strictly control development in the countryside, carries limited weight.*” Like this application site, the Kestrel Close site is also located outside the built up area on the WLP Policies Map but inside the built up area on the emerging TWLP Policies Map. The Council has now accepted that its housing policies CS1 and CS7 have limited weight, as they had been based on old figures and they belonged to a plan that has now time-expired.
- 6.3.4 Even though CS7 has been regarded as “out-of-date” it is still a relevant development plan policy that needs to be afforded appropriate weight and relevance when applying planning judgment and balancing the planning merits of this application. Policy CS7 is a strategic policy that applies a sensible strategic approach to ensure that new development in the countryside is located in suitable and sustainable locations to help sustain rural communities and encourage sustainable patterns of development and reduce the need to travel by car in the rural area. This approach is still consistent with the aims of sustainable development that the NPPF promotes, and so policy CS7 should be afforded weight even if it is limited.
- 6.3.5 With previous applications on the outskirts of Newport, officers have argued and considered that policy CS7 should not be used to prevent development that is necessary for the continued growth of Newport. Further, development is entirely consistent with the general aims of Core Strategy Policy CS6 (Newport), which also promotes development required to meet the needs of Newport’s rural hinterland as well as development which supports the town itself. Although there is no spatial plan which allocates land uses for the Core Strategy, officers consider that the proposed site is more closely related to the urban area of Newport than to the rural area or the rural settlements.
- 6.3.6 Indeed the Core Strategy Inspector envisaged that greenfield sites on the

edge of Newport's built up boundary would be required to meet Newport's growth, as brownfield development was limited in Newport, but a spatial plan to allocate sites did not follow. Therefore the existing built up area boundary of Newport (as defined in the WLP) is not considered to adequately reflect existing, proposed or future developments and needs in Newport.

- 6.3.7 This was the position that officers advanced for the determination of the other large housing sites outside of Newport's boundary that have been determined with resolutions to grant and/or planning permissions since 2011, namely 300 dwellings at land at Wellington Road (TWC/2011/0821); 215 dwellings at land north of Audley Avenue (TWC/2011/0827); 350 dwellings on the larger development to the south of the site east and west of Station Road (TWC/2011/0871), and 85 dwellings land off Edgmond Road (TWC/2013/0297). These sites were advanced as reflecting the Core Strategy Inspector's intentions and approach for the need to develop sites outside of Newport's development boundary to facilitate future growth.
- 6.3.8 With these resolutions to grant and/or planning permissions, officers consider that the A518 has become the de facto southern boundary of Newport and that the application site is an area that is more appropriate for infill development as it will be surrounded by housing. Furthermore, the relationship of the site to Newport, rather than the rural area, is reflected in the emerging TWLP Policies Map with the revised boundary around Newport now shown extending up to the A518 to include the application site and other surrounding and neighbouring sites as an extension to Newport.
- 6.3.9 In these circumstances, it is officers' view that limited weight should be attached to the site's current Development Plan designation in the rural area and that, as a consequence, CS7 is of limited weight. Furthermore, because it is considered appropriate to maintain the built up area boundary as shown on the TWLP Policies Map, emerging TWLP policy SP 2 (Newport) is relevant and of significant weight. Policy SP2 has not been subject to any proposed Modifications, apart from an increase in the number of houses. Therefore officers consider that in applying appropriate weight to existing and proposed housing policies and planning judgement this site is appropriate for housing in principle.

6.4 Housing need

- 6.4.1 The proposed development seeks to build up to 120 dwellings (of which 35% would be affordable) offering a mix of house types and sizes, comprising indicatively. Telford has seen the majority of new housing, but in 2011 a series of applications were submitted in Newport that sought to provide some 900 dwellings in total, and these schemes have been granted (and are being built out) or have resolutions to grant subject to s106 agreements. Whilst Newport has seen a recent increase in housing schemes, they do not necessarily equate to "completions" as not all of the dwellings and sites are built at once. There are several reasons for this, such as build-out rates (average 30 dwellings per year per site) and lead-in times as not all of the sites have full planning permission and those with outline consent need to

obtain Reserved Matters consent prior to commencement. Market, economic and other factors can also affect the rate at which houses are built and sold and this cannot be predicted with precise accuracy.

- 6.4.2 Newport has seen a repeated under delivery of affordable housing, despite the relatively recent increase in housing applications in Newport since 2011. The Core Strategy policy CS1 expected Newport to deliver (i.e. build) 60 dwellings per year over the plan period 2006-2016, with 35% affordable (policy CS6). This under delivery of affordable housing is due in part to the relatively small scale nature of development in Newport which saw smaller sites come forward many of which were below the affordable housing threshold.
- 6.4.3 In the emerging TWLP, policy SP2 sets out to support the delivery of 1,200 net new homes up to 2031. Most of this provision will come from existing committed or identified sites. The application site has already been included in the supply to meet the target (previously 1,200 dwellings but now 1,330 in the proposed Modifications) for Newport. Therefore, the provision from this proposed development is not additional. It is highly likely that the adopted TWLP will accept that the Borough needs to provide more housing over the plan period. This will mean that Newport will need to receive more housing.
- 6.4.4 In these circumstances, with reference to both the Development Plan and the emerging TWLP, development of this site would not compromise the Council's housing delivery for either the Borough or Newport.

