

TWC/2015/0728

Land corner of Redhill Way/A5, Redhill, Telford, Shropshire

Outline planning application with access for up to 450 dwellings, retail development consisting of up to 600 sq.m and a Public House of up to 800 sq.m with some matters reserved

APPLICANT

Metacre Limited

RECEIVED

11/08/2015

PARISH

St. Georges and Priorslee, Donnington and Muxton

WARD

Muxton, Priorslee

OFFICER Daniel Owen

OBJECTIONS RECEIVED: Yes.

THIS APPLICATION IS BEFORE COMMITTEE BECAUSE IT IS SUBJECT TO A S106 AGREEMENT.

1. PROPOSAL

- 1.1 This is an outline planning application for the erection of up to 450 dwellings, a shop (retail development up to 600 sq.m) and a public house (up to 800 sq.m). The means of access to the site is included within the application with the remaining matters of detail (appearance, landscaping, layout and scale) reserved for subsequent approval. A masterplan supports the application and seeks to demonstrate how the quantity of development proposed could fit on the site.
- 1.2 The proposed access point would be provided via a new roundabout constructed on the A5 at the southern end of the site. The illustrative block plan shows pedestrian links would be provided to Grange Lane to the eastern boundary of the site, but no vehicular access points would be provided there.
- 1.3 A number of documents have been submitted in support of the application, including:
 - Acoustic Assessment
 - Addendum Bat Report
 - Agricultural Land Assessment
 - Air Quality Assessment
 - Archaeological Geophysical Assessment and Evaluation
 - Bio-aerosol and Odour Assessment
 - Cultural Heritage Assessment
 - Design and Access Statement
 - Ecology Assessment
 - Flood Risk Assessment
 - Framework Travel Plan
 - Great Crested Newt Assessment

- Heritage Statement
- Infrastructure Report
- Landscape and Biodiversity Management Strategy
- Landscape and Visual Impact Assessment
- Phase 1 Geo-Environmental Site Assessment
- Planning Statement
- Statement of Community Involvement
- Transport Assessment
- Trenching Report
- Viability Report

2. SITE AND SURROUNDINGS:

- 2.1 The site is located towards the eastern boundary of the Borough, within the Donnington and Muxton Parish boundary. The site is outside of the Built up Area of Telford, as defined on the Proposals Maps for the Wrekin Local Plan and the emerging Telford & Wrekin Local Plan. The site is approximately 2.5 km to the north east of the Telford Town Centre, 2 km to the east of Oakengates and 800m to the west of the Sustainable Urban Extension approved by Planning Committee in Priorslee (planning application reference TWC/2015/0980).
- 2.2 The site extends to approximately 31 hectares and is Greenfield land, currently in agricultural use as arable farmland. The site slopes upwards from north to south and east to west with the highest part of the site being in the south west corner. The applicant has submitted an Agricultural Land Classification report that confirms that the majority of the site is Best and Most Versatile agricultural land (defined as Grades 1, 2 and 3A agricultural land in the National Planning Policy Framework).
- 2.3 The A5, Redhill Way and Grange Lane form the southern, south western and eastern boundaries of the site respectively. The north eastern boundary adjoins the Jack Moody Ltd recycling facility and the north eastern boundary adjoins the Telford Naturist Club. Grange Farm is located on the opposite side of Grange Lane and there are large areas of housing to the south and west of the site.

3. RELEVANT PLANNING HISTORY:

3.1 Planning Applications:

- TWC/2014/0980: Outline application for residential development of up to 1100 dwellings, a commercial/employment centre (use classes B1a, A1, A2, A3, A4 and C3 uses) retention of existing farm shop, garden centre and play barn, erection of a primary school, local centre (use classes A1, A2, A3, A4, A5, C3 and D1 and D2 (community building) a retirement village, with associated strategic landscaping, attenuation areas, opens space, highways and other associated infrastructure with detailed approval

for access arrangements from Castle Farm Way (A4640) and Watling Street (A5) with all other matters reserved. Granted: 26/10/2016.

4. PLANNING POLICY CONTEXT:

4.1 National Planning Policy Framework (the NPPF) – the NPPF is a material consideration because all of the borough's development plan policies have to be viewed in the light of this more recent national guidance.

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 11: Conserving and enhancing the natural environment
- The relevance of the presumption in favour of sustainable development is referred to later in this report.

4.1 Core Strategy policies

- CS1: Homes
- CS2: Jobs
- CS7: Rural Area
- CS9: Accessibility and Social Inclusion
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental Resources
- CS15: Urban Design

4.2 Saved Wrekin Local Plan policies

- UD2: Design Criteria
- UD4: Landscape Design
- H22: Community Facilities
- H23: Affordable Housing
- OL11: Woodland and Trees
- OL12: Open Land and Landscape – contributions from new development
- OL13: Maintenance of Open Space
- LR6: Developers contributions to outdoor recreational open space provision within residential developments
- T4: Development Principles
- T22: Planning Obligations

4.3 Telford & Wrekin Local Plan (Publication Version)

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

4.3.2 Paragraph 216 of the NPPF advises that from the day of publication, decision takers may give weight to relevant policies in emerging plans according to:-

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

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

- SP3: Rural area
- SP4: Presumption in favour of sustainable development
- HO1: Housing requirement
- HO2: Housing site allocations
- HO5: Affordable housing thresholds and percentages
- HO10: Residential development in the rural area
- NE1: Biodiversity and geodiversity
- NE2: Trees, hedgerows and woodlands
- NE4: Provision of public open space
- NE5: Management and maintenance of public open space
- 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

4.4 Donnington & Muxton Neighbourhood Plan (NNP)

4.4.1 The first formal step in the neighbourhood plan making process is to designate a neighbourhood area and define the proposed boundary covered by a plan. In March 2017 Donnington and Muxton Parish Council applied for the designation of the neighbourhood area, the proposed boundary being the whole of the parish boundary area. A six week consultation ran between 6th April 2017 and 19th May 2017 to bring this application to the attention of people who live, work or carry out business in the neighbourhood area. Telford & Wrekin Council approved the designation in June 2017.

4.4.2 Under para 216 of the NPPF weight can be given to relevant policies in emerging plans, including Neighbourhood Plans, depending on the stage of preparation, objections and degree of consistency with the NPPF. As a draft Neighbourhood Plan has not yet been prepared no weight can be given to this at the present time.

