

TWC/2017/0744

Land between Hayes Meadow and Uppatree, 33 Horton Lane, Horton, Telford, Shropshire

Outline application for the erection of up to 5no. detached dwellings with access and all other matters reserved

APPLICANT

Telford & Wrekin Council & HCA

RECEIVED

13/09/2017

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

OFFICER Matthew Thomas

HADLEY & LEEGOMERY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE

OBJECTIONS RECEIVED: YES

1.0 THE PROPOSAL

- 1.1 This outline planning application seeks permission for the erection of 5no. detached dwellings with garages on a piece of land situated off Horton Lane within the settlement of Horton. Access forms part of the application however all other matters including scale, layout, appearance and landscaping are reserved for latter approval.
- 1.2 The application site measures approximately 0.8ha and the indicative site layout proposes five large detached houses set back between 10m and 20m from the back of the highway. The proposed dwellings will be served by two access points and a third access will be created providing access to the fields to the rear. On-site car parking will be provided for each dwelling together with large private gardens to the rear.
- 1.3 Together with the application form and indicative site layout plan the application is supported by the following documents:
 - Design & Access Statement
 - Protected Species Survey Report
 - Extended Phase 1 Habitat Survey
 - Tree Survey & Constraints
 - Traffic Assessment

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located on the northern side of Horton Lane off an un-adopted highway. The site has no specific policy designation (i.e. white land) and sits just outside of the built up boundary as shown on the Wrekin Local Plan Proposals Map. The site is however included within the development boundary as shown on the Telford & Wrekin Local Plan (submission version).

- 2.2 The site measures approximately 0.8ha and comprises an area of semi-improved grassland. Boundary treatments comprise predominantly of established hedgerows and a number of semi-mature trees. There are a small number of agricultural buildings on site as well as a paddock/ménage to the northern half.
- 2.3 The site is separated from the agricultural fields to the north/north-east by sporadic hedgerows. To the north is the Horton Farm which comprises the Farmhouse, original brick outbuildings and steel roofed barns. To the east is a range of detached dwellings fronting Horton Lane which comprise a mixture of both traditional and more recent developments. The application site therefore comprises an in-fill plot fronting the highway.
- 2.4 The wider area is mixed in character, with existing low density housing fronting the western side of Horton Lane where it meets Hortonwood 60, which has a semi-rural feel. There are a number of more modern houses towards the east to west section of Horton Lane where the density of development is higher. However there are large and modern industrial developments to the east and west within the Hortonwood industrial area.
- 2.5 There are limited services in Horton however there is a Pub/Restaurant ('The Queens') situated within walking distance. The district centres of Donnington and Hadley are located approximately 2 miles away to the south and Telford town centre is some 4 miles.

3.0 RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS1 Homes
CS3 Telford
CS7 Rural Area
CS9 Accessibility and Social Inclusion
CS15 Urban Design
- 4.3 Wrekin Local Plan:
H6 Windfall Sites in Telford & Newport
UD2 Design Criteria
- 4.4 Telford &Wrekin Local Plan (Publication Version):
SP1 Telford
SP4 Presumption in favour of sustainable location
HO1 Housing requirement
BE1 Design Quality

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Hadley & Leegomery Parish Council: Object
- Concerns regarding number of vehicular access points off Horton Lane – alternative arrangements such as a service road should be considered
 - Loss of substantial portion of an established hedge facing the road
 - Loss of trees classified as ‘moderate suitability for retention’ in accompanying Tree Survey - contrary to WLP policies H10 and OL11
 - Development will remove the opportunity for affordable homes to be built within the village, threatening sustainability of local schools and services
 - Application is one of three sites which the applicant intends to bring forward – collectively amounting to 1.67ha of which it is proposed that 11 detached residential plots should be built
 - Parish Council is not objecting to the principle of development however the current application will result in significant environmental impacts, would fail to contribute to the character of the village and fail to promote a sustainable future for the village of Horton and other local settlements
- 5.2 Highways: Support subject to conditions
- Visibility Splays (2.4m x 43m)
 - Parking, turning & loading
 - Access – bound material for distance of 5m
 - Gates – set a minimum distance of 5m from carriageway edge
 - Surface water drainage interceptors
 - Include highways informatives
- 5.3 Drainage: Support subject to conditions
- Foul and surface water drainage
- 5.4 Ecology: Support subject to conditions
- Ecological Mitigation Strategy and Method Statement
 - Erection of artificial nesting/roosting boxes
 - Landscaping design
 - Lighting Plan
 - Informative – nesting wild birds / Great Crested Newts
- 5.5 Arboriculture: *Members to be updated*
- 5.6 Shropshire Fire Service: No comment
- 5.7 West Mercia Police: Comment – condition Secure by Design