6.5 Prematurity

- 6.5.1 With regards to the emerging TWLP and the site's proposed allocation for housing as site H13, it has been suggested that it is premature for the Council to determine this application in advance of the adoption of the Telford & Wrekin Local Plan.
- 6.5.2 Para 216 NPPF envisages applications being determined whilst local plans are emerging and, as stated above, it assists by giving guidance as to weight to be given to emerging policies. In addition, the Government's Planning Practice Guidance is helpful when considering whether an application should be refused on the grounds of prematurity:-

“In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?”

[Annex 1 of the National Planning Policy Framework](#) explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the [presumption in favour of sustainable development](#) – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging [Local Plan](#) or [neighbourhood planning](#); and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan”.

(Paragraph: 014 Reference ID: 21b-014-20140306 Revision date: 06 03 2014).

6.5.3 With reference to the emerging TWLP, it has been submitted for examination and can be regarded as being “at an advanced stage” which helps support the prematurity argument. However, as stated above, for prematurity to be a reason for refusal it must be shown that approval would prejudice the outcome of the plan-making process. In the circumstances of this site, it is not considered that approval would prejudice the outcome of the TWLP plan-making process for the following reasons:-

- This application site was listed as an allocated housing site “H13” in the submitted version of the Local Plan but, further to comments made by the independent Inspector and his proposed main modifications, this site is now highly likely to be removed from the list of allocated housing sites.
- However, the justification for removal from the list is based on the site selection methodology as a whole, and is not based on any view that the site should not be developed for housing. The Inspector has clarified this by saying that his comments “...do not represent any view on the particular merits of those sites that have been selected for allocation – or, indeed, those that have been rejected.”
- In accordance with para 216 NPPF, because of the nature of the objections made to the housing related policies, it is difficult to attach much significance to either the fact that the site was included as allocation H13 or the fact that it has since been earmarked for removal from the list. It is not likely that, in spite of the likely removal of H13 from the list of allocated sites for housing, the site will be afforded any particular protection in any adopted local plan. The TWLP Inspector has given no indication that the application site should be given any particular protection.
- In these circumstances, the removal of the site as a housing allocation does not mean that approval of this application/site for housing would prejudice the outcome of the TWLP.
- For the reasons stated previously in this report, the Council does not intend to amend the proposed Built Up area boundary as shown on the TWLP Policies Map in the vicinity of the application site. Therefore, the site will be located within the Built Up area of Newport and not located in the rural area. As a consequence, it is considered that approval of the

application would not prejudice any outcome of the TWLP process in respect of the proposed line of the Built Up area boundary.

- The proposed development is for 120 dwellings and, in the context of the TWLP proposals for Newport, it could not be said that it is “... so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging [Local Plan](#).” Indeed, the site has already been included in the housing supply to meet the target of 1,200 dwellings for Newport – which is to be increased to 1,330 dwellings as part of the TWLP proposed Modifications
- The NNP is not at a sufficiently advanced stage to justify refusal on the ground of prematurity.

6.5.4 More generally, any adverse impacts on the emerging TWLP of granting permission are not, in the opinion of officers, considered to significantly and demonstrably outweigh the benefits, taking the policies in the Development Plan, the Framework and any other material considerations into account and would not prejudice the outcome of the plan-making process.

6.6 Loss of open space

6.6.1 A number of respondents have suggested the site is locally important incidental open land and merits protection from development under Wrekin Local Plan Policy OL6. Many respondents have referred to the 2012 findings of the Audley Avenue appeal Inspector (Christina Downes) who determined an appeal for retail development at Audley Avenue (TWC/2011/0632). Her decision also considered the current application site, which was submitted at the time as a potential sequential alternative retail site.

6.6.2 At the time of the Audley Avenue appeal, the whole of the application site being considered now was subject to a Village Green application that had been lodged and was awaiting determination. If successful, that application would have thwarted the supermarket development by giving a right to locals to use the whole site as a Village Green. The Audley Avenue inspector was aware of the local support for the Village Green application. The Audley Avenue Inspector was comparing the two sites for the purposes of retail development and the necessary sequential approach required. She considered the Village Green application to be one of the factors of ‘doubt’ about the availability of the Station Road site for a supermarket compared with the site at Audley Avenue. The Inspector concluded that the land was “*locally important as an informal recreational resource*” (para 26) and that Wrekin Local Plan policy OL6 was relevant, when taking into account the definitive public footpath (Hutchinson Way) and other claimed paths that crossed it and the extent of local support to the then Village Green application despite there being no legal right to enter the land other than along these paths. In the round the Inspector therefore cast doubt about the suitability of the application site for a foodstore development in terms of development plan policy. The Inspector’s conclusions were not overturned on appeal to the Courts. However, the Village Green application seeking to assert that the site

had been used by local people for lawful sports and pastimes over a long period has since been rejected (January 2013).