5. SUMMARY OF CONSULTATION RESPONSES:

Standard consultation responses

- 5.1 Councillor Ian Fletcher: Objects on the following grounds:
- There is no need for this number of houses,
 - Highway and traffic impacts,
 - Sufficient housing land is available so there is no need for this application to be granted.
- 5.2 Councillor Veronica Fletcher: Objects on the following grounds:
- There is no need for this number of houses,
 - Highway and traffic impacts,
 - Sufficient housing land is available so there is no need for this application to be granted.
- 5.3 Donnington & Muxton Parish Council: No comment.
- 5.4 St George's & Priorslee Parish Council: Object on the following grounds:
- The proposed development is outside the proposed Local Plan area
 - Would create great Traffic Management issues
 - The site is currently a rural area
 - Proposal would be overdevelopment
- 5.5 Councillor Thomas Hoof (St George's & Priorslee Parish Council): Objects on the following grounds:
- This is an overdevelopment on green land,
 - The site was not included in Shaping Places and should therefore be rejected.
- 5.6 Affordable Housing: No objection. The affordable housing should be provided on-site and 80% should be for social rent and 20% for shared ownership (between 25% and 80% equity). The majority of the affordable homes should be two bedroom and three bedroom houses. A small amount of one bed and four bed homes may be acceptable. The affordable homes should be fully integrated within the overall development in clusters of 4- 6 homes. Car parking should be provided within the curtilage of the dwelling. The affordable homes should achieve good internal space standards, consistent with the relevant Homes & Communities Agency (HCA) guidelines. They should also preferably achieve The Lifetime Standards.
- 5.7 Environmental Services (Arboricultural): No objection subject to conditions requiring the submission of a landscaping scheme, tree protection, the removal of the existing poplar trees and to ensure a 'no dig' method to root protection areas.
- 5.8 Environmental Services (Drainage): The principles for surface water drainage identified in the FRA are acceptable. Concern has been raised in relation to the lack of a formal outfall to the pond along the site's northern boundary,

where surface water would discharge. Planning approval should not be granted until a scheme for the creation of a formal high level outfall from the pond to the adjacent watercourse has been submitted to and approved by the LPA. The scheme should include a detailed model of the pond and an appropriately sized outfall feature. Details of the future ownership and maintenance of this feature should also be submitted.

- 5.9 Environmental Services (Highways): No objection subject to conditions relating to the detailed design of roads and the submission of a Travel Plan. Financial contributions are also requested towards Strategic Highway Improvement works and towards the provision of public transport.
- 5.10 Healthy Spaces: No objection. The quantity of development will trigger the need for a Neighbourhood Equipped Area for Plan (NEAP) and/or a Locally Equipped Area for Play (LEAP). Confirmation will be required as to who will maintain the Public Open Space (POS). An off-site financial contribution towards nearby leisure / sports facilities is requested along with a financial contribution towards the maintenance of any street trees.
- 5.11 Ecology: No objection subject to the development being carried out in accordance with the submitted Ecological Assessment and supporting reports, and subject to conditions relating to a European Protected Species Mitigation Licence and the submission of a Construction Environmental Management Plan.
- 5.12 Education: No objection. Given the number of dwellings proposed financial contributions are requested towards Primary and Secondary education facilities.
- 5.13 Environmental Health (Pollution Control): No objection subject to conditions.
- 5.14 Shropshire Fire Service: No objection.
- 5.15 West Mercia Police (Crime prevention design advisor): No objection. However it should be a condition of any planning approval that the applicant should aim to achieve Secured by Design award status for the development.
- 5.16 Place Partnership Ltd (on behalf of the Police Service): No objections are raised to the proposal but a financial contribution of £70,884 is requested towards the recruitment and equipping of officers and staff, police vehicles and office accommodation.
- 5.17 Shropshire Council (Policy and Environment Sustainability Group): No objection subject to a condition requiring the submission and implementation of a programme of archaeological work.
- 5.18 Natural England: No objection.
- 5.19 Highways England: No objection subject to conditions requiring the submission of a Transport Strategy, a construction traffic management plan

and a travel plan. Conditions should also be imposed to prevent the occupation of the development until the committed M54 junction 4 and junction 5 schemes are completed.

5.20 Historic England: No objection subject to a condition requiring an archaeological survey of the area.

5.2 Neighbour consultation responses

5.2.1 A total of 63 letters were sent to the occupiers of neighbouring properties and the application was advertised with site notices and in the local press. In response 34 letters of objection have been received. The main issues raised relate to:

- There is no requirement for the housing;
- The Council has a five year housing land supply;
- Unnecessary development on Greenfield land – there are many brownfield and undeveloped sites that should be used first;
- Danger of losing what little identity is left;
- Heritage/historical site - close to a Roman settlement and a former colliery;
- Need trees to soak up potential floodwater;
- A threat to fauna, wild flowers and wildlife;
- Close to a landfill site and another potentially hazardous area, could prove detrimental to the long term health for residents;
- Telford hospital already under threat;
- Local doctors already under pressure;
- Impact on policing;
- Primary school cannot cope with extra students
- Increased demand for parking in the area;
- Impact on residential amenity;
- Noise from the public house;
- Does not include any provision or amenity for younger residents to socialise and develop;
- Noise pollution during and after construction;
- Lack of greenspace/open space;
- The Toucan crossing will impede traffic and lorries and HGVs will be brought to a standstill;
- Traffic will increase;
- Traffic control measures been to be considered;
- Roads will become more dangerous;
- Traffic infrastructure such as the carriageway will fail if development allowed to proceed

5.2.2 An objection has also been received from the neighbouring Windings Caravan Site, raising the following issues:

- Privacy and the future existence of the club which has been established at this location for a number of years will face jeopardy;
- Risk of trespassing;
- Loss of safety;

- Accidental observation;
- Potential loss of business.

6. PLANNING CONSIDERATIONS:

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

- The principle of the development;
- Landscape and visual impact;
- Loss of agricultural land;
- Impact on residential amenity and neighbouring uses;
- Highways and access;
- Ecological impacts;
- Trees;
- The design and layout of the proposals
- Flood risk and drainage matters;
- Open Space & Play facilities;
- Heritage assets;
- Planning obligations;

The principle of the development.

6.2 Section 38 (6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.3 In relation to the presumption in favour of sustainable development paragraph 12 of the NPPF states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

6.4 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

6.5 Paragraph 47 of the NPPF requires local planning authorities to identify a five year supply of sites against their housing requirements. Paragraph 49 advises that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.

