

TWC/2016/1152

Site of Parkland House, The Car Auction Ltd & Land north of Audley Avenue  
Industrial Estate, Audley Avenue, Newport, Shropshire

Outline planning application for up to 61 dwellings with all matters reserved

**\*\*ADDITIONAL INFORMATION RECEIVED\*\*AMENDED PLANS\*\***

**APPLICANT**

Audley Avenue Business Park

**RECEIVED**

14/12/2016

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South and East

**OFFICER** Andrew Gittins

**THIS APPLICATION WAS DEFERRED BY MEMBERS AT PLANNING COMMITTEE ON WEDNESDAY 13<sup>TH</sup> JUNE 2018 IN ORDER TO ADDRESS ISSUES RAISED REGARDING THE NOISE, VISUAL AMENITY AND ENVIRONMENTAL ISSUES FROM THE NEIGHBOURING RECLAMATION SITE.**

**1.0 THE PROPOSAL**

1.1 This application was heard at Planning Committee on the 13<sup>th</sup> June 2018 following a member site visit. At the meeting Members resolved to defer the application in order to address issues raised regarding noise, visual amenity and environmental issues from the neighbouring reclamation site.

History of Lineal Construction

1.2 The operators of the adjoining site (Lineal Construction) received planning permission (W92/1008) on the 20<sup>th</sup> May 1993 for:

*“Recycling and temporary stockpiling of topsoil and hardcore, together with temporary storage of residual waste prior to disposal to a licensed disposal facility. Existing plant yard, Lineal Construction, Audley Avenue, Newport”.*

1.3 Condition 4 of this consent stated that the operations hereby permitted shall cease with 5 years of commencement as identified in Condition 4 (a) and within a period of 2 months all crushing and screening plant and any residual waste generated shall be removed from the site.

1.4 The permitted operations did not cease and have continued until the present time. As such the applicant could apply for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 if they can establish that a use/or uses have taken place continuously over a 10 year period. If a certificate is granted then the Council cannot take enforcement action against those uses. Unlike the original consent the Council could not impose any restrictive conditions on a Certificate.

- 1.5 That said, the site is subject to a Waste Disposal Licence (No. A25/30/SL/159) issued by Shropshire Council which imposes restrictions on the type of waste and hours of operation which are as follows:

Monday – Friday      07:00 – 19:00,  
Saturday                07:00 -16:00

The site shall be closed on Sundays and Bank Holidays

The mobile crushing plant shall not operate outside the hours of:

Monday – Friday      08:00 – 18:00  
Saturday                08:00 – 16:00

### Noise

- 1.6 In order to assess the impact of external noise sources, including from Lineal Construction, the Application was submitted with an Acoustic Resting Report (Airtight & Noisecheck Limited Amended 11<sup>th</sup> April 2018).
- 1.7 Sample measures were taken at various locations around the commercial yard and Business Park to establish the noise associated with the area. Section 8 of the report records the noise associated with the variety of vehicles used at the ground works yard.
- 1.8 The measurements for the crusher are from archived data as it was not operational on the 23<sup>rd</sup> and 24<sup>th</sup> January 2017. This demonstrates that at 1 metre the LAeq would be 83Dba reducing to 59dba at the boundary 15 metre away.
- 1.9 The report concludes that a 2.5 metre high acoustic fence would offer between 10-11Db reduction which would bring the external noise level within the gardens under the recommended levels of between 50-55db LAeq 16 hour. An example of a close board timber acoustic fence will be included in the PowerPoint presentation.
- 1.10 Taking all of the above into consideration, Officers considered that compliance with the Waste Disposal Licence and installation of an acoustic fence, the details of which are to be approved by condition, will offer satisfactory protection to occupants from noise.

### Visual Amenity

- 1.11 In order to address Members concerns in respect of visual amenity, the applicant has submitted an amended Indicative Site Layout (Rev W) which turns Plot 19-27 through 90°. This avoids any direct views of the construction yard from the rear elevations of these properties. In addition, soft landscaping will be planted in front of the aforementioned acoustic fence. The details of

which will be agreed but could consist of fast growing species such as hornbeam to provide screening above the fence.

- 1.12 The applicant has also taken on board Members suggestion to retain the existing height of the lower section of conifer hedge at the back of Plots 6-1 and to reduce the height of the higher section to this level. This will fully screen the commercial building at the rear whilst still providing sufficient light to the properties and gardens. These trees will be conveyed to the properties and if the scheme is taken on by Bromford would be maintained by them.
- 1.13 Accordingly, Officers are satisfied that amended indicative layout will result in a good level of amenity and outlook from the properties.