Neighbour consultation responses

- 5.8 Following neighbour consultation a single letter of ‘comments’ were received together with a ‘support subject to conditions’ and the issues raised are summarised below:

- Given that the proposed dwellings are 4/5 bedrooms and large plots, the trip rates indicated in the traffic assessment appear to be very optimistic
- Additional pressure on the Queens junction where visibility is restricted
- Disappointing that more modest affordable accommodation is not being provided for younger, smaller families
- Horton Lane should become a one way system out of the village on to Hortonwood as it has become a rat run during peak times
- Provision for a footpath should be considered to aid the provision of extra street lighting and channels to run BT lines rather than overhead cables

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations, the planning application raises the following main issues:

- The principle of residential development on this site
- The impact on the character and appearance of the area
- The impact on the living conditions of neighbouring properties
- Other Constraints – highways, drainage, ecology/trees
- Other Matters

The principle of residential development on this site

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

6.3 Paragraph 14 of the NPPF states that, unless other material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

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

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

- The Council can demonstrate a 5 year supply of housing, however,
- On an individual basis, the Council's relevant policies for the supply of housing are, as a matter of planning judgement, not up-to-date, as they are either time expired, or based on housing figures from a revoked

Regional Spatial Strategy or there is some inconsistency with elements of the NPPF.

- 6.6 As a result of the relevant Core Strategy policies not being up-to-date, planning applications for residential development should be determined with reference to the NPPF para 14 'tilted balance' and should therefore be granted, unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 6.7 Despite having to apply the 'tilted balance' it is important to note that this does not mean that planning permission will always be granted. The approach to the determination of planning applications is still a matter of planning judgment, however, it is necessary to demonstrate that the harm caused by a proposal significantly outweighs the benefits.
- 6.8 As required by statute, applications for planning permission are still to be determined in accordance with the development plan unless material considerations indicate otherwise. Even though the housing supply policies are "out-of-date" they retain statutory force and have to be given weight in the determination process.
- 6.9 Policy CS7 seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The site is in the Development Plan Rural Area and is not focussed upon any of the settlements named under Policy CS7 and therefore the proposal is contrary to this aspect of CS7. CS7 goes on to say that "*Outside of these settlements development will be limited and within the open countryside will be strictly controlled.*" However as stated above, CS7 is out-of-date, and whilst this conflict with the development plan causes some harm it needs to be weighed in the overall balance of whether the adverse impacts significantly and demonstrably outweigh the benefits.
- 6.10 The site is also proposed to be included within the urban boundary of Telford in the T&WLP and as such it would not fall within the rural area once that Plan is adopted. The Inspector's proposed Main Modifications have now been published and the Council does not propose to make any alterations to the proposed urban boundary as shown in the Policies Map in this location. Whilst the emerging policies do not yet carry full weight, and they do not form part of the adopted development plan, those policies which are not subject to proposed changes can now be afforded significant weight.
- 6.11 As stated above the relevant development plan policies relating to the supply of housing are out-of-date and can only be afforded limited weight. In addition, the fact that they are out-of-date means that the 'tilted balance' referred to in para 14 of the NPPF is engaged and that the proposal should be approved unless any adverse impacts would *significantly and demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken

as a whole, or specific policies in the NPPF indicate that development should be restricted. The following sections will demonstrate that the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits.