6.6 There have been a series of recent appeal decisions regarding sites in the Borough which are located on the edge of the built up areas. These have, in the Council's view, left the housing policy position as follows:

- The Council can demonstrate a 5 year supply of housing, and

- On an individual basis, the Council's relevant policies for the supply of housing are, as a matter of planning judgement, not up-to-date, as they are either time expired, or based on housing figures from a revoked Regional Spatial Strategy or there is some inconsistency with elements of the NPPF.
- 6.7 As a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF paragraph 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 6.8 Despite having to apply the 'tilted balance' it is important to note that this does not mean that planning permission will always be granted. The approach to the determination of planning applications is still a matter of planning judgment, however, it is necessary to demonstrate that the harm caused by a proposal significantly outweighs the benefits.
- 6.9 As required by statute, applications for planning permission are still to be determined in accordance with the development plan unless material considerations indicate otherwise. Even though the housing supply policies are "out-of-date" they retain statutory force and have to be given weight in the determination process.
- 6.10 At the present time the development plan for Telford consists of the saved policies of the Wrekin Local Plan and the Core Strategy. The emerging Telford & Wrekin Local Plan is a material planning consideration at the present time but it will not form part of the development plan until it is formally adopted. The same principle applies to the Donnington & Muxton Neighbourhood Development Plan.
- 6.11 Core Strategy Policy CS7 seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The site is in the Development Plan rural area and is not focussed upon any of the settlements named under Policy CS7, and therefore the proposal is contrary to this aspect of CS7. The policy also states that "Outside of these settlements development will be limited and within the open countryside will be strictly controlled." However as stated above, CS7 is out-of-date, and whilst this conflict with the development plan causes some harm, it needs to be weighed in the overall balance of whether the adverse impacts significantly and demonstrably outweigh the benefits.
- 6.12 The site is proposed to be included within the rural area in the T&WLP. The defined built up area is being extended in this area to take account of the Priorslee Sustainable Urban Extension (approved under planning application TWC/214/0980), but no other changes to the boundary are proposed in this

location. The Inspector's proposed Main Modifications have now been published and the Council does not propose to make any alterations to the proposed urban boundary as shown in the Policies Map in this location. Whilst the emerging policies do not yet carry full weight, and they do not form part of the adopted development plan, those policies which are not likely to be subject to proposed changes can now be afforded significant weight.

- 6.13 T&WLP Policy HO10 states that the Council will direct most of new rural housing to sites with unimplemented planning permission. The policy also states that the Council will support a limited amount of infill housing in Edmond, High Erccall, Lilleshall, Tibberton and Waters Upton, where it can be demonstrated that the development will help to meet the rural housing requirement. Elsewhere in the rural area, Policy HO10 seeks to strictly control residential development and the policy states that support will be given for applications that meet four criteria that relate to affordable housing, heritage assets, exceptional or innovative quality and essential rural worker housing. It is clear that the proposed development is contrary to Policy HO10 and this in itself causes a degree of harm that weighs against the proposal in the overall planning balance.
- 6.14 Once the T&WLP is adopted any proposals that are contrary to the policies contained within it, including HO10, should be refused unless material planning considerations indicate otherwise. Until that the time the 'tilted balance' referred to in paragraph 14 of the NPPF is engaged and proposals should be approved unless any adverse impacts would *significantly and demonstrably* outweigh the benefits, as stated above. The following sections will demonstrate that the adverse impacts of the scheme, including the fact that it is contrary to both policy CS7 and policy HO10, do not significantly and demonstrably outweigh the benefits.

Landscape and visual impact

- 6.12 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) and this has been assessed by an experienced Landscape Planner who is a chartered member of the Landscape Institute. The Council commissioned a Landscape Sensitivity Study in 2009 as part of the background work for the local plan process. This was updated in 2014 when this site was included within the study. That study identifies the landscape sensitivity of the site as medium, which would mean the landscape and its characteristics are vulnerable to change but with some ability to accommodate development in limited situations without significant landscape change and development could potentially relate to some aspects of the area.
- 6.13 The Site comprises four agricultural fields of a total area of approximately 31.25ha. The fields fall gently to the north and east and the Site boundaries are demarcated by a mix of hedgerows, tree belts and fencing. The LVIA states that the Site lies on north-facing gently sloping ground, ranging from a high point of approximately 170m AOD in the south-western corner of the Site, to a low point of approximately 135m AOD at its northern-most point. Beyond this land continues to fall to the north for approximately 6km towards the

shallow valley formation along which Stine Brook flows, the low point of which is approximately 55m AOD. An exception to this is the prominent hill formation on which the settlement of Lilleshall is built, approximately 3.7km north of the Site.

- 6.14 A number of photographs immediately surrounding the Site and within the wider landscape were taken from a range of locations to demonstrate the character and appearance of the landscape. These photographs were taken to enable an assessment of the landscape character and views to complement and reinforce the assessment findings. They were taken from areas to which the public gain access i.e. along roads and footpaths and within public open space, and seek to illustrate views towards the Site from adjacent local areas.
- 6.15 The LIVA sets out that due to a combination of the sloping nature of the Site (falling northwards), and the extensive vegetation surrounding the Site and along adjoining roads, visibility into the Site from the south and west is limited. Visibility into the Site from the east varies, where partial views are attained along Grange Lane which adjoins the Site, and open views of the southern part of the Site are attained from elevated positions along Watling Street. Where views are attained, the Site is seen within the context of adjoining / nearby residential properties, in particular adjoining Watling Street and Redhill Way.
- 6.16 The LVIA refers to the key objectives of the landscape strategy. This will see to retain and enhance the majority of the landscape structure within the site. It will also seek to minimise the visual impact of the proposed built-form through the reinforcement of the perimeter vegetation. Where trees and hedgerow are to be removed, they would be compensated for by the planting of a substantial number of trees, shrubs and hedgerows within the Site.
- 6.17 The proposed landscaping structure would include a sequence of publicly accessible green spaces; wildflower meadows and a naturalistic play space; wide belts of reinforcement planting would be incorporated along the boundaries to the Windings and the A4640; and the development would be set back from Grange Lane, with informal tree planting incorporated along its length to filter and soften views into the Site.
- 6.18 As stated above, the LVIA has been assessed by a Landscape Planner who has been engaged by the Council. They have advised that the proposed developments would result in some significant landscape and visual effects, particularly during the short term but that the impacts would be relatively localised in extent. They have also advised that the existing wooded edge of Telford and the strong rural contrast the site provides would be compromised.
- 6.19 However considering the pattern of existing and proposed development to the south of the site (including the Priorslee SUE), the development could potentially relate to some aspects of the landscape and they have advised that the landscape could potentially accommodate development without

extensive significant adverse landscape change to its character and quality through suitable mitigation measures.