- 6.6.3 As already mentioned above, the Core Strategy Inspector clearly accepted that some of Newport's open spaces on the edge of its built up form would have to be developed to meet Newport's growth. Furthermore, this approach to development proposals outside the town boundary has been applied in the determination of other planning applications granted in 2012/13 for housing developments similarly located outside but immediately adjacent Newport's built up boundary. It is of note that these other applications were the subject of similar objections based on the desirability of developing brownfield land in preference to greenfield land. None of these applications has been called-in by the Secretary of State.
- 6.6.4 Furthermore, the Council has recently tried unsuccessfully to refer to policy OL6 to defend other parcels of agricultural land around Newport (Kestrel Close) and Telford (Muxton Lane and Haygate Road). Inspectors have ruled that these various parcels of agricultural land, albeit with differing characteristics, and even those with a network of public footpaths crossing them, including sections of the Hutchinson Way, are not land to which policy OL6 applies. At Kestrel Close, the Inspector found that "*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*". At Muxton, the Inspector concluded that he did "*not consider it to be "incidental open land" as its agricultural use is not included in the examples given in the accompanying text*". At the Haygate Road appeal Mrs Justice Lang stated "*Although this Site was adjacent to a built-up area, it did not come within the natural meaning of the words "incidental open land" with no special designation, as it was a large tract of agricultural land, in use for that purpose. Moreover, the nature and character of this Site did not bear any resemblance to the illustrations in the supporting text. The public did not have access to it, other than along the public footpath, though naturally local residents appreciated the view and the sense of openness which it afforded.*"
- 6.6.5 The site does have some visual quality because of its openness, roadside location and tree cover and the public can walk across it along defined routes. However, the site is agricultural land and the Village Green application was emphatically rejected by independent Counsel after hearing evidence. The definitive and non-definitive paths are confined to their routes and do not confer any right to use the whole site and, generally, it is the planning judgement of officers that the site lacks the qualities and features which could render it "incidental" to Newport as envisaged by the wording of OL6 and its supporting text. In the circumstances of this site and in view of the Inspectors' and judicial conclusions in the recent appeal decisions, on balance and as a matter of planning judgement, it is not considered that the terms of policy OL6 apply to the application site, in part or in totality.
- 6.6.6 Moreover, the adjacent site (TWC/2011/0871) if developed will provide new publicly accessible open space for both residents of Newport and the proposed development to use. The loss of this site to housing would not harm the open space-related aims of existing or proposed development plan policy

in the Telford & Wrekin Local Plan. The NPPF also states at paragraph 112 that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The site is part agricultural and part is now used for horse grazing. However, in the context of continuing urbanisation in the area to the south of Newport, it is submitted that it is now more appropriate for the site to be considered for housing. If it was left undeveloped, it would remain a relatively small, surrounded parcel of agricultural land with rights of way across it and it is unlikely that it would be retained as such in time to come. It is anticipated that adjacent land will provide substantial new areas of public open space and sporting facilities to meet these needs of south Newport.

6.7 Highway impacts and transport

- 6.7.1 Access is proposed via a new three-armed roundabout on Station Road, that would also serve the adjacent 28ha application site TWC/2011/0871 east and west of Station Road that has a resolution for the grant of outline planning permission subject to a s106 agreement for a mixed use development for up to 350 dwellings, extra care housing, 4.5ha of employment land. A short section of road off the new roundabout leads to another smaller roundabout into the site. This smaller roundabout has 2 arms - one would lead into the application site, the other would lead into the adjacent larger site TWC/2011/0871 for housing and employment. The application has been accompanied by a Transport Assessment that has considered the other developments in the vicinity.
- 6.7.2 The removal of the supermarket proposal has not fundamentally changed the Highway officer's comments from when he considered the scheme with the supermarket and his recommendation is basically unchanged. The Council's highways officer is therefore satisfied that the surrounding road network can accommodate this development and there are no issues regarding the capacity of the highway network and workings of the junctions, even when considering the cumulative effect of the various other applications that have been approved.
- 6.7.3 However, as with those other applications, proportional S106 contributions will be required to fund improvements to parts of the A518 and the roundabouts onto it and the A41, namely:-

£156,957	Off-site highway works to the A518/Station Road roundabout and its approaches and the links along the A518 up to Audley Avenue (but not contributing towards the cost of works the proposed new access for the Station Road site (ref: TWC/2011/0871).
£120,000	Public transport service enhancements to divert public services into the site
£10,000	Public transport infrastructure bus stop(s) along Station Road
£5,000	Travel Plan monitoring

6.7.4 Works to the access roundabout and the existing adopted highway will need to be done under a s278 agreement.

6.7.5 Any reserved matters application and layout design will need to take into account the parking standard guidance in the emerging TWLP, which may well be adopted by the time any reserved matters application is submitted, if outline consent is granted.

6.8 Design and amenity considerations

6.8.1 This is an outline application that seeks to only establish the principle of development and broad design parameters. Matters relating to the detailed design of dwellings and buildings, their exact location, position of windows, boundary treatments, landscaping etc. will need to be submitted and considered in any subsequent Reserved Matters applications in due course, should outline planning permission be granted.

6.8.2 WLP policies UD2 and UD3 and Core Strategy policy CS15 all seek to promote good design and good concepts of “place making” to create “*Attractive, responsive and adaptable environments in which to live, work and play and are essential to creating sustainable local communities*” (para 9.76 CS15). These principles are followed through into the emerging TWLP policy BE1.