The impact on the character and appearance of the area

- 6.12 As stated above, the proposal is for outline planning permission and access with all matters (including layout, scale, appearance and landscaping) reserved for later determination. The site is located within a well-established settlement with neighbouring properties varying in size and character having mostly been self-builds. However the prevailing character is that of large two storey detached houses set within large plots with spacious front and rear gardens. Boundary treatments comprise of established hedging, trees and low level brick walls. Finishing materials comprise predominantly of red facing bricks, clay roof tiles and upvc windows and doors.
- 6.13 An Indicative Layout Plan accompanies the application and demonstrates that five large detached dwellings can be achieved on site together with garages, on-plot parking and spacious rear gardens. The overall density of the proposed scheme is 6.5 dwellings per hectare which is very low but somewhat typical of the nature of development along Horton Lane. Whilst only indicative at this stage, the proposed houses have been arranged in a crescent formation with the two end plots acting as stop ends providing character and visual amenity together with natural surveillance.
- 6.14 There are some topography issues for the future developer to take in to consideration and site levels will need to be fully considered at Reserved Matters stage. However through appropriate use of soft landscaping and choice of boundary treatment there is no reason why this should be an obstacle in providing a successful development of new family homes. Taking the above in to consideration, there are plenty of styles on which to draw design inspiration from and there is no reason why a future application would have an adverse impact upon the character and appearance of the surrounding area.
- 6.15 In principle, it is concluded that the development of this site would not result in any conflict with saved Wrekin Local Plan policy UD2, Core Strategy policy CS15, and Telford & Wrekin Local Plan policies SP4, and BE1. These policies seek appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

The impact on the living conditions of neighbouring properties

- 6.16 The NPPF requires the provision of a good standard of amenity space for all existing and future occupants of land and buildings.
- 6.17 The Illustrative Plan shows a low density development. This works to the advantage of both existing and proposed dwellings by allowing for good

separation distances and relationships with existing neighbouring properties. It is considered that five detached properties could be sited and designed to ensure that there would be no adverse impact on the residential amenity of neighbouring properties in terms of loss of privacy, daylight or outlook.

- 6.18 With separation distances between the proposed and existing dwellings on the opposite side of Horton Lane exceeding 25m, the proposed development will not harm the residential amenity of existing or future occupiers. The indicative layout plan also demonstrates that extensive private garden areas can be achieved for each dwelling to the rear. Taking the above in to consideration, in principle the proposed development is therefore considered not to have a significant detrimental impact on the amenities of adjacent residential properties and complies with policy CS15 of the Core Strategy, 'saved' policy UD2 of the WLP and Telford & Wrekin Local Plan Policy BE1.

Other Constraints

Highways

- 6.19 Access is a matter under consideration at this stage and the scheme therefore seeks approval for the formation of two new shared access points and a field access off the Horton Lane. The Parish Council have concerns regarding the number of vehicular access points and has suggested that alternative arrangements such as a service road should be considered. As a starting point the Local Highways Authority has assessed the proposal and has raised no objection subject to the inclusion of conditions relating to the provision of visibility splays, on-site parking and turning, bound surface material, surface water interceptors and the distance of any gates from the highway. As such the current proposal does not create any highway safety issues. Officers have considered the provision of an internal service road. However, practically it would be unusual for residential properties to be served by an internal driveway directly off a field access not least due to the conflict with farm vehicles. Furthermore it is evident along Horton Lane dwellings are largely served by individual access points and therefore the current proposal is not an inappropriate solution.
- 6.20 The submitted letter of representation suggests that the trip rates indicated in the traffic assessment appear to be very optimistic and would result in additional pressure on the Queens junction where it has been suggested that visibility is restricted. Given the scale of development proposed, it is unlikely that there will be any significant impact on the adopted highway network (i.e. remainder of Horton Lane) in terms of safety or inconvenience to road users.
- 6.21 It is concluded that there would be no conflict with saved Wrekin Local Plan Policies UD2 and H6, Core Strategy Policies CS9 and CS15, and Telford & Wrekin Local Plan (2031) Policies BE1 and C3. These policies seek adequate access and car parking provision to new development which preserves highway safety. The policy aims are consistent with the National Planning Policy Framework.

Drainage

- 6.22 The application site is not located within Flood Zones 2 and 3 (as per the Environment Agency's Flood Map). The Council's Drainage Engineers have assessed the proposals and have offered support for the proposals subject to a scheme for foul and surface water drainage being agreed prior to commencement of development.