- 6.20 They have advised that the proposed mitigation measures shown on the indicative details would be inadequate to successfully integrate the development into its surroundings and that without substantial planting along the southern and eastern boundaries, there is a concern that parts of the development would intrude into the surrounding rural countryside. As such it is recommended that the proposed planting to the southern and eastern boundaries should be significantly increased to further mitigate any adverse effects.
- 6.21 In summary it is considered that subject to the submission of an acceptable, improved, landscape design, which would be assessed as part of a reserved matters application, the proposed development would not have a significant detrimental impact on the character and appearance of the area.

Loss of Agricultural Land

- 6.22 Based on the information provided within the Agricultural Land Assessment submitted in support of the planning application the proposal would result in the loss of approximately 30 ha of agricultural land, including approximately 20 ha of land classified as 'best and most versatile' (Grades 1, 2 and 3a in the Agricultural Land Classification system).
- 6.23 Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. As the amount of BMV land affected by the proposed development is in excess of 20 ha the council are required to consult Natural England on the proposal.
- 6.24 Paragraph 112 of the Framework makes it clear that local planning authorities should take into account the economic and other benefits of BMV agricultural land, and that where significant development of agricultural land is demonstrated to be necessary, they should seek to use areas of poorer quality land in preference to that of a higher quality. Whilst the loss of BMV agricultural land does weigh against the proposal there is no suggestion in the NPPF that planning permission should be refused if BMV land is to be lost. Rather, the loss of agricultural land is just one of the matters which has to be taken into the overall planning balance when a proposal for development is being considered.
- 6.25 Natural England has not raised any objection to the proposal in relation to the loss of agricultural land and have recognised that a proportion of the agricultural land affected will remain undeveloped. They have advised that in order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions

and services (ecosystem services) as possible through careful soil management.

Impact on residential amenity and neighbouring uses

- 6.26 The NPPF requires the provision of a good standard of amenity space for all existing and future occupants of land and building (paragraph 17) and T&WLP Policy BE1 states that development should not prejudice or undermine existing surrounding uses.
- 6.27 Due to the separation distances and existing and proposed vegetation planting there would be no direct detrimental impact from the proposed development on the occupiers of the existing houses to the south of the A5, to the west of Redhill Way, at Lodgewood Farm or at Grange Farm. The applicant has stated that approximately 16.5 ha of the site would be developed for residential use. This would equate to a density of development of 27 dwellings per ha for the proposed 450 houses which is considered to be appropriate in this location. The site is also of a sufficient size to be able to accommodate the level of development proposed whilst ensure that adequate garden areas are provided for all of the houses.
- 6.28 An objection has been received on behalf of the Windings Caravan site that is occupied by the Telford Naturist Club. The club is located to the north of the Site and is accessed along Grange Lane. Concerns have been raised regarding the risk of voyeurism and accidental observation of the members of the club by future residents of the development that could lead to complaints from members of the public and/or make the club less attractive to naturists that could affect its viability. Reference has been made in the objection to the right to privacy under Article 8, and to the right to freedom of expression under Article 10, of the European Convention on Human Rights.
- 6.29 The proposed illustrative masterplan submitted in support of the application shows that housing would be located to the northern end of the site, towards the southern and western boundary of the Windings. The Windings site is set over a number of levels with the majority of the caravans and facilities set on the lower level towards the southern end of the site. Within this lower level there a number of caravans that are sited in close proximity to the site boundaries. There are additional caravans set at the higher levels of the Windings site. There is existing vegetation to the boundaries of the Windings site that provide an effective screen from views in the application site. The potential for visibility between the proposed housing and the Windings site was raised with the applicant by Officers following a site visit. The applicant has responded by proposing additional planting to the boundaries of the Windings. This would result in a landscaped belt of approximately 25m to 30m between the application site and the Windings, in addition to the existing vegetation. The applicant has also confirmed that the landscaping belt would comprise thorny species in order to act as a deterrent and a suitable mix of deciduous and evergreen species, 40% of which would be trees up to a height of 3m to provide an immediate enhancement to the existing screening.

- 6.30 Whilst more distant views between the Windings and the application site would be possible the degree of visibility is greater when looking out from the Windings site. The south western corner of the application site, which occupies the highest part of the site, is located in excess of 570m away from the Windings site. So whilst there will be some degree of visibility between the two sites the majority of the proposed houses would be a significant distance from the caravan club.
- 6.31 Reference has also been made to the potential impact on a sewerage pipe for the Windings that crosses the application site. This would be a private matter for the landowner and the occupiers of the Windings site and is not considered to be a material planning consideration.
- 6.32 Whilst there would inevitably be a change in the setting of the Windings as a result of the proposed development it is considered that the proposed development, subject to the additional landscaping buffer that is proposed, would not have a significant detrimental impact on the Windings.
- 6.33 The Jack Moody Ltd (JML) composting site is located to the north west of the Site and there is a potential for conflict between that site and the occupiers of the proposed houses in relation to odour and noise. The applicant has submitted a Bioaerosol and Odour Assessment and an Acoustic Assessment to address these issues.
- 6.34 The JML site is regulated by the Environment Agency. The AECOM report states that bio aerosols have the potential to impact health and the Environment Agency has developed a position statement relating to the levels of bio aerosols in the environment and levels at which composting sites should meet as part of a sites operating permit. The report details that the Environment Agency was consulted as part of the work carried out and bio aerosol monitoring results were obtained from them for the site. The report concludes with the support of onsite monitoring conducted by AECOM that a 115m easement between the boundary of the composting site and the first residential properties should be imposed to ensure that the level of bio aerosols are below the recommended levels of the Environment Agency and the Health Protection Agency. The illustrative layout shows that this easement is provided.
- 6.35 The report also details that when a sniff test was conducted within 50m of the boundary of the composting site the odour effects are detailed as “moderate adverse” at high sensitivity receptors such as housing. The indicative layout has taken this into account as residential properties are not planned in this area.
- 6.36 The Acoustic report concludes that the majority of the development falls in to categories that require no noise mitigation, however the boundaries facing the A5 and Redhill Way fall in to categories that will require mitigation. This is suggested to be achieved through a variety of measures e.g. acoustic glazing, orientation of noise sensitive rooms etc. The report also details that properties facing JML will require a 2m high close boarded acoustic fence to mitigate

noise associated with traffic, plant and equipment movements on the composting site.

- 6.37 The Council's Environmental Health officers have considered the proposals and have advised that subject to the imposition of conditions they do not have any objections to the proposals. It is considered that the proposal is acceptable in terms of the NPPF and T&WLP policy BE1 in regard to the impact of the proposal on the amenities of the occupiers of the proposed dwellings and neighbouring uses.