6.8.3 The NPPF has as one of its 12 core planning principles to “*secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. Another principle is for development to “take account of the different roles and character of different areas promoting the vitality of our main urban areas....”. The NPPF goes on to advise at para 59 that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

6.8.4 The agent has prepared a Design & Access Statement and a Landscape and Visual Impact Assessment. These show that the proposal would result in a mix of dwelling types with an approximate indicative density of 38 dwellings per hectare. Properties are indicated as being traditional brick and pitched roof construction, and most likely to 2 storeys in height, but with scope to provide taller buildings in parts of the site to make use of the roof space. An assessment of design, scale, massing and suitability of building heights would be undertaken at reserved matters stage. While the proposal would result in the loss of open land, this impact would be relatively confined due to the site’s existing topography, surrounding urban context and boundary planting.

6.8.5 The illustrative layout also shows it should be possible to site dwellings in a way that should avoid direct overlooking/loss of privacy of existing properties and with adequate separation and orientation of properties. Inevitably the outlook from some of the existing properties, particularly those closest to the site’s boundaries, will change as the land is built on, but there is no right to a view. Officers consider that overall the amenity of existing residential

properties will not be significantly adversely affected by the proposed new residential development and that new residents will have adequate amenity.

6.8.6 Officers are satisfied that the site could be designed to retain important features including the boundary tree planting and veteran oak tree subject to the imposition of appropriate conditions. The indicative layout demonstrates that a suitable design layout, with mix of uses, housing types, and density will provide a form of development that will not be out of keeping with the surrounding existing development in the immediate area at this edge of town location and will not result in significant detriment to residential amenity. As such the proposed illustrative layout is considered acceptable to go forward to be worked up into a detailed scheme in any subsequent reserved matters application.

6.8.7 The scheme does not propose the provision of any public open space, although the scheme is large enough to generate the need for a Neighbourhood Equipped Area of Play (NEAP), under policies LR6, OL12, CS11. However, it is anticipated that the site will effectively “borrow” from open space to be provided within the adjacent larger housing site (TWC/2011/0871). Therefore it will be necessary to impose a clause in the s106/condition which ensures that, if the adjacent site is not developed for whatever reason that landscaped open space and equipped play area are provided on site or a financial contribution is provided for off-site play provision. The Planning Committee acceded to this principle of restricting development until off site work had been done in considering the Priorslee sustainable urban extension (TWC/2014/0980) at its August 2015 meeting.

6.9 Affordable housing

6.9.1 The proposal is to provide 35% affordable housing. Policy CS7 for the rural area requires 40% affordable housing provision and policy CS6 for Newport requires 35% provision. The other large housing sites referred to in para 6.3.7 above, provided 35% befitting Newport, although the site on Audley Avenue was reduced to 17% following subsequent viability assessment. In the emerging Local Plan policy HO5 proposes Newport and the rural area to both have 35% provision. Policy CS7 has limited weight and emerging policy HO5 has more weight, considering it is not subject to the Inspector’s proposed Modifications. Officers therefore consider that 35% is appropriate as it equates to the provision sought historically on the large Newport housing sites as well as the emerging local plan provision, and was the amount agreed at the Kestrel Close appeal, despite the appeal being dismissed.

6.10 Ecology

6.10.1 The NPPF expects the planning system to conserve and enhance the natural and local environment by, amongst other things, “minimising the impacts on biodiversity and providing net gains in biodiversity where possible ...”. When determining planning applications the NPPF asks local planning authorities to apply various principles in order to conserve and enhance biodiversity, which include refusing planning permission if there is significant harm that cannot be

mitigated against or compensated for, or where irreplaceable habitats are lost or destroyed, but encouraging opportunities to incorporate biodiversity in and around developments. Core Strategy policy CS12 is already in conformity with the NPPF on this.

6.10.2 The developer has submitted an ecological assessment which demonstrates that the site does not have any protected species or important habitats on the site albeit there is a veteran oak tree. The Council's ecologist concurs with this view and further confirms that the proposal would not have an impact on the Midland Meres and Mosses Phase II Ramsar site (Aqualate Mere) or the Newport Canal SSSI. She has recommended conditions consistent with the policy requirements of Policy CS12 of the Core Strategy and Policy NE1 of the emerging Telford & Wrekin Local Plan.

6.10.3 Comments refuting the Shropshire Wildlife Trust's assertions of the site's ecological and wildlife value are set out in a para 5.7 above.

6.11 Landscaping

6.11.1 The application will represent a built addition to Newport's southern edge. However, as has already been mentioned, the Core Strategy Inspector acknowledged that greenfield areas of land on the edge of Newport beyond its current built limit would have to be forgone to facilitate new housing development, and the adjacent surrounding land has resolution to grant for residential development.

6.11.2 WLP policies UD4 and OL12 expect new developments, amongst other things, to be appropriately landscaped into its setting; replace any footpath/cycle way links that may be lost; identify any positive features that should be included into the scheme. Policy OL11 seeks to protect woodlands and trees and emerging policy. Core Strategy policy CS12 seeks to protect the natural environment and policy CS15 deals with overall urban design, which is followed through in emerging policies NE2 and BE1 respectively.

6.11.3 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The site is not covered by any national landscape or wildlife designations, nor does it have any special landscape qualities or characteristics to warrant refusal, unlike the site off Kestrel Close. The land is generally low lying and gently rolling. Much of the site is arable and lacks features of any significant landscape value. The assessment has taken into account Natural England's Character Areas (edge of Character Area 61 – Shropshire, Cheshire & Staffordshire Plain) and Shropshire County Council's 2006 study "The Shropshire Landscape Typology" (Estate Farmlands landscape type). The LVIA concludes that the overall landscape context to the site is urban fringe in character, with other urban influence of roads, the by-pass, and other dwellings.