### Environmental Issues

- 1.14 Members express concern about environmental issues caused by Lineal Construction namely the burning of timber on a bonfire and the smell of diesel fumes. The applicant has submitted an email outlining that they have spoken to the Managing Director of Lineal (George Lawrence) who acknowledged the following:
- The stockpiled soil and hardcore exceeded the permitted height of 3 metre and was being rectified.
  - The bonfire was a one-off incident to get rid of untreated timber fence panels. The owners have confirmed this with the Case Officer.
  - The excessive noise was due to a faulty machine.
  - The crusher is only operational once every month to six weeks for one or two days at a time. However this is getting less frequent as this mobile plant is taken to the site rather than the yard.
  - The two cranes have not been used for over 12 months and the intention is for these to be removed over the next 12 months.
- 1.15 Officers consider that this provides a response to the environmental concerns quite rightly raised by Members following the site visit and offers assurance that the operation of Lineal Construction would not prejudice the residential amenity of future occupants of the proposed dwellings and visa-versa.

## **2.0 RECOMMENDATION**

- 2.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be GRANTED to the Delivery Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to;
- A) The submission of satisfactory drainage information,

B) The applicant/landowners entering into a Section 106 Agreement with the Council (with indexation applicable to contributions from the date of committee resolution to grant outline permissions), terms to be agreed by the Development Management Service Delivery Manager, relating to:

**(i) Children's Play Space**

- £33,000 to increase capacity of existing children's play area at Shukers Field, Newport.

**(ii) Affordable housing**

- 35% of units proposed at Reserved Matters with a tenure split of 80% social or affordable rented and 20% shared ownership (with a minimum 25% initial equity stake).

**(iii) Education**

- Contributions (£201,803 total) towards the changing room facilities projects at Newport Primary School (£145,788) and Burton Borough Secondary School (£56,015) to mitigate the impact of the development.

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

1. A02 Time Limit – Reserved Matters
2. A03 Time Limit - Submission of Reserved Matters
3. B001 Standard Outline - all matters reserved
4. B004 General Details amended
5. B005 Conditions details access (amended)
6. B011 Samples of Materials
7. B012 Sample Brick Panel
8. B045 Travel Plan (Measures Only)
9. B057 Land Contamination
10. B076 SUDS Management Plan
11. B079 Scheme of foul and surface water drainage
12. B080 Protection of Dwellings from Noise (Details of acoustic fence)
13. B121 Landscaping Reserved Matter to include Landscape Design
14. B126 Long Term Landscape Management Plan
15. B129 Landscape detail of publically accessible open space
16. B139 Tree Protective Fencing (Custom)
17. B139 Appointment of Arboricultural Clerk of Works
18. B143 Habitat Creation and Management Plan
19. B149 Buffer zone – Water Vole
20. B150 Site Environmental Management Plan
21. C040 No approval of layout
22. C071 Soil levels
23. C050 Completion of noise attenuation to include post validation report

24.C079	Tree Preservation Order Suitable Contractor
25.C091	Works in accordance with ecological survey
26.C109	Erection of artificial nesting/roosting boxes
27.C109	Lighting Plan
28.C38	Development in accordance with plans
29.D11	Construction hours
30.D11	No development on Bank or Public Holidays
31.D01	Removal of all permitted development

### Informatives

I06	Section 106 agreement
I11	Highways – Works within highway S278
I32	Fire Authority
I35	Internal road layout
I36	Street name and numbering
I40	Conditions
I44	Reasons for Outline Consent
RANPPF2	Approval following amendment – NPPF

\*\*\*\*\*ORIGINAL UPDATE TO COMMITTEE 13<sup>TH</sup> JUNE 2018\*\*\*\*\*

### **COMMITTEE UPDATE**

#### **1.0 NEWPORT TOWN COUNCIL REPOSE (23<sup>rd</sup> May 2018)**

- 1.1 The Town Council's comments were made prior to receipt of the latest amended Indicative Site Plan (Rev V received on the 4<sup>th</sup> June 2018) which has been forwarded to the Town Council but as they have not had a meeting since they have not been able to provide further comment. Since consultation, the number of dwellings has been reduced from a maximum of 68 to a maximum of 61 which has led, in Officers opinion, to a significant improvement to the scheme as shown indicatively.
- 1.2 *"The Town Council are being re-consulted on this application with Additional Information and Amended Plans, to ascertain if we wish to provide any further comment. Our previous comments, objecting to the 100% affordable element have been taken on board.*
- 1.3 *Members were appraised that negotiations were still ongoing and that final plans were not yet offered. The Town Council will be re-consulted when final scheme is completed.*
- 1.4 *Members recommend that the developer contributes positively to S106 contribution, and would ask for consideration of the suggestions from the Town Council is submitted. The application site is in close proximity to the Cemetery which has issues around drainage. Mitigation to allow improvements to linkages of drainage works between the development site*

