

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 23 July 2014 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse), Watling Street, Wellington, Telford TF1 2NJ**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, E J Greenaway, K R Guy, A S Jhawar, J Loveridge, A A Meredith (as substitute for I T W Fletcher), L A Murray and C R Turley.

**ALSO PRESENT:** Councillors D G Davies (for planning application TWC/2014/0366), A J Eade (for planning applications TWC/2014/0271 and TWC/2011/0821) and J M Seymour (for planning application TWC/2014/0113)

#### **PC-013      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 2 July 2014 be confirmed and signed by the Chairman

#### **PC-014      APOLOGIES FOR ABSENCE**

Councillor I T W Fletcher.

#### **PC-015      DECLARATIONS OF INTEREST**

With regard to planning application TWC/2014/0271, Cllr N A Dugmore declared an interest as Parish Councillor but stated that, in the circumstances he would not be withdrawing from the meeting for that item.

With regard to planning application TWC/2014/0366, Councillor C R Turley commented that he was a member of the Ironbridge Gorge Museum Trust Board and Steering Group and also the Severn Gorge Countryside Trust and indicated that he would withdraw from the meeting during determination thereof.

#### **PC-016      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PC-017      SITE VISITS**

None.

#### **PC-018      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

(a) TWC/2011/0821 - Land At Wellington Road, Newport, Shropshire

This report related to a request to modify an existing Section 106 agreement to an outline planning permission for proposed new housing, open space/playing field and associated works which was granted on 8 January 2013. An update report was tabled at the meeting which set out additional consultation responses received.

Members noted that the level of contribution towards affordable housing was not reduced but that delivery would take place partly off-site and sought justification for this approach. The Planning Officer advised that the modification had been sought by the developer and was in accordance with national planning policy. The Assistant Director: Planning Specialist commented that the government expected local authorities to remove barriers to development and it was considered that the proposed change was beneficial, since it facilitated an option for the Council to bring forward a brownfield site for development. Delivery of affordable housing numbers remained consistent with the original consent but allowed broader affordable housing provision in the area. The Assistant Director: Planning Specialist was not in a position to identify specific sites for development or make assurances in that regard.

Members unanimously welcomed this positive approach to maintain delivery of sufficient affordable housing in the area.

**RESOLVED** – that with respect to planning application TWC/2011/0821 the Development Management Manager be authorised to facilitate the applicants/landowners entering into a deed of variation to the existing Section 106 Agreement (terms to be agreed by the Development Management Service Delivery Manager) relating to the modification of the following:-

- The level of on-site affordable provision to be reduced from 35% to 20% and for this to be provided in the following mix:
- Rented Social Housing Units: 2 bed 4 person house 5%
- 3 bed 5 person house 4%
- 4 bed 6 person house 1%
- Shared Ownership Housing Units: 2 bed 4 person house 5%
- 3 bed 5 person house 4%
- 4 bed 6 person house 1%

**Payment of a financial contribution of £2,750,000 towards off site affordable housing provision (to be ring fenced to the Newport area) with payment triggers split into 3 stages of prior to 31st May 2015, 31st May 2016 and 31st May 2017.**

(b) TWC/2011/0827 - Land To The North Of, Audley Avenue, Newport, Shropshire

This report related to a request to revise Section 106 obligations associated with an outline planning permission for the erection of up to 215 dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings which was previously considered by Plans Board on 14

November 2012. An update report was tabled at the meeting which set out additional consultation responses received.

Members sought clarification regarding financial contributions. The Planning Officer explained that financial contributions towards education reflected a proportion of an accumulative figure across number of developments in the vicinity which came forward at the same time since individually none of the developments would have met the thresholds to request financial obligations. He also advised that the education officer was satisfied regarding provision for secondary school places in Newport. The figure requested for affordable housing “in number or value” allowed for the provision of specialist accommodation, eg bungalows. The Parks and Open Spaces Officer was also satisfied with provision for Shukers Field. Members considered that affordable housing was in demand but acknowledged that viability was an issue addressed by national policy.

On being put to the vote it was, by a majority:

**RESOLVED** – that with respect to planning application TWC/2011/0827 the Development Management Manager be authorised to grant planning permission subject to:-

(a) the applicants/landowner entering into a Section 106 Agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to

(i) Affordable housing, to include:

- Provisions ensuring that 17% of the dwellings to be built shall be affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);
- Of the above 60% to be Rented Social Housing dwellings and the remaining 40% in Shared Ownership unless otherwise agreed with the Council;
- Provisions ensuring that the affordable housing is provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters;
- Inclusion of details to ensure lettings are prioritised to Newport area based residents;
- Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing;

(ii) Highways works, to include:

- Off site highway infrastructure improvements - up to a maximum of £314,072;
- Public transport service enhancements – up to a maximum of £120,000;
- Public transport infrastructure (bus shelters) – up to a maximum of £10,000.

**Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.**

- **Travel Plan monitoring - £5,000;**

**(iii) Education infrastructure funds up to maximum of £529,878 provided the average number of bedrooms per dwelling across the development is under 3.35;**

**Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.**

**(iv) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas;**

**(v) Index linked financial contribution of £162,000 for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site as indicated on submitted drawings;**

**(vi) Provision of new allotment land of 0.22 hectares to be provided as an extension to the existing allotment site north of the application site and offered for transfer into the ownership of Newport Town Council;**

**(vii) The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area;**

**(viii) The transfer to Telford and Wrekin Council of land owned by the applicant to be developed as a new sports pitch for school and community use adjacent to the Burton Borough School as indicated in the Playing Pitch Assessment Report;**

**(ix) Improvements to Shuker's Fields Playing Fields & Facilities A maximum financial contribution of £225,000 towards improvements to Shuker's Fields. Any underspend to go towards off-site affordable housing; and**

**(ix) Provision of a Planning and Financial Monitoring contribution of £9,000.**

**(b) the planning conditions set out in the main report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

(c) TWC/2014/0113 - Former British Sugar site, Allscott, Telford, Shropshire

This was a proposal seeking outline planning consent for a mixed use development at the former Sugar Beet Plant Allscott comprising up to 470 dwellings (Use Class C3), a primary school (Use Class D1), a commercial area (Use Class B1), clinic and health centres (Use Class D1), retail units (Use Class A1), financial and professional services (Use Class A2), restaurant and cafes and/or hot food takeaways (Use Classes A3 and A5) with associated allotments, sport and recreational facilities, open space, biodiversity enhancement and access. All other matters were reserved for future consideration.

Mr M Goldstraw, representing Wrockwardine Parish Council, spoke in opposition to the application on the grounds that sustainability had not been adequately demonstrated and pointed to issues with regard to CO<sub>2</sub> emissions, public transport, traffic movements, insufficient funding for schools and questioned the viability of the doctors' surgery, pharmacy and village shop. He also commented upon the quality of life in the rural area and the apparent extension of urban development.

Cllr L Stone, representing Withington Parish Council and Councillor John Everall of Tern Ward in Shropshire, spoke in opposition to the application in terms of the adverse effect of increased traffic together with negative social, economic and environmental factors such as social isolation, limited local employment opportunities and highways issues.

Cllr J M Seymour, Ward Member, welcomed development of a brownfield site, sport and recreation facilities and the protection of a Site of Special Scientific Interest (SSSI). However, Cllr Seymour expressed objections in terms of development in the rural area, increased traffic generation, pressure on highways infrastructure, insufficient Traffic Management Plans, viability and the likelihood that following viability assessments the applicant would seek reduced contributions at the reserved matters stage.

Ms S Boardman spoke on behalf of local objectors who opposed the application on the grounds of sustainability, conflict with the National Planning Policy Framework (NPPF), impact on the highway infrastructure, pedestrian safety, questionable road safety data, noise and viability.

Mr P Starling, Chairman of the Allscott Sports & Social Club spoke in favour of the application which he considered would positively transform the site and meet the growing demand for sports and recreational facilities for all age groups in the surrounding area. He welcomed the proposed traffic calming measures and the employment opportunities that would be created.

Mr A De Pol, the Applicant's Agent, spoke in support of the application, commenting upon the extensive consultation which had taken place, the wide range of benefits integral to the proposals, funding for traffic management schemes and improvements, support from the local community and lack of objections (subject to conditions) from statutory consultees. He noted that the proposals were for a

strategic site allocated in the emerging local plan and were compliant with the presumption in favour of sustainable development set out in the NPPF. Overall, he considered that the proposals represented a positive and sustainable reuse of a brownfield site.

Members were afforded time to read the lengthy update which had been tabled at the meeting. The Planning Officer reminded Members of the site visit which had taken place earlier that afternoon and to the comments of the Highways Engineer who had accompanied them. She advised that the proposals would redevelop a brownfield site and were compliant with the NPPF. The proposals would deliver improvements to the local transport infrastructure, a market for the business hub had been ascertained with the associated broadband element benefiting the whole site, the proposals would provide employment opportunities and support the construction industry, financial revenue through Council Tax and Business Revenues, health care and a primary education facility. The site was accessible and situated outside the SSSI which would also be buffered by an ecology park. Environmental concerns regarding CO<sub>2</sub> emissions and water consumption were addressed by the proposals which met the core principles of the NPPF. The Planning Officer drew attention to key points in the report relating to the sensitivity of the site, mitigation of access issues, highways implications and proposed Grampian conditions, improvement to public transport, proximity of the railway crossing, impact upon the bridleway, ecology assessments, noise mitigation, air quality, water, flooding and the impact upon heritage assets. She indicated that the Masterplan was acceptable, including design codes, density, the balance of facilities provided together with planning obligations, viability, sustainability and mitigation against any technical issues identified.

During the course of the ensuing debate, the majority of members were supportive of the proposals applauding development on brownfield land and accepted assurances by the Council's Highways Engineer. The contribution towards the construction industry and housing needs were noted and the primary school and allotments were welcomed. A key concern for some Members was the proximity of the level crossing to the proposed primary school and it was considered that further consideration of this issue together with consultation with Network Rail would be appropriate at the reserved matters stage. Further concerns were expressed regarding education funding and planning for secondary school places including potential school transport costs.