6.11.4 As this is an outline application, detailed "landscaping" of the site is a reserved matter, such that the details of any specific planting and landscape mitigation measures will be submitted and assessed in any subsequent

reserved matters application. However, the illustrative layout indicates that the landscaped area by Station Road/start of Hutchinson Way will be retained and the woodland along the dismantled railway along the north of the site could be enhanced with native planting. A landscaped boundary along Station Road is also indicated, with the potential for further enhancement. The existing boundary treatment along the A518 and the proposed adjacent housing development will also serve to screen the site, which will not be read in isolation. There will also be areas of public semi-natural open space around the site – this will act as a buffer, but also help the site assimilate with the adjacent proposed development and its more formal and larger areas of public open space.

6.11.5 Furthermore the existing pond within the site is to be retained and will be reconfigured so that it will hold water all year round, and provide an attractive feature at the entrance to the development. Also the Veteran oak tree by the site's entrance will be retained to enhance the site's entrance. In addition to landscaping value, these features will also ensure the biodiversity of the site.

6.11.6 If the adjacent site TWC/2011/0871 is built out, the site will effectively be surrounded by new housing. If the adjacent site is not built for whatever reasons, or is built at a different time, then the site's context will be different. Therefore any reserved matter application will need to consider in particular the treatments of the southern and western boundaries of the site. Undoubtedly in winter, when leaf cover is significantly reduced, the development will be more visible but due to the set back and the existing low sensitivity of the landscape character the impact will not be significantly detrimental to warrant refusal.

6.11.7 The relatively low lying nature of the site, the existing residential development nearby and the A518 and Station Road will ensure that the overall visual impact of the development will be restricted over short-term localised distances, and overall the development can be accommodated in the landscape without significant adverse visual impact on the setting of Newport.

6.12 Drainage, flooding and other ground conditions

6.12.1 The applicant has submitted a Phase 1 desk study Geotechnical Report (and some intrusive ground works were undertaken in 2011) and Flood Risk Assessment. The site has been predominantly a greenfield and agricultural site. A railway was constructed along the northern site boundary, which was dismantled in the 1970s and the cutting infilled in the 1990s. A known infill site, associated with the infill of the railway cutting, is within 250m of the site. The infilling was licensed by Shropshire County Council and the landfill site has since closed. There are some ground works associated with the railway line, ponds and the reservoir (Millwood Mere) to the west. Gas monitoring has been undertaken and confirmed negligible levels of methane and some elevated carbon dioxide, but no elevated gas flows. Therefore there are no significant risks from landfill gas and new dwellings can be constructed with conventional gas protection measures. There may be a need for some piling of foundations for some of the proposed dwellings on deeper made ground. A

Coal Authority mining report for the site indicates the site is not affected by mining.

6.12.2 The report indicates some low levels of contamination which is of negligible risk to health. However, the report recommends that further chemical and geotechnical testing of soil and groundwater, as well as gas and groundwater monitoring, is undertaken before construction and this can be conditioned.

6.12.3 The site is not within a floodplain and in Flood Zone 1, which is at a low risk of fluvial flooding. There is a Principal Aquifer underlying the site, which will need to be protected to ensure it does not become contaminated, especially if there is piling. Therefore a condition will need to be imposed requiring details of piling and any other ground works. The Council's Drainage Engineers support subject to conditions and will require the submission of appropriate foul and surface drainage schemes that incorporates Sustainable Drainage Systems (SuDS.)

6.13 S106 contributions

6.13.1 The development will have a number of impacts on local infrastructure including the road network, education and open space. Consultees have requested the following contributions:-

Provision	Requested Contribution
Off-site highway works to the A518/Station Road roundabout and its approaches and the links along the A518 up to Audley Avenue (but not contributing towards the cost of works the proposed new access for the Station Road site (ref: TWC/2011/0871)	£156,957
Public transport service enhancements towards diverting local bus services into the site.	£120,000
Public transport infrastructure, i.e. bus shelter/stop(s) along Station Road in the vicinity of the site.	£10,000
Travel Plan monitoring	£5,000
Education	<ul style="list-style-type: none"> • £290,901 primary for Newport Infant School - for 2 class bases and kitchen expansion, and • £177,524 secondary for 150 place expansion of Burton Borough (£468,425 total).
Open space maintenance commuted sum	To be confirmed if Telford & Wrekin Council take on the maintenance of the space shown on site
Newport swimming pool refurbishment	£60,000
Affordable housing	35%, to be split 80:20 between rent

	and shared ownership
S106 monitoring fees	£1,000 flat fee plus £500 pre covenant

6.13.2 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, LR6, Core Strategy policy CS7, CS11 and emerging policy C3, NE4 and NE5) to ensure that the application is treated on its own merits and that the obligation is 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. In addition, account has been 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.

6.13.3 A contribution towards local transport infrastructure reflects the features of the site and the additional traffic impact generated by the development. The negotiation of contributions is consistent with Local Plan T22.