*and the cemetery to eliminate any detrimental or environmental adversity to drainage methods.*

- 1.5 *This application site and the proximity to the town centre, schools and other amenities will respond positively to non-car use. Therefore pedestrian cycle linkage and public transport provision is essential to be provided to maintain community sustainability.”*

## **2.0 CONCLUSION**

Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be GRANTED to the Delivery Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to;

- A) The submission of satisfactory drainage information,
- B) The applicant/landowners entering into a Section 106 Agreement with the Council (with indexation applicable to contributions from the date of committee resolution to grant outline permission), terms to be agreed by the Development Management Service Delivery Manager, relating to:

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- £33,000 to increase capacity of existing children’s play area at Shukers Field, Newport.

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\*\*\*\*\*ORIGINAL COMMITTEE REPORT\*\*\*\*\*

**SECTION 106 LEGAL AGREEMENT TO SECURE AFFORDABLE HOUSING AND FININACIAL CONTRIBUTIONS TO EDUCATION AND HEALTHY SPACES.**

**1.0 THE PROPOSAL**

- 1.1 This is an outline application for the erection of up to 61 dwellings with all matters reserved, on the site of the former car auction and Parkland House at Audley Avenue, Newport.
- 1.2 The application has been submitted on behalf of Mr Tringham, owner of Audley Avenue Business Park, although some of the documentation and plans have been produced for Bromford Housing Association who have

intimated that if successful in acquisition of the site could look to delivery up 100% affordable housing.

- 1.3 An Indicative Site Plan has been submitted to demonstrate how up to 61 dwellings could be accommodated.
- 1.4 Indicatively, the 61 units have been split between 6 ones bed flats, 31 two beds and 24 three bed dwellings predominantly in semi-detached units with one detached dwelling and four terraces of three.
- 1.5 A Section 106 agreement would be required to secure 35% or 21 of the units as affordable. The tenure would be split between 17 affordable rent (80%) and 4 shared ownership (20%).
- 1.6 The application is accompanied by:
  - Design and Access Statement,
  - Planning Statement,
  - Transport Assessment,
  - Ecology Report,
  - Flood Risk Assessment,
  - Geo-Environmental Desk Study,
  - Noise Impact Assessment,
  - Tree Protection Method Statement,
  - Tree Report,
  - Arboricultural Impact Statement,
  - Outline Ecological Impact Assessment,
  - Ecology Note Feb 2018.
- 1.7 During the course of the application the scheme has been subject to a number of amendments including:
  - Omission of the proposal to divert the watercourse,
  - Reduction in the number of dwellings from 'up to 95' to 'up to 61',
  - Omission of driveways accessed directly off Audley Avenue, amendments to design of internal estate road and s278 works to Audley Avenue.
  - Re-siting of dwellings on western boundary outside of tree root protection areas.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The 3.33 ha (8.24 acre) site previously accommodated the 'Parklands House' office building and car auction which has recently been demolished. The site consist of an area covered in hard-surfacing and semi-natural grassland.
- 2.2 The site is within the built up area of Newport, as defined in the Telford & Wrekin Local Plan, and is situated 0.8 miles south-east of Newport Town

Centre and 10 miles north-east of Telford Town Centre. The site is accessed off Audley Avenue to the west of a commercial building on Audley Avenue Business Park currently occupied by 'Ableworld'.

- 2.3 The site is 'Y' in shape with the first 160 metres from Audley Avenue previously developed and hard surfaced. The site sits on a south-west to north-east axis and is bound by the A41 to the north-east; a construction waste recycling centre 'Lineal Construction' to the south-east and Audley Avenue to the south-west. The site to the north-west has outline permission for up to 215 dwellings (TWC/2011/0827) part of which is subject to a current reserved matters application (TWC/2018/0138) for 109 dwellings.
- 2.4 The site is bound by willow trees and three protected oaks along the north-western boundary with a trees lining the boundary to the north-east with the A41. With the exception of the crack willow all other trees will be retained. A row of conifers line the south-eastern boundary with the Lineal Construction site, which would be reduced to 4 metres in height.

### **3.0 RELEVANT PLANNING HISTORY**

#### On application site

- 3.1 TWC/2011/0853 - Renewal of planning permission W2008/0886 for the demolition of existing buildings and erection of a building comprising 2931sqm gross floor space for employment use and 413sqm car auction together with associated parking, access and landscaping – GRANTED 29/12/2011.
- 3.2 TWC/2017/0874 - Application for prior notification of proposed demolition of Parkland House office suite and associated warehouse buildings and 6/10 portal frame light industrial units – PRIOR APPROVAL GRANTED 27/11/2017.