Highway and access

- 6.38 The proposal includes the construction of a new vehicular access point off the A5. This would be a roundabout that has been designed to ensure that the existing lay-by on the opposite side of the A5 is accommodated. A new pedestrian crossing would also be created, between the proposed roundabout and the Limekiln Roundabout. A new footpath would then be provided to the southern side of the A5 that would along the eastern side of Castle Farm Way in a southerly direction that would link into the pedestrian crossing point close to the junction with Gatcombe Way.
- 6.39 The site is currently separated from the built up area of Telford by the A5 and Redhill Way. There are no current cycle or footpath links that connect the site to the wider area and the existing local services. The closest existing services to the site entrance are as follows:
- Redhill Primary School: 0.8km on Gatcombe Way,
 - Telford Priory Secondary School: 3.6km on Wrockwardine Wood,
 - Shifnal & Priorslee Medical Practice: 0.9km on Gatcombe Way,
 - Convenience store: 1.15km on Gatcombe Way,
 - Asda Supermarket: 2.3km in Donnington,
 - Oakengates District Centre: 2.7km, and
 - Bus Stop: 500m on Gatcombe Way.
- 6.40 The majority of the distances are between acceptable and maximum recognised walking distances. The proposed footpath link is relatively circuitous but offers a solution to improve the connectivity of the site that reflects the site constraints (a third party owns land between the edge of Redhill Way and the site). The link would provide a safe crossing point for pedestrians and cyclists in the wider area wishing to utilise the facilities on the Site, and for potential future occupiers of the houses who wish to access the services and facilities within the wider area.
- 6.41 Due to the scale of the development it has the potential to impact on the wider highway network. Based on the number of dwellings proposed a financial contribution of £565,760 towards the strategic highway network has been requested by the Council's Highways Officers. This would be directed towards improvement works at M54 junction 4, Limekiln Roundabout and Priorslee Roundabout.

- 6.42 There are limited bus services within the area at the present time with the closest bus stop being sited in Gatcombe Way, approximately 500m from the Sites entrance. This bus stop serves the route of the No.14 bus that links Telford Town Centre with Oakengates. In order to ensure that the site is well served by public transport discussions were held between the applicant and the council's Highways Officers and then with Arriva. Those discussions concluded that a new bus service would be required to serve the development and that the funding for this would be provided by the developer. As such a financial contribution of £625,000 has also been requested towards the provision of a public transport service for the estate which would effectively provide a subsidised bus service for a period of 5 years. A Travel Plan Travel Plan monitoring fee of £10,000 has also been requested.
- 6.43 Highways England requested further information from the applicant in relation to the potential impact of the development on the strategic road network. Primarily this was because the site is not being brought forward through the local plan process and was therefore not included within the relevant modelling work used to inform the design of the highway improvements at junctions 4 and 5 of the M54. Following the submission of additional information Highways England have confirmed that the traffic from the proposed development could be accommodated within the additional capacity provided by those improvement works. They have also supported the Highways Officers request for a financial contribution to the strategic highway improvement works and conditions relating to the implementation of improvement works to junctions 4 and 5 of the M54.

Ecological impacts.

- 6.44 The planning application has been supported by an Ecology Assessment, a Great Crested Newt and Bat Mitigation Strategy, an addendum Bat Report and a Landscape and Biodiversity Management Strategy.
- 6.45 The Executive Summary of the Ecology Assessment states the following: The site is dominated by arable land used for crops, which is of limited ecological value, but also includes three ponds, mature trees and a number of species rich hedgerows which provide a valuable ecological network through the site and to the wider surroundings. There are no internationally or nationally important sites within 2km of the site boundary, but Granville Country Park Local Nature Reserve (LNR) lies approximately 900m to the north of the site. This LNR will not be affected by the development proposals due to its distance from the site. In addition, the site partially lies within the Site of Special Scientific Interest (SSSI) Impact Zone for Muxton Marsh SSSI, although no significant impacts are predicted on this SSSI from the development proposals.
- 6.46 A number of the hedgerows within the site may qualify as Important under the Hedgerows Regulations 1997 in terms of wildlife and landscape criteria, however the majority of hedgerows will be retained. Any hedgerows that are removed will require replacement planting to compensate for this loss.

- 6.47 Seven ponds within approximately 250m of the site were surveyed for great crested newts. A potentially large population of great crested newts was recorded in Pond 4, adjacent to the north-western boundary of the site. A mitigation strategy will be developed to ensure no impacts on GCN from the development and a licence will be required from Natural England to allow any works to proceed. The application for the licence will need to be supported by survey work from the most survey season. The European Protected Species (EPS) three-test matrix can be found in appendix 1 of this report.
- 6.48 A number of trees across the site were identified as having the potential to provide roosting habitat for bats, although the current masterplan for the site indicates that these will all be retained. The trees, hedgerows and scrub provide nesting opportunities for a variety of birds, and incidental records of skylark, yellowhammer and linnet, all S.41 species, were recorded within the site, although breeding was not confirmed. The vast majority of trees, hedgerows and scrub are retained in the proposed site layout, so there will be minimal loss of potential nesting habitat.
- 6.49 A number of ecological enhancement measures have been recommended to diversify the site, including grassland planting, native landscape planting and the installation of bird and bat boxes, as well as hedgehog and invertebrate boxes suitable for hibernation.
- 6.50 The Council's Ecological Specialist has considered the proposed development and has confirmed that, subject to the imposition of conditions, they have no objection to the proposed development.

Trees

- 6.51 An Arboricultural Impact Assessment was submitted in support of the planning application that details the Arboricultural impacts of the proposal. Tree surveys were carried out and an indicative tree removal plan has been provided. As this is an outline planning application the precise details of which trees would be removed would be considered at the reserved matters stage. None of the trees within the site are covered by Tree Preservation Orders.
- 6.52 A total of 39 individual trees, 24 groups of trees and 17 hedgerows were recorded within or adjacent to the site as part of the assessment. The site is split into four fields with trees and hedges along most boundaries but with a concentration to the north, west and south of the site. There are two larger clusters of trees within the central part of the site close to the existing ponds. The survey recorded a large proportion of high-value trees. This is mainly due to the commonness of large, mature and native individuals. These trees tend to have a greater landscape presence due to their size and also good habitat value. Oak was the most commonly recorded species, which also tends to be long-lived and free of major defects.
- 6.53 Based on the indicative layout the majority of trees and hedgerows could be retained. Five small groups of trees to the southern boundary of the site, in

close proximity to the existing residential property that is due to be demolished. These groups include Leyland cypress trees that generally have a low value, and ornamental garden trees that generally have a moderate value. The majority of the hedgerows would also be retained with the most significant section shown for removal along the southern boundary where the new access and roundabout would be provided. It would be necessary for any subsequent reserved matters application to ensure that suitable replacement tree and hedgerow planting is provided.