6.13.4 The need for a contribution towards local educational facilities reflects the link between this major development that is largely to comprise family houses and its impact on local school rolls.

6.13.5 The need for open space is a requirement under policy LR6, CS11 and TWLP policy NE4 and NE5. The application relies on open space from the adjacent site to meet the need of local residents and it is not necessary to seek a s106 contribution for this. However it is essential that the development is tied down and not delivered until the adjacent park is provided. If the adjacent development TWC/2011/0871 is not built for whatever reason, there will need to be clauses in the s106 that require the developer to provide on-site equipped play provision of a commuted sum towards off-site provision.

6.13.6 A £60,000 contribution has been requested towards the upgrade of Newport Pool. Whilst this would be of benefit to residents of Newport, it does not meet the three CIL tests set out above and is not directly related to this particular development and therefore cannot be requested.

6.13.7 The 35% provision of affordable housing on site is in line with historical provision (35%) provided on the other larger housing development around Newport, in line with the 35% provision required by policy CS6 and is in line with the 35% provision set out in the emerging Local Plan policy HO5 for both Newport and the rural area.

6.13.8 In all respects, the sums set out in the draft heads of terms appear to be fairly and reasonably related to this scheme. The sum of £1,000 plus £500 per covenant to monitor this appears reasonable and proportionate to the overall scale of the scheme.

6.14 Other matters

Archaeology and Historic Environment

- 6.14.1 Wrekin Local Plan Policy HE24 seeks to ensure that historic parks and gardens and their settings are protected or enhanced, and similarly Core Strategy policy CS14 seeks to protect and enhance the borough's unique built and cultural assets. The NPPF seeks to conserve heritage assets.
- 6.14.2 There are no statutorily designated sites (e.g. Scheduled Monuments, Listed Buildings) within the proposed site, and the site is not within a Conservation Area.
- 6.14.3 The nearest listed building is the Station Master's House approx. 50m north of the site and Newport Conservation Area is over 1km away. The nearest scheduled monument is the Butter Cross in the centre of Newport some 900m away. With intervening existing residential development to screen the Scheduled Monument, listed building and conservation area officers consider there will be no adverse effect on their character or setting. The nearest Registered Park and Garden is Lilleshall Hall. Officers consider that the type and location of the proposed development will have no significant effect upon these historic assets, especially considering their distance from the appeal site.
- 6.14.4 With regards archaeology (full information on file) Roman material has been rerecorded in the vicinity of the site. There are some remains of low earthworks representing ridge and furrow which are remains of medieval or later agricultural activity. There is a short section of bank and ditch separating the fields, an old boundary remnant of Church Aston, but is regarded as being of no more than district or local importance. Musket balls from the Civil War have also been found in the vicinity of the site over time. There is no evidence that the area contains below ground remains of high enough significance to warrant preservation in situ. Archaeological issues have been assessed and officers propose to condition such matters on the basis of the expert advice from Shropshire Council's archaeologist consistent with relevant development policy and those of the emerging Local Plan.

Public Rights of Way

- 6.14.5 There is a definitive public right of way that passes diagonally through the site (Hutchinson Way) as well as several claimed routes, one of which runs in part parallel to the definitive right of way across the site. The Rights of Way plan attached to this report shows the Definitive Footpaths in red and a number of claimed rights of way with broken black lines.
- 6.14.6 The illustrative masterplan shows the claimed footpath along the northern edge of the site as remaining. The existing and claimed PRow routes crossing the site diagonally from Station Road to the middle of the southern boundary are shown retained and combined along the line of the proposed estate road through the site, to link with the definitive PRows that continue southwards beyond the site.

6.14.7 The Council as landowner is considering whether the claimed paths are Public Rights of Way. However, this application can be determined on the basis that the claimed routes exist as PRow, even if it later turns out that they do not. The illustrative layout indicates the proposed changes to the routes of these paths as they would be retained through the site. The developer intends to ensure that there will still be a pedestrian access through the development site which will preserve the rights of way network linkages into adjoining land. If the development is approved, the paths (including the claimed paths if proven to exist) will need to be altered and appropriate diversion and/or extinguishment orders will be required to reflect these proposals and to enable development to take place.

Loss of agricultural land

6.14.8 NPPF para 112 requires LPAs to take account of the economic and other benefits of such land and the scale of any loss. The proposal will result in the loss 4.56 hectares of Grade 2 'best and most versatile' agricultural land (according to Natural England's Agricultural Land Classification map), part of which is now given over to horse grazing. The Council acknowledges that much of the land around Newport is of similar grade and any extension of Newport's urban boundary will invariably result in the loss of such. Indeed the Council has accepted a loss with the proposed allocations of two urban sustainable locations in the emerging TWLP and loss of land around Newport, but this loss has been offset in the planning balance undertaken at the time against the wider gains resulting from the scale of proposed development, including provision of schools, shops and other facilities to create a sustainable community. Other appeal Inspectors have not considered much larger swathes of good grade 'best and most versatile' agricultural land to be a reason for refusal. Therefore in the context of previously approved development around Newport and the application site, and Inspector's attitudes to the loss of more significant amounts of such land, Officers consider that in the planning balance the loss of 4.56 ha in this location and context would not justify a reason for refusal.