#### On site to north-west (North of Audley Avenue)

- 3.3 TWC/2011/0827 - Outline application to include access for the erection of up to 215no. dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings – OUTLINE GRANTED 11/08/2017.
- 3.4 TWC/2018/0138 - Reserved matters application for the erection of 109no. dwellings including details for layout, scale, appearance and landscaping pursuant to outline application TWC/2011/0827 – PENDING CONSIDERATION

#### On land North of Aldi, Audley Avenue

- 3.5 TWC/2016/1073 - Erection of 1no. foodstore, 4no. retail units and 1no. cafe/restaurant unit with formation of new access onto the A41 and associated parking, landscaping and servicing – FULL GRANTED 04/12/2017

- 3.6 TWC/2017/0341 - Erection of petrol filling station with sales building, canopy, car parking, 8no. fuel pumps, 2 no. underground storage tanks, air/water bay, vent stack, retaining structure, new access to A41, ancillary arrangements to forecourt and boundary treatment – FULL GRANTED 21/02/2018.

#### **4.0 PLANNING POLICY CONTEXT**

##### 4.1 National Planning Guidance:

###### National Planning Policy Framework

- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 11: Conserving and enhancing the natural environment

##### 4.2 Telford & Wrekin Local Plan (2011-2031)

SP2 Newport  
SP4 Presumption in favour of sustainable development  
HO1 Housing requirement  
HO4 Housing mix  
HO5 Affordable Housing  
HO6 Delivery of affordable housing  
NE1 Biodiversity and geodiversity  
NE2 Trees, hedgerows and woodlands  
NE4 Provision of public open space  
NE5 Management and maintenance of public open space  
COM1 Community facilities  
C3 Impact of development on highways  
C4 Design of roads and streets  
C5 Design of parking  
BE1 Design criteria  
BE10 Land contamination  
ER9 Waste planning for commercial, industrial and retail developments  
ER10 Water conservation and efficiency  
ER11 Sewerage systems and water quality

##### 4.3 Newport Neighbourhood Plan (Regulation 16 Consultation):

H1 Housing development  
H2 Development criteria  
GS2 Contribution or provision of recreational open space,  
GS3 Publically accessible links to green spaces  
TA1 Sustainable transport

#### **5.0 SUMMARY OF CONSULTATION RESPONSES**

##### Standard consultation responses

##### 5.1 Newport Town Council (Original Response 06/01/2017) – Object:

- Acknowledge proposal represents an opportunity for regeneration of an underutilised and redundant site.
- However, site is not identified or designated in the T&WLP for housing.
- Site is not contiguous with the built area of the Town creating a significant housing development on a limb, in isolation within an industrial estate.
- Provision of 95 affordable units likely to create an over concentration and would be openly identified as affordable units. Preference for a mixed tenure development where the affordable are undecidable.
- Public land of equal footprint should be designated as Green Network. Town Council have aspiration to provide burial and cemetery land.
- The site and wider area is identified and recognised as an employment and industrial location and should remain in such use.

**\*Response to re-consultation will be provided as an update\***

5.2 Cllr Eric Carter: Comment:

- Derelict brownfield site which is desirable rather than building on greenfield.
- The LGA/Gov promote low cost / affordable / social housing due to national shortage.
- With the % of affordable housing reduced on other sites in Newport, in many cases to 15%, the 100% is badly needed.
- Use of such sites encouraged in order for first time buyers in particular to access the housing ladder. The % of 25yr olds able to purchase home fallen from 46% to 20% over last 20yrs.
- Site close to, and within safe walking / cycling distance of most schools in Newport reducing the need to drive.
- Next to adjoining site with consent for housing, which will encourage greater use of public transport.
- Site is adjacent to recently approved extension of retail units on Audley Avenue Business Park which will provide employment in close proximity.
- Site only 10/15 minute walk from Newport Town Centre reducing need for car usage.
- Site alongside National Cycle Route 55 from Stafford and Newport on the former railway line, with access from the A41.

5.3 Urban Design – Initial response prior to amendment and reduction to up to 61 dwellings - Object:

- Acknowledged that revised layout is indicative only, it demonstrates how such numbers are likely to be accommodated and laid out as well as the potential implications.

- Whilst there is scope for the proposal to change, given the limitations of the site, it would seem difficult unless there is a significant change in approach.
- The desire to deliver so many units undermines the proposal in terms of its appropriateness and anticipated quality to a point where it seems unlikely to satisfy the relevant planning policy in its current form.

Response to amended scheme for up to 61 units: Support subject to consideration to some minor amendments including:

- Substitution of semi-detached dwellings in Plots 37-38 with apartments proposed in Plots 28-31 which would provide a dual aspect to the highway and avoid rear garden backing onto the highway at a prominent point. This would also provide some more context to the apartments in Plots 39-40 which at the moment appear somewhat isolated.