- 6.54 The Council's Arboricultural Officer has been consulted on the application and has requested that a number of conditions are attached should planning permission be granted. Some concern has been raised regarding the proximity of some of the plots to a group of existing trees (G14 and G15) that are due to be retained in and around an existing pond. The precise layout of the houses will be assessed at the reserved matters stage and a tree shading plan will be required to support that application, so the presence or otherwise of a potential conflict between the trees and the occupiers of the proposed houses can be determined and designed out at that stage.
- 6.55 Concern has also been raised about the potential conflict between the houses proposed along the south western boundary of the site (along Redhill Way) and the existing Poplar trees (G21) that are present along that boundary. The preference of the Council's Arboricultural Officer is that the trees are removed to prevent the potential future occupiers of the houses from making subsequent requests for the trees to be pruned/removed. This matter has been raised with the applicant who has advised that the trees in question are outside of their ownership and are within the strip of land that is owned by the Homes and Communities Agency (HCA). As such the applicant considers that they cannot be required to remove the trees as the landowner may not give their consent. They have also sought to reassure the Council's Arboricultural Officer that if any requests are made from residents to prune/remove the trees then those requests would be made to HCA rather than the Council. As with the trees referred to above there would be a requirement that the reserved matters application detailing the layout of the site would be supported by a tree shading plan so that the design of the site can take account of these trees being retained so that future conflict is less likely.
- 6.56 It is considered that the proposal is acceptable with regard to the impact on trees and accords with Core Strategy Policy CS12 of the saved Policy OL11 of the Wrekin Local Plan in this regard.

The design and layout of the proposals

- 6.57 This is an outline planning application with all matters of detail reserved for subsequent consideration, apart from the means of access to the site. The precise siting, design and appearance of the houses, retail unit (s) and public house are therefore not known at this stage. However a Design and Access (D&A) Statement, an Illustrative Block Plan and a Parameters Plan have been submitted in support of the proposal.

- 6.58 They indicate that the site would provide a significant amount of open space, structural planting, SuDs features and ecological mitigation that would account for over 40% of the site area. The remaining land would be taken up by infrastructure, the commercial uses and housing. It is likely that the housing would be predominantly two-storeys in height with occasional single and two and a half-storey houses. The development is likely to provide a mixture of two, three, four and five bedroom houses. Given the scale of the site and the proposed density of development it would be possible to ensure that adequate separation distances could be achieved and that on-plot car parking and private rear gardens would also be provided.
- 6.59 The character of the wider area is predominantly traditional detached two-storey housing. Subject to the detailed design of the scheme at the reserved matters stage it is that the proposal would be in accordance with Core Strategy Policy CS15, saved Wrekin Local Plan policy UD2 and the NPPF.

Flood risk and drainage matters

- 6.60 The application is supported by a Flood Risk Assessment. The Council's drainage engineers have assessed the FRA and have confirmed that the principles for surface water drainage in the FRA are acceptable. They have requested the imposition of a number of conditions should planning permission be granted.
- 6.61 The Council's drainage engineers have raised a concern regarding the lack of a formal outfall to the pond along the site's northern boundary (that is located outside of the application site). The development has a right to connect to the existing ditch course forming the site boundary, however no formal outfall has been identified for the pond to which these ditch courses discharge. The proposed drainage strategy includes a long term storage area which is designed to replicate the existing rate at which surface water is discharged to this feature and to maintain the existing volumes. The FRA suggests that should the capacity of the pond be exceeded then flows would overtop in the north east corner of the pond. Should that continue over time there is the potential for continued erosion of the embankment leading to potential embankment failure. The Council's drainage engineers have requested the submission of a scheme for the creation of a formal high level outfall from the pond to the adjacent watercourse.
- 6.62 The applicant has considered this request and has advised that they do not consider that this is necessary, despite the concerns raised. They have advised that the drainage strategy for the site is reliant on the discharge of surface water run-off from the site being controlled to maintain the status quo for drainage off the site in terms of run-off volume. In addition they state that they will be providing a betterment (30%) to the run-off rates through the use of SUDS. The site currently drains to the north of the site (and into the pond) which does not have an outfall and, into which, the applicant has a right to drain the Site. Therefore, the conditions are not being changed beyond what currently exists lawfully (other than beneficially lowering run-off rates) and, as

such, from a drainage perspective, offsite works should not be required to facilitate the development and cannot reasonably be required.

- 6.63 A requirement for such works would fail the tests set out at paragraph 206 of the NPPF which would require a condition for off-site works to be imposed only where it is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this case, the applicant considers that the requirement would not be relevant because the situation currently exists and will not be affected by the development. In that sense, such a requirement is also not reasonable.
- 6.64 The Council's Drainage engineers have advised that there are known flooding issues downstream on the Wesley Brook in Shifnal. The FRA submitted in support of the application states that surface water runoff rates will significantly reduce as a result of the proposed development when compared to the existing situation. The proposal would therefore provide a betterment that represents a benefit of the application. It is considered that the application is acceptable in this regard and in relation to T&WLP policy ER12.

Open Space & Play facilities

- 6.65 The proposal includes a large amount of public open space, which will also incorporate existing water bodies, structural planting, SuDS features and ecological mitigation areas. Approximately 13.5 ha of the site will be left open for these uses with almost 9 ha being taken up by natural/semi natural open space and this will be available for use of the residents of the proposed development and for the existing residents in the wider area.
- 6.66 The scale of the proposed development will also trigger the need for a Neighbourhood Equipped Area for Play (NEAP) and/or a combined NEAP/LEAP (Locally Equipped Area for Play). The applicant has been involved in discussions with the council's Healthy Spaces Officer in relation to these issues following initial concerns that had been raised. As a result of those discussions the applicant has confirmed that a NEAP and Multi-Use Games Area (MUGA) will be provided on the site, controls will be put in place through conditions and/or the S106 agreement to ensure that the details of that facility, along with details of how the facility will be maintained, are approved by the Council before they are installed.
- 6.67 The applicant will also be required to provide confirmation on the long term management responsibilities of the proposed public open space. If the applicant wishes for the Council to adopt/maintain these areas a suitable commuted sum would need to be agreed within the S106. The Council's Healthy Spaces Officer has also requested a financial contribution towards improving nearby leisure facilities, and a financial contribution towards the future maintenance of any trees proposed within the adopted highway, which can be secured through a financial contribution.