Ecology & Trees

- 6.23 The application is supported by an Extended Phase 1 Habitat Survey, a Protected Species Survey Report and an Arboriculture Report. These reports conclude that the proposed development can be carried out without any significant impact on local wildlife or trees. The Council's Ecologist has assessed the submitted reports and offers support for the application subject to conditions. Members will be provided with comments from the Council's Tree Officer as an Update. A suite of conditions relating to wildlife protection and enhancement to include tree planting will be imposed to the decision notice to ensure the scheme is compliant with local policies.

Consultation responses

- 6.24 The Local Planning Authority (LPA) has considered all consultation responses received and many of the issues raised have been discussed within this report. Hadley & Leegomery Parish Council has confirmed that there are no objections to the principle of development however they are concerned regarding the significant environmental impacts as a result of the proposed development.
- 6.25 Whilst the proposed development will result in a loss of trees, the developer will be required to liaise with the Council's Tree Officer to provide a Tree Protection Plan together with a scheme for tree replacements. It is inevitable that a proportion of the existing hedging will be removed to accommodate the new access roads however the supporting ecology report classes the condition of these hedges as 'poor' and new hedgerows could be planted to define the new boundary plots and this will be conditioned.
- 6.26 The comments received regarding lack of affordable housing or the affordability of the proposed dwellings has also been considered. The LPA does not consider Horton Road to be an appropriate location for new affordable housing given the lack of a local bus service or other walkable amenities. Policy HO4 (Housing mix) of the TWLP identifies an increasing demand for housing for those households seeking to occupy larger properties to meet the needs of working families. The proposed development would assist in delivering such housing within a suitable location typical to its character. It is also noted that the applicant is bringing forward 3 sites along Horton Lane for development. Outline approval has already been granted for 3 detached dwellings under planning permission reference TWC/2017/0302 and a third application has recently been submitted (TWC/2017/0826) and this is currently under consideration and out for consultation.

7.0 CONCLUSIONS

- 7.1 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.
- 7.2 It is considered that there are a number of benefits from the proposed development and that whilst there would also be some negative impacts they do not significantly and demonstrably outweigh the identified benefits. There are no additional material planning considerations that weigh against the proposal and as such the application is considered to be acceptable.
- 7.3 The indicative layout plan shows dwellings of a varied design, in-keeping with this location and an acceptable low density of 6.5dph is proposed. The indicative layout allows for suitable separation distances between existing and proposed developments and the Local Planning Authority considers that, subject to full consideration of the reserved matters at a later stage, the proposed five detached dwellings can be achieved on this site without adverse impact on the character and appearance of the area or the living conditions of neighbouring properties.
- 7.4 The Council's Highways and Drainage officers have assessed the proposals and have raised no objections subject to the inclusion of conditions. The proposed access points and on-site parking appear to be acceptable and will not result in any significant adverse impact on highway safety. Similarly, the development of this site is achievable without causing any adverse impact on local wildlife or to any trees subject to the inclusion of conditions.
- 7.5 The Local Planning Authority has considered all consultation responses received and all material planning considerations have been addressed within this report. Subject to the inclusion of the conditions listed below, the proposal is considered to be compliant with local planning policies as well as the guidance within the National Planning Policy Framework and it is hereby recommended for approval.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended to GRANT OUTLINE PERMISSION (with access) subject to conditions:

Conditions

1. Time Limit – Outline
2. Submission of Reserved Matters
3. Standard Outline – All Matters Reserved
4. General Details required

5. Visibility Splays (2.4m x 43m)
6. Parking, turning & loading
7. Access – bound material for distance of 5m
8. Gates – set a minimum distance of 5m from carriageway edge
9. Surface water drainage interceptors
10. Foul & Surface water drainage
11. Landscaping Design
12. Tree Protection Plan
13. Tree replacement to be agreed
14. Site Environmental Management Plan
15. Ecological Mitigation Strategy and Method Statement
16. Erection of artificial nesting/roosting boxes
17. Lighting Plan
18. Development in accordance with plans

Informatives

Ecology –Nesting wild Birds, Great Crested Newts
Highways
Secure by Design