5.4 Arboriculture – No objection following reduction in numbers and removal of development in close proximity to RPA's of veteran Oaks subject to conditions:

- Landscaping design, to include planting plans and service plans into and out of the site,
- Tree Protective Fencing,
- Arboricultural Method Statement including Clerk of Works,
- TPO Suitable contractor

5.5 Ecology – No objection following reduction in numbers and provision of 1m off-set to protective fencing to create buffer zone for water voles subject to conditions:

- Buffer zone – Water vole,
- Ecological Survey – working in accordance with protected species survey,
- Erection of artificial nesting/roosting boxes,
- Habitat Creation and Management Plan,
- Landscaping Design,
- Lighting Plan,
- A Habitat Regulation Assessment has been completed concluding there is no likely significant effect on Aqualate RAMSAR site.

5.6 Drainage – Submitted modelling is broadly acceptable but further clarification required consisting of:

- Modelled flood extents to fully assess where the flood zones will affect the proposal,
- Removal of attenuation pond from modelled flood zones,
- Evidence that foul pumping station does not interact with flood zones.

- 5.7 Affordable Housing – Comment:
- Detailed dwelling schedule required as part of s106.
  - Most of the properties are small in type.
  - One bed houses with gardens would be preferable to walk-up flats.
  - Scheme could include provision of bungalows.
  - Preference for curtilage / driveway parking rather than courtyards.
  - Affordables should be in clusters of 6-8 with the tenures mixed.
- 5.8 Highways – No objection following revised indicative layout subject to conditions:
- Whilst the point of access is not under consideration, if achieves visibility then there would be no objection,
  - Changes to the turning head would need to be a simpler standard design,
  - The detailing of the first feature square should replicate the solution in the opposite corner,
  - Consideration needs to be given to kerbing, and
  - More detail will be required at Reserved Matters to demonstrate how speeds will be controlled (to a maximum of 20mph).
- 5.9 Pollution Control (Environmental Health) – Support subject to conditions:
- No development on Bank or Public Holidays
  - Construction hours
  - Post mitigation noise report
- 5.10 Contaminated Land (Environmental Health) – Support subject to conditions:
- Land contamination assessment
- 5.11 Healthy Spaces – Comment:
- Development would generate need for children’s play and recreation and no provision has been made on-site.
  - In accordance with T&WLP policies NE4 and NE5 an offsite contribution of £37,200 should be secured by a Section 106 to increase the capacity of the existing play area at Shukers Field, Newport. This demand is generated by the provision of two or more bedroom properties.
  - The following should be conditioned:
    - A long term landscape management plan,
    - Landscape detail, including access to publically accessible open space.

- 5.12 Education – Comment:
- A contribution of £228,911 (total) is required towards the changing room facilities projects at Newport Primary School (£165,371) and Burton Borough Secondary School (£65,540) to mitigate the impact of the development.
- 5.13 Severn Trent Water – Support subject to conditions:
- Submission of foul and surface water drainage plans.
- 5.14 Natural England – No objection as the proposal is unlikely to affect any statutory protected sites of landscapes. Natural England have not assessed this application for impacts on protected species and have provided Standing Advice for the Council's Ecologist to apply.
- 5.15 West Mercia Police - General advice provide in respect of Secure by Design principles.
- 5.16 Shropshire Fire Service - Consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

#### Neighbour consultation responses

- 5.17 Direct notification was carried out to all adjoining and adjacent premises, together with advertisement by Press and Site notices. As a result of which, one letter of comment has been received raising the following:
- Questions how the developer plans to address the issue of the drain that runs within the site, if it is a pipe there would be a loss to wildlife and an open ditch would be better to support wildlife.

## **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;
- Principle of development
  - Matters reserved for latter approval
  - Impact upon highway safety
  - Impact on protected trees
  - Impact on protected species (water voles)
  - Other technical issues
  - Planning Obligations