- 6.68 The provision of on-site open space and play facilities, and the provision of off-site financial contributions towards leisure facilities are required in order to make the development acceptable. The requested funding is likely to be directed towards maximising sports pitch facilities at St George's recreational ground and/or Teece Drive playing field.

Heritage assets

- 6.69 The Site is located within an area of known Roman activity close to the A5, which is the former Roman Road of Watling Street. This is reflected in the proximity of scheduled monuments including a Roman Camp and signal station adjacent to the A5 at Redhill, and also the site of an adjacent Roman adjacent civilian settlement.
- 6.70 Although these sites are not directly affected by the proposed development Historic England advised that they are close enough to justify an archaeological survey being undertaken to ensure that the development is considered in the light of up-to-date information about the historic environment. This has been acknowledged by the desk-based Cultural Heritage assessment submitted as part of this application. A geophysical survey has also identified a number of features of potential archaeological origin within the proposed development site. Targeted trial excavation has shown that some of the geophysical anomalies do represent buried archaeological features, although these were relatively insubstantial and no dating evidence was recovered from them. The development site is therefore considered to have a moderate to low potential for buried archaeological remains. This information has been considered by Shropshire Council's Historic Environment Team who have advised that they have no objection to the proposal subject to a condition requiring a programme of archaeological work.
- 6.71 The proposed development is directly adjacent to a further scheduled monument, namely the Headgear of the former Grange Colliery. In line with the NPPF section 12, e.g. paragraph 129, we recommend that the impact upon the setting of this monument is considered and measures taken to minimise the impact of the development within the setting of this monument.
- 6.72 The Headgear is located with the Windings caravan park and given the existing screening and the proposed substantial landscaping belt that would be provided between the proposed housings and the Windings referred to above, it is considered that the proposal would not have a detrimental impact on the setting of the monument given that this is already compromised in part by the caravan club.

Planning Obligations

- 6.73 The following planning obligations have been requested for this proposal:

Affordable Housing

- 6.74 As the site is located within the rural area (both within the adopted development plan and the emerging T&WLP) affordable housing should be provided at a rate of 35%. As the emerging T&WLP can now be given significant weight the affordable housing figures contained within it are being given precedence over the figures contained within policy CS7. The applicant has agreed to the provision of this level of affordable housing which would provide up to 158 affordable houses.

Education

- 6.75 The number of houses proposed would result in additional demand on education facilities. Due to the scale of the development financial contributions of up to £991,787 towards primary education and £537,895 towards secondary education have been requested in order to make the development acceptable. The contributions will be directed towards providing additional school capacity at schools within the vicinity of the site. It will be necessary to include an appropriate trigger point within the S106 agreement to ensure that the additional capacity at those schools is in place when it is needed.

Highways

- 6.76 As set out in paragraphs 6.42 and 6.43 above financial contributions have also been requested towards highway infrastructure works within the vicinity of the development. Based on the scale of the proposed development a contribution of £565,760 towards works at Limekiln Roundabout, Priorslee Roundabout and junctions 4 and 5 of the M54 is required.
- 6.77 In addition a financial contribution of £625,000 towards the provision of a public transport service (likely to be a bus service) is also required to make the development acceptable. This would essentially provide a subsidy to ensure that the site is serviced by public transport for five years.

Leisure

- 6.78 An off-site financial contribution of up to £270,000 towards leisure facilities within the vicinity of the site. The requested funding is likely to be directed towards maximising sports pitch facilities at St George's recreational ground and/or Teece Drive playing field.
- 6.79 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 6.80 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the financial contributions set out above meet the relevant tests and the relevant consultees have advised that they would not breach the pooling restrictions.
- 6.81 The applicant has been advised that officers consider that the above contributions are necessary to make the development acceptable and they have not disputed this. Should the applicant dispute any of the obligations listed above before the S106 agreement is signed then officers will bring the application back to Planning Committee for Members to consider.
- 6.82 A request for a financial contribution has also been made by Place Partnership Ltd, a company that manages the combined estates of Warwickshire Police and West Mercia Police, along with those of the Hereford and Worcester Fire and Rescue Service, Worcestershire County Council, Worcester City Council and Redditch Borough Council. It is wholly owned, funded and run by these bodies. A total financial contribution of £70,884 has been requested towards the recruitment and equipping of officers and staff (£11,064), police vehicles (£8,316) and office accommodation (£51,504).
- 6.83 The applicant has considered the request and does not consider that the financial contribution would be necessary to make the development acceptable in planning terms, as required by the NPPF. They also note that the proposed development will provide additional income to the police through the additional payment of Council Tax.
- 6.84 The Council’s Principal Infrastructure Planning Officer has also assessed this request and concludes that it does not pass the three tests referred to in paragraph 6.80 above. The Police receive funding through various sources including the Home Office Grant and increased income from the Council tax precept as a result of new development and therefore financially benefit from new housing. Policing is an ‘on-demand’ service and any resources secured against this development are highly likely to be deployed as part of meeting the boroughs general policing needs. The Police have no means of providing ‘dedicated provision’ to this development. Contributions towards equipping and training staff are not necessary to make the development acceptable in planning terms and represent efforts by the Police to cover costs that are currently covered by revenue funding – by way of comparison the Council don’t secure funding for recruitment and training of teachers as part of securing new or expanded schools
- 6.85 The Police do not provide any site specific justification for the contribution and instead rely solely on borough wide crime statistics. It should be noted that statistics are available down to a Safer Neighbourhood Team level (the smallest local policing unit). This provides for a more realistic breakdown of the relative levels of crime across the borough. In the case of Grange Farm which is covered by the St Georges and Priorslee SNT area at statistics show

that the area had the fourth lowest levels of crime in the borough for the month of March 2017.

- 6.86 The Police have provided no information as to their estate requirements beyond the financial contribution requested and have not provided any firm evidence of measures they are taking to minimise their premises requirements. It is noted that reference is made to Policing services for this development to be delivered from Malinsgate and the call centre at Battlefields in Shrewsbury. No detail beyond that is provided as to how these additional staff will be accommodated and no justification is provided to demonstrate that the buildings are used to the maximum capacity.
- 6.87 The Council have allowed for the possibility of contributions towards public infrastructure in the new Local Plan through Policy COM1 Community Facilities. This allows for contributions toward 'built facilities' and does not cover items such as recruitment, training or vehicles. In conclusion it is not considered that the request for a financial contribution from Place Partnership Ltd meets the relevant tests referred to paragraph 6.80 above.