Noise Assessment

6.14.9 A Noise Assessment was been submitted taking into account surrounding development. The report concludes that there will be road noise from the A518 and Station Road specifically. Therefore houses fronting the road will require acoustic mitigation, which can be provided through appropriate acoustic glazing and can be conditioned.

Referral to the Secretary of State

6.14.10 Should the Planning Committee be minded to approve this outline application, the National Casework Planning Unit has requested copies of the relevant documents be passed to them to allow an assessment to be made, before any notification is issued to the applicant. This is to allow consideration of whether there are any issues significant enough nature to

warrant intervention from the Secretary of State that is, to “call in” the application.

6.15 Sustainable Development

6.15.1 In terms of the wider remit and definition of sustainable development, Paragraph 6 of the NPPF advises that the policies in paras 18-219 of the NPPF, taken as a whole, constitute the government’s view of what sustainable development is. Paragraph 7 identifies three mutually dependent dimensions to sustainable development, namely economic, social and environmental, and that these should be balanced out to ensure appropriate sustainable development. The proposal has been assessed against the three aspects of sustainable development set out in the NPPF.

Economic

6.15.2 There will be some benefits arising from up to 120 new houses. During construction there will be some short-term job creation and benefits to local businesses and well as increased spending for the local economy as people buy new curtains, carpets etc. and an increased working-age population will help boost the Borough’s workforce and business economy. Whilst these benefits are not unique to this development nor of a substantial scale, it is generally accepted that they should be taken into account in the planning balance. The development would also support Newport’s role as a market town.

Social

6.15.3 There will be benefits arising from the provision of market and affordable housing (35% in accordance with policy) helping to create a mixed community. In terms of accessibility, the site is on the outer edge of Newport but well related to a good range of higher order services and facilities, including a secondary school, several primary/junior schools, doctors, bus station, a high street of shops including some national names and several supermarkets, as well as employment estates. This will provide a sustainable development and social inclusion and access to facilities and services in line with Core Strategy policy CS9 and NPPF aims.

Environmental

6.15.4 There will be no loss of any national designated landscape or protected wildlife site or protected species. However, there will be loss of 4.56 ha of agricultural land. Whilst this is regrettable, it is not a substantial amount and could not be a sole reason for refusal when considering there is similar grade land around most of Newport. The development will be a loss of countryside. But as for the loss of agricultural land, the encroachment into the countryside around Newport and greenfield development was anticipated when the Core Strategy was produced in 2007 in order to meet Newport’s growth in the future in light of there not being enough brownfield land within Newport itself to accommodate the degree of growth. Furthermore this will not be an isolated countryside development as it is adjacent to the existing urban edge of Newport on part of an area of undeveloped land between the urban edge and the A518 by-pass and surrounded to the south by land that has a

resolution to grant planning permission for 350 houses. Therefore officers do not consider that the loss of 4.56 ha of agricultural land and undeveloped in this particular location and context to be a significant factor to weigh heavily against the scheme.

- 6.15.5 The loss of this open land would have a minimal impact on the wider landscape and approach to Newport. The public do not have a right to wander around the site. The site is not regarded to be land to which policy OL6 applies and the land has no national landscape or ecological designation. A refusal on this environmental/sustainability ground alone would not be justified when weighed against how well the site performs against the economic and social roles of sustainable development.
- 6.15.6 Planning conditions can be imposed to address the potential archaeological worth of the site. There are no justified heritage objections to the proposal, even though local residents refer to historic connections.
- 6.15.7 Officers conclude that there are no economic, social or environmental factors that, when considered in all the circumstances of this proposal, serve to indicate that this proposed development is not sustainable.

7.0 CONCLUSION

- 7.1 This is a sensitive application which has generated high levels of local opposition. The site is located in the rural area as defined in the Development Plan but in the Built Up area as defined in the proposed TWLP Policies Map. As set out in the report, officers consider the site has greater affinity with the urban area of Newport because of its location between Newport; urban edge and the A518 by-pass. The Core Strategy Inspector expected that greenfield sites on the edge of Newport would need to be developed to cater for Newport's housing expansion that could not be met on the town's very limited brownfield sites. Also more recently, housing development has been granted on Newport's edges (in the Development Plan rural area) for the reasons mentioned already and a large housing site is proposed for land immediately adjacent to the south of the application site. This development will share the same access route off Station Road.
- 7.2 In their approach to the determination of this application, officers have taken on board the conclusions of a number of senior Planning Inspectors and the views of a High Court judge. The Council has previously given weight to CS7 and treated it as being up to date. The Council has previously not wanted to concede that its Housing Supply policies are out-of-date or that the para 14 enhanced presumption or tilted balance applies in the determination of residential applications. However, after having been defeated on these issues at a number of inquiries, the Council has to accept the position which is summarised by the recent Kestrel Close, Newport appeal decision letter where the Planning Inspector stated "*Overall, relevant policies in the development plan are out-of-date and, at best, are of limited materiality and weight; the policies of the emerging Local Plan also carry little weight; and the weighted balance of paragraph 14 of the Framework applies, irrespective of*

whether or not the Council is able to show a five year supply of housing land.”