## 6.2 Principle of development

- 6.2.1 Planning applications must be determined in accordance with the 'development plan' unless other material consideration indicate otherwise. The 'development plan' consists of the Telford & Wrekin Local Plan (T&WLP) 20011-2031. The Regulation 16 Consultation Version of the Newport Neighbourhood Plan (NNP) was published in 2017, and whilst a material consideration can only be given limited weight due to the stage of preparation. The National Planning Policy Framework is also a material planning consideration.
- 6.2.2 The site is unallocated, 'white land', located within the built up area of Newport as defined on the Newport Insert Policies Map. Policy SP2 (Newport) of the T&WLP supports the delivery of approximately 1,330 new homes in Newport up to 2031. Policy H1 of the NNP supports housing in order to meet local needs and where the proposal contributes positively to local character. T&WLP Policy HO5 requires the provision of a minimum of 35% affordable housing.
- 6.2.3 It is acknowledged that a large amount of Newport's housing needs have been met through a number developments that have already been approved and that any further development will be to meet the local requirement for new homes. The scheme will help to address the local affordable housing need through the delivery of a minimum of 35%% affordable housing and is therefore supported in principle.
- 6.2.4 The area surrounding the application site is subject to change with a housing scheme for up to 215 dwellings permitted in outline on the adjoining site and commercial development in the form of a Lidl foodstore, A1 non-food retail units, an A3 café/restaurant and a petrol filling station permitted on Audley Avenue Business Park. The site is located just over 800m (circa ½ mile) from Newport Town Centre, with Burton Borough Secondary School and Newport Junior School situated between the town centre and the site. The nearest bus stops are located on Meadow Road and Avenue Road both just over 1km (approx. 2/3 mile) from the site. As such the site is considered to be in a sustainable location.

## 6.3 Matters reserved for latter approval

- 6.3.1 This outline application has been submitted for the principle of residential development on the land edged red on the location plan. The amended application seeks permission for up to 61 dwellings and is supported by an Indicative Site Layout which demonstrates how such number are likely to be accommodated and laid out as well as the potential implications.

- 6.3.2 Whilst indicative, a lot of time and effort has been spend refining the layout in conjunction with the agent and Bromford Housing. The later are understood to be looking to acquire the site and have had significant input into the indicative layout with a view to submitting this layout as a Reserved Matter.
- 6.3.3 The net site developable area is 1.61 hectares and the density of a 61 unit scheme would be a maximum of 38 dwellings per hectare (dph).
- 6.3.4 It is acknowledged that this is a relatively high density. However this is not considered to be to the detriment of the character of the local area, which at present is commercial / industrial in nature but will shortly accommodate residential development on the adjoining Permission site. The dwelling per hectare density is also inflated by the provision of one bed apartments which increases the numeric density but not the amount of buildings on the site.
- 6.3.5 To put this in context, the density of Phase 1 of the adjoining Persimmon site (which excludes the future infrastructure to the north) would be 38.5 dph.
- 6.3.6 The indicative layout has been amended following the reduction in the number of units, which is now for up to 61 units as opposed to up to 68 and originally for up to 95. Officers would seek some further refinement of the layout at Reserved Matters but are satisfied that the site is capable of delivery somewhere in the region of up to 61 units without reliance on a regimented or monotonous appearance dominated by parking and hard surfacing. The amended scheme provides a more sinuous spine road with dwellings more informally laid out assisted by the introduction of two private drives running perpendicular to the estate road.
- 6.3.7 Subject to some further refinement of the proposal submitted at Reserved Matters, officers are satisfied this could deliver a high quality scheme with a good standard of amenity for future occupants in accordance with the requirements of Policy BE1 (Design Criteria) of the Telford & Wrekin Local Plan.

#### 6.4 Impact upon highway safety

- 6.4.1 Whilst access is a reserved matter, there is no objection to the site access off Audley Avenue subject to the provision of sufficient visibility. The linear spine road has been made more sinuous, with feature squares used to naturally restrict vehicular speeds although more detail will be required at Reserved Matters to demonstrate how speeds will be controlled preferably to a maximum of 20mph.
- 6.4.2 The indicative layout provides 122 car parking spaces for the 61 dwellings shown. The site is more than 800m of the edge of the Newport Town Centre boundary meaning it falls with the 'Suburban Area' as defined in Appendix F. Parking Standards. As such the following standards would be applicable:

- 1.3 spaces per one bed dwelling,
- 1.6 spaces per two bed dwelling, and
- 2.3 spaces per three bed dwelling.

6.4.3 Accordingly, the scheme as shown indicatively would require the provision of 113 spaces calculated using the following method and this ensures potentially adequate provision:

- 8 spaces for 6 one bed dwellings,
- 50 spaces for 31 two bed dwellings, and
- 55 spaces for 24 three bed dwellings.

6.4.4 Some concern has been noted regarding vehicles having to right turn onto the A518 out of Audley Avenue. However, this junction was deemed acceptable to serve the 215 dwellings on the adjoining site which received consent in 2011 together with a 3000sqm employment building on the application site. Moreover, the Council has secured LEP funding to construct a four-arm island to replace the priority junction to serve the allocated employment site (E27) so the physical make-up of the local highway network will change shortly. Notwithstanding these changes, there is no empirical data to demonstrate that the existing network is not capable of safely accommodating the traffic associated with the residential development of this site.