7. CONCLUSIONS

- 7.1 The Framework confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan policies for housing are out-of-date and Core Strategy Policy CS 7, which seeks to strictly control development in the countryside, carries limited weight.
- 7.2 Paragraph 14 of the Framework demands that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3 The NPPF advises that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent.
- 7.4 The proposal would provide employment through the short to medium term jobs that would be created during the construction of the development and in the longer term through jobs created at the proposed pub and retail uses. In addition there would be an economic benefit from the additional spending that would be generated in the local economy to support businesses and services. This would be a benefit of the proposal.
- 7.5 The provision of additional market housing is also a benefit of the proposal, however this is regarded as being only a limited benefit as the Council can demonstrate a five-year supply of housing land. The proposal would also provide up to 158 affordable houses. Whilst this merely represents the level of affordable housing required by policy it is considered that this would be a significant benefit of the proposal.

- 7.6 The benefits afforded to the proposed play spaces and financial contributions towards off-site leisure improvements are limited as they are required to make the development acceptable, even though the improved leisure facilities would be available to the wider community. The significant areas of public open space within the site are a greater benefit as they would provide an enhancement in this regard in relation to the current use of the site.
- 7.7 The benefits associated with the financial contributions towards strategic highway improvements and towards public transport are limited as they are required to make the development acceptable in planning terms.
- 7.8 The development of a greenfield site, which constitutes a significant level of best and most versatile agricultural land, does weigh against the proposal. In addition there would be an impact on the setting of the Windings caravan site and the amenity of the visitors to that site. Whilst it is proposed to mitigate against this in terms of additional landscaping, which would reduce that impact to an acceptable level, this does weigh against the proposal, albeit not significantly.
- 7.9 As stated in paragraph 6.13 the proposal is contrary to the policy CS7 of the adopted development plan and Policy HO10 of the emerging T&WLP. Policy HO10 does not yet form part of the development plan and can only be given weight as a material planning consideration until the plan is adopted. However given the stage that the development plan is at it is considered that a significant amount of weight can be given to this policy. The fact that the proposal does not accord with both policies CS7 and HO10 significantly weighs against the proposal.
- 7.10 As stated above, as a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF para 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 7.11 It is considered that there would be a number of benefits from the proposed development and that whilst there would also be some negative impacts, including the fact that the proposal is contrary to policies CS7 and HO10, they do not significantly and demonstrably outweigh the identified benefits. There are no additional material planning considerations that weigh against the proposal and as such the application is considered to be acceptable at this time. If the S106 Agreement is not signed and sealed before the T&WLP is adopted then it is recommended that the application is re-presented to Planning Committee as the planning balance would need to be re-assessed at that time.

8. RECOMMENDATION

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

A.) The applicant/landowner and other interested parties entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) with indexing applicable from the date of the committee resolution to grant outline consent for the following:

- (i) The provision of 35% affordable housing;
- (ii) Financial contributions towards
 - Primary education: £991,787,
 - Secondary education: £537,895,
 - Highways Infrastructure Works: £565,760,
 - Public transport service: £625,000,
 - Leisure facilities: £270,000, and
 - Highway Trees: £350 per tree.
- (iii) If the S106 agreement is not signed and sealed by the time that the emerging Telford & Wrekin Local Plan is adopted then the application will be re-presented to Planning Committee.

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

1. A01: Time Limit Outline
2. A03: Submission of reserved matters
3. B002: Reserved matters
4. Additional conditions to be inserted to take account of the matters raised in the main report.

Informatives

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

APPENDIX 1

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

TWC/2015/0728

Land corner of Redhill Way/A5, Redhill, Telford, Shropshire

Outline planning application with access for up to 450 dwellings, retail development consisting of up to 600 sq.m and a Public House of up to 800 sq.m with some matters reserved.

Date:

18th August 2017

Officer:

Sophie Milburn

Environmental Planning Assistant

Daniel Owen

Planning Delivery Team Leader

Test 1:

Is the development '**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The development would result in social and economic benefits through the provision of additional market and affordable housing, through the creation of jobs during the construction period and in the longer term, and through the creation of public open space.

Test 2:

Is there '**no satisfactory alternative?**'

As a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF para 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted. The ecological impacts of the development have been taken into account of part of that balancing process and it is considered that the proposed development is acceptable.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

A maximum count of 41 GCN was recorded in Pond 4, adjacent to the site, from bottle trapping. It was only possible to access 20% of the shoreline for survey so 'it is assumed that a large population may be present' (TEP (March 2015) *Ecological Assessment*).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the site is going to be developed.

The following compensation, mitigation and enhancement measures are proposed:

- Works will take place under an ecological watching brief.
- Erection of exclusion fencing around the perimeter of the site and along the hedgerows and ponds.
- Installation of pitfall traps and carpet tiles along the hedgerows, scrub and ponds.
- A trapping exercise.
- Translocation of any amphibians trapped 'outside the exclusion fencing to the north and west of the site, into suitable cover where they will be able to access the existing breeding pond and surrounding woodland'.
- 'The perimeter amphibian exclusion fence will remain in place for the duration of the construction period'.
- 'Regular fence checks will be undertaken throughout the entire site clearance and construction period'.
- 'On full completion of the development the perimeter amphibian exclusion fence will be removed.'
- Creation of a new GCN pond 'in the north of the site, in close proximity to the breeding pond'. 'To minimise disturbance to the pond, it could be securely fenced.'
- 'The new pond should be planted with a variety of native species of local provenance and include marginal, floating and submerged vegetation'.
- 'The new pond will be connected to the wider surroundings by grassland, seeded with a neutral grassland/wildflower mix, and/or scrub and hedgerow planting.'
- 'Although not specifically designed for amphibians, the detention ponds and infiltration basin could incorporate features to increase their suitability for amphibians and other wildlife.'
- Creation of two hibernacula/refugia adjacent to the newly created pond.
- Creation of piles of wood, brash and grass cuttings.
- Replacement hedgerow planting, 'located to maximise connectivity across the site and provide further refuge opportunities and commuting habitat'.

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation

status within their natural range, provided that the conditions and informatives set out in the response from Sophie Milburn to Daniel Owen (dated 23rd October 2015) are included on the decision notice and are appropriately enforced. The conditions are:

- Construction Environmental Management Plan
- European Protected Species Licence
- Ecological survey – working in accordance with protected species surveys
- Habitat management plan (post construction)

An informative in relation to great crested newts is also recommended.