- 7.3 Having said that, the Council has already granted permission for residential development on land outside the Development Plan Built up area and in all the circumstances of this application, as a matter of planning judgement, officers are of the view that this application should be granted.
- 7.4 The planning “landscape” has changed since the decision was made in 2015 to approve the 350 dwelling development to the south of this application site. However, the circumstances now are, in the opinion of officers, more strongly in favour of approving housing development in this location than they were in 2015. For example, recent appeal decisions have confirmed that the Council’s relevant housing policies are out of date, the Para 14 enhanced presumption applies and we have an emerging local plan which is at an advanced stage and the Built up area boundary will include the site.
- 7.5 Even though the Council has a five year supply of housing land it has been told by senior planning inspectors that its relevant housing policies are out of date and now has to act reasonably in response to these recent decisions. As a matter of planning judgement, it is considered that:-
- This is a sustainable development proposal.
 - The emerging relevant policies are being considered by the Examination Inspector but are at an advanced stage so can be given weight.
 - It is adjacent to the built up area of Newport but is technically in the rural area as defined by the Development Plan which means that CS7 applies.
 - CS7 is out-of-date but that does not mean that it has no weight because it is a Development Plan policy.
 - In different circumstances, CS7 might have more weight but in respect of this development in this location being surrounded by development or proposed housing development it has little weight, as in the Kestrel Close, Haygate Road and Muxton appeals.
 - Wrekin Local Plan policy OL6 does not apply because, in accordance with recent appeal decisions, sites such as this i.e. agricultural fields adjacent to the built up area, in spite of the existence of rights of way, are not “incidental open land”.
 - There are no specific policies in Development Plan or the NPPF which are of sufficient weight and effect to indicate that development in this location should be restricted.
 - The benefits of this development proposal have been set out in this report and include briefly: boost to the local economy, short-term job creation, creation of a mixed community with both market and 35% affordable housing, an accessible sustainable location offering new residents access to a wide range of services and facilities helping to create sustainable patterns of development.
 - The adverse impacts of permitting this development have been set out in this report and include briefly the loss of 4.56ha of agricultural land (even though Inspectors have not considered larger areas of agricultural land to warrant refusal of development proposals on open

space on the edge of Newport and Telford).

- The landscape reasons for refusal which were so influential in the appeal decisions at Kestrel Close and Muxton Lane do not apply to this site where there are insufficient landscape features to justify refusal.
- On balance, in all the circumstances of this application site, the Development Plan policies do not as a matter of planning judgement, point towards a refusal of this application.
- NPPF para 14 presumption applies and, as a matter of planning judgment, it is not considered that any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF Framework taken as a whole.

7.6 There are no technical drainage, highway, ground conditions, ecological, landscape, Arboricultural, historic or archaeological issues to warrant refusal. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

7.7 If members are minded to approve, the application will need to be referred to the NPCU for them to determine if the application should be referred to the Secretary of State, or determined by the Local Planning Authority.

8.0 RECOMMENDATION

8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT OUTLINE PLANNING PERMISSION** subject to the following:

- A) The Council submitting this report, application to the National Planning Casework Unit for consideration and, if they do not wish to call in the application:
- B) The applicant/landowner and other interested parties entering into a Memorandum with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) with indexing applicable to contributions from the date of the committee resolution to grant outline consent:-
 - i. £156,957 towards off-site highway works to the A518/Station Road roundabout and its approaches and the links along the A518 up to Audley Avenue (but not contributing towards the cost of works the proposed new access for the Station Road site (ref: TWC/2011/0871)
 - ii. £120,000 towards public transport service enhancements to divert bus services into the site.
 - iii. £10,000 for public transport infrastructure – bus shelter/stop(s) along Station Road.
 - iv. £5,000 towards Travel Plan monitoring.

- v. £290,901 towards Newport Infant School - for 2 class bases and kitchen expansion.
- vi. £177,524 secondary for 150 place expansion of Burton Borough.
- vii. 35% Affordable housing
- viii. Open space maintenance commuted sum to be confirmed if Telford & Wrekin Council take on the maintenance of the space shown on site.
- ix. £1,000 plus £500 per s106 contribution

C) And subject to the following conditions and informatives (similar to conditions for the East/West Station Road site) with officer delegated powers to update/amend as necessary).

- Time limit - Outline
- Time limit – Submission of Reserved Matters.
- Standard outline some matters reserved.
- Details of materials.
- Landscape design.
- Landscape Management and Maintenance.
- Highway conditions as specified by Highways Engineers (including Travel Plan.
- Detailed Scheme of Noise Attenuation Measures for dwellings.
- Land contamination.
- Site Environmental Management Plan for construction works.
- Piling
- Tree protective fencing.
- Trees Services root protection.
- TPO Extent of works
- Trees No Dig Method.
- TPO Replacements, Planting details and Scheme.
- Scheme of sustainable construction with regards to housing.
- Details for the erection of bird boxes.
- Ecological Mitigation and Method Statement.
- Landscape Implementation hard and soft.
- TPO Tree Suitable Contractor.
- Trees – no burning.
- Trees – Soil levels.
- Trees – Material Storage.
- Construction hours
- Archaeological investigation programme of work.
- Foul and surface water drainage (SuDS)
- Surface drainage
- Development in GSPZ1 and GSPZ2
- Surface water treatment
- Exceedance flow routing plan
- SuDS management plan.
- Further ground investigations

Informatives:

I106 – Section 106 agreements

I40 - Conditions

I44 – Reasons for grant of outline consent

Other various informatives including ecology, fire