6.4.5 Cllr Carter has outlined that the location of this site adjacent to the Permission site which has outline for up to 215 dwellings will encourage greater use of public transport. This neighbouring scheme secured a financial contribution towards a subsidised town centre bus service which the occupants of the Parkland House site will be able to use. Moreover the east and west of Station Road scheme (TWC/2011/0871), located across Audley Avenue also secured money for an enhanced bus service. Prior to establishment of these services the closest bus stops would be on Meadow Road or Avenue Road, both just under 1km.

## 6.5 Impact on protected trees

6.5.1 There are three, 150 year old, mature oak trees (T5-7) subject to Tree Preservation Orders located along the north-west boundary which are situated on the adjoining site. In addition there is a protected Alder (T4) close to the north-east boundary with the A41 in an area proposed for Public Open Space (POS).

6.5.2 The scheme has been amended to provide an acceptable stand-off from these trees with the dwellings previously sited to the east omitted. The indicative scheme illustrates a two storey apartment block (Plots 39 and 40) containing 4 one-bed units to the north-east of the most northerly tree. Officers retain some concern regarding the outlook from the windows in the

rear elevation particularly the units in the southern half of the building. However this could be mitigated through internal design with bedrooms and bathrooms sited in the rear.

6.5.3 The amendment address concerns regarding a requirement for cut and fill in this area adjacent to the root protection area of the veteran Oak with the applicant confirming the apartment block would be built off the existing level. Indicative sections have been submitted to evidence this and there would be a requirement for further details at reserved matters. Furthermore, the concerns regarding branches and litter drop have been addressed as this would form part of the amenity green space of the development rather than a private garden for dwellings as previously proposed.

6.5.4 Following amendment Officers are content that the indicative scheme could be constructed without an adverse impact on the status of aged and protected trees in accordance with the requirements of Policy NE2.

#### 6.6 Impact on protected species (water voles)

6.6.1 The indicative scheme has been amended to provide a 1 metre off-set adjacent to the 5m exclusion zone parallel with the top of the watercourse which contains a colony of water voles. This satisfies Officers concerns that the side elevation of the build development could be constructed adjacent to the easement which could be maintained as a 'no access zone'.

6.6.2 Following amendment Officers are content that the indicative scheme could be constructed without an adverse impact on the biodiversity value of the breeding population of water voles in the stream in accordance with the requirements of Policy NE1.

#### 6.7 Impact on residential amenity

6.7.1 There are no existing neighbouring residential properties at present as the site is surrounded by industrial uses. Sufficient garden depths have been provided to the north-western boundary to ensure that adequate separation distances can be achieved between the dwellings proposed on this site and those proposed on the adjoining site, upon which Reserved Matters are under consideration.

6.7.2 As such the amenity in question relates to the proposed properties. The applicant omitted 27 dwellings located in the north-eastern section of the site as the noise levels from the A41 could not be mitigated to an acceptable level in the gardens. Other sources of noise include Lineal Construction, a waste recycling facility, adjacent to the south-east boundary, together with existing and proposed commercial and industrial units on Audley Avenue.

6.7.3 An amended noise report was produced to assess the amended scheme which confirms that the erection of standard 2m high close boarded fence

around the gardens of the properties will ensure that the external noise levels will fall within the guidelines of the relevant British Standard. The effectiveness of the noise mitigation measures will be validated by a post development, pre-occupation noise report, which will require any additional work if necessary. It is accepted that occupants of the site will not be exposed to any unacceptable levels of noise generated outside of the site.

6.7.4 Notwithstanding noise, officers previously had concerns in respect of the adverse amenity that occupants of the proposed dwellings would be subjected to. These included the dominance of the protected oaks over the gardens of Plots 35-41, the poor acoustic environment created by the sea of frontage parking with little or no landscaping and the proximity of the dwellings fronting Audley Avenue. However, these have all been addressed by the amended indicative layout and officers are content that the scheme is capable of providing good standard of amenity for future occupants at Reserved Matters stage in accordance with the requirements of Policy BE1 to contribute positively to making places better for people.

## 6.8 Other technical issues

6.8.1 As confirmed by the consultation responses above, issues of drainage can be dealt with by the submission of additional information prior to determination with land contamination controlled through the imposition of conditions.

## 6.9 Planning Obligations

6.9.1 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

6.9.2 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 below meet the relevant tests.

6.9.3 This development would generate the need for children’s play, education and affordable housing. As such, any approval would require the following contributions via a s106:

- Healthy Spaces - £33,000 to increase capacity of existing children’s play area at Shukers Field, Newport. (720 metres along Audley Avenue).

- Affordable Housing - 35% of units proposed at Reserved Matters with a tenure split of 80% social or affordable rented and 20% shared ownership (with a minimum 25% initial equity stake).
- Education - £201,803 (total) towards the changing room facilities projects at Newport Primary School (£145,788) and Burton Borough Secondary School (£56,015) to mitigate the impact of the development.

6.9.4 It is considered that the financial contributions are acceptable and in accordance with HO5, NE4, NE5 and COM1 of the Telford & Wrekin Local Plan.

## **7.0 CONCLUSION**

- 7.1 The principle of residential development on this brownfield site within the Newport boundary is supported as it would involve the reuse and regeneration of previously developed, brownfield land located in a sustainable urban location on the edge of Newport. The proposal is capable of providing a safe access onto Audley Avenue with no detrimental impact on the local highway network.
- 7.2 Following amendment to the indicative layout, Officers are satisfied that in principle the site is capable of providing up to 61 residential units without resulting in a cramped and contrived layout and appearance. Amendments to the indicative streetscene reduce the dominance of hard surfaced parking areas which could be softened with landscaping. This will be beneficial to the acoustics of the scheme with the soft landscaping mitigating any reverberation along the main access. Subject to some further refinement the scheme could result in a high quality design and a good standard of amenity for future occupants.
- 7.3 Facilitated by a reduction in the number of units, the indicative layout has removed development, including retaining walls, from within close proximity of the root protection areas of veteran oak trees. The applicant has agreed to conditions requiring the installation of protective fencing around the RPA's prior to any machinery entering the site which would remain in place for the duration of the proposed works. Confirmation has been received that there is no requirement for cut and fill in the area surrounding the most northerly tree. The indicative proposal is now deemed acceptable as it provides appropriate protection and future management of the existing veteran Oaks.
- 7.4 The amended indicative layout now provides a 1 metre off-set to the protective fencing that would run 5 metres parallel to the top of the watercourse. This provides room for construction without encroachment into the protected area which would have had an adverse impact on water voles a statutory protected species. Accordingly, Officers are satisfied that a development of up to 61 units could be delivered without an adverse impact on statutory protected species. Moreover, the provision of the off-line attenuation pond will enhance the ecology value of the site, this would be subject to a

7.5 Technical issues relating to drainage, land contamination and noise from the adjoining Lineal Construction site and A41 can be satisfactorily dealt with by condition.

## **8.0 RECOMMENDATION**

8.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be GRANTED to the Delivery Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to;

A) The submission of satisfactory drainage information,

B) The applicant/landowners entering into a Section 106 Agreement with the Council (with indexation applicable to contributions from the date of committee resolution to grant outline permission), terms to be agreed by the Development Management Service Delivery Manager, relating to:

### **(i) Children's Play Space**

- £33,000 to increase capacity of existing children's play area at Shukers Field, Newport.

### **(ii) Affordable housing**

- 35% of units proposed at Reserved Matters with a tenure split of 80% social or affordable rented and 20% shared ownership (with a minimum 25% initial equity stake).

### **(iii) Education**

- Contributions (£201,803 total) towards the changing room facilities projects at Newport Primary School (£145,788) and Burton Borough Secondary School (£56,015) to mitigate the impact of the development.

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

31.A02	Time Limit – Reserved Matters
32.A03	Time Limit - Submission of Reserved Matters
33.B001	Standard Outline - all matters reserved
34.B004	General Details amended
35.B005	Conditions details access (amended)
36.B011	Samples of Materials
37.B012	Sample Brick Panel
38.B045	Travel Plan (Measures Only)
39.B057	Land Contamination
40.B076	SUDS Management Plan
41.B079	Scheme of foul and surface water drainage

42.B121	Landscaping Reserved Matter to include Landscape Design
43.B126	Long Term Landscape Management Plan
44.B129	Landscape detail of publically accessible open space
45.B139	Tree Protective Fencing (Custom)
46.B139	Appointment of Arboricultural Clerk of Works
47.B143	Habitat Creation and Management Plan
48.B149	Buffer zone – Water Vole
49.B150	Site Environmental Management Plan
50.C040	No approval of layout
51.C071	Soil levels
52.C050	Completion of noise attenuation
53.C079	Tree Preservation Order Suitable Contractor
54.C091	Works in accordance with ecological survey
55.C109	Erection of artificial nesting/roosting boxes
56.C109	Lighting Plan
57.C38	Development in accordance with plans
58.D11	Construction hours
59.D11	No development on Bank or Public Holidays
60.D01	Removal of all permitted development

### Informatives

I06	Section 106 agreement
I11	Highways – Works within highway S278
I32	Fire Authority
I35	Internal road layout
I36	Street name and numbering
I40	Conditions
I44	Reasons for Outline Consent
RANPPF2	Approval following amendment – NPPF