In response to questioning, the Planning Officer advised that safety data only included recorded incidents and noted that the Highways Engineer did not raise concerns regarding the pinch point at the railway bridge, she commented upon footpath provision and explained the Highways Engineer's comments that the larger roundabouts suggested by Members during the site visit would be land hungry and impact on viability. It was considered that the proposed pre-commencement conditions were appropriate to mitigate highway issues. She also commented on the consultation regarding the level crossing and elaborated upon the provision of the public bus service and the statutory duty of the Council to provide transport for secondary school children living further than 3 miles away from their nearest designated school.

The Assistant Director: Planning Specialist also offered Members guidance regarding sustainability in relation to the NPPF, the nature of the settlement, prioritisation of brownfield land for development, employment generation, the briefing provided by the Highways Engineer, the possibility to continue discussions with Network Rail concerning safety measures at the level crossing and confirmed that the Council's education officers were satisfied that provision for school places could be made when appropriate.

On being put to the vote it was, by a majority:

**RESOLVED** – that with respect to planning application TWC/2014/0113 the application be referred to the National Planning Casework Unit on behalf of the Secretary of State under the Ministerial Statement of the October 2012 and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination the Development Management Manager be authorised to grant planning permission, subject to:-

- (a) the applicants/landowners entering into a Section 106 agreement with the Council (terms to be agreed by the Development Management Service Delivery Manager with that officer being authorised to impose planning conditions rather than Section 106 planning obligations to secure these matters should he consider it appropriate) that includes the provision of:
- i. £3,900,000 towards onsite provisions of primary education facilities in addition to the transfer of land to the Council of no less than 1ha.
  - ii. £500,000 towards Public transport improvements, including secondary education transportation
  - iii. £137,100 towards a traffic signal junction improvement scheme at the B5061 Roman Road/Holyhead Road Junction.
  - iv. £99,920 towards a roundabout junction improvement scheme at A442/A5223/B5063 Shawbirch Roundabout.
  - v. £25,000 towards Public Rights of Way Improvements in the vicinity of the site.
  - vi. £10,000 for improved signage at Allscott Level Crossing
  - vii. £5,000 towards Travel Plan monitoring and support
  - viii. £5,000 towards Air Quality monitoring
  - ix. £20,000 towards planning and financial monitoring of planning conditions and section 106.
  - x. 10% affordable housing
  - xi. Onsite NEAP facilities (with terms to cover the possibility of transfer to and adoption by the Council if required)
  - xii. Public open space / SuDS / Ecology park (with terms to cover the possibility of transfer to and adoption by the Council if required) where identified by applicant in accordance with the Councils Schedule of Rates
  - xiii. The ecology park
  - xiv. The Sports facilities and pitches including a community use agreement

- xv. **The allotments (with terms to cover the possibility of transfer to and adoption by the Council if required)**
- xvi. **High speed broadband**
- xvii. **A healthcare facility**

**(b) the conditions detailed in the update report with authority to amend or impose additional planning conditions to be delegated to the Development Management Service Delivery Manager.**

(d) TWC/2014/0271 - Land adjacent 9 Hillside, Lilleshall, Newport, Shropshire

This outline application, for the erection of 2 detached dwellings and detached garages with all matters reserved, had been deferred at the meeting of the Planning Committee on 2 July 2014 to enable Members to undertake a site visit. An update report was tabled at the meeting which set out additional consultation responses received.

The Planning Officer reminded Members of the site visit which had taken place earlier that afternoon and suggested that due to the proximity of the village school, if Members were minded to grant the application, consideration should be given to hours of construction to limit HGV movement at sensitive hours.

Cllr A Baker, representing the Parish Council spoke to oppose the application in terms of the nature of the narrow single track road, pedestrian safety, safe routes to school, and the erroneous photographs displayed.

Cllr A J Eade, Ward Member also spoke to oppose the application on the grounds of the planning history, sustainability, lack of mitigation available for highways concerns, and being in contravention of planning policy. He also commented on the impact on Lilleshall Hill as a tourist attraction.

Mrs E Attwood, the Applicant's Agent, spoke in support of the application noting that the introduction of the NPPF represented a significant change to policy since the previous refusal and noted similar development which had been permitted in the vicinity without objection. She commented on access, highways, visual amenity, design, accessibility, sustainability, parking, form and pattern of development in the area, and policy requirements.

Members noted that since the previous planning application had been refused, the only significant change was to national policy but had some sympathy regarding access and traffic issues, particularly with regard to the safe route to school. Members also noted recent development in the vicinity and that boundary issues had been clarified. Members accepted the Planning Officer's assurances that any breach of hours of operation set out in the Site Environmental Monitoring Plan would be subject to enforcement. The majority of Members therefore considered the application to be acceptable.

**RESOLVED – that with respect to planning application TWC/2014/0271 planning permission be granted subject to the conditions as set out in the**

**update report and further subject to a condition limiting hours of delivery around the village school opening and closing times.**

- (e) TWC/2014/0333 - Land corner of Stafford Road/A41, Newport, Shropshire

This was a full application for the erection of 219 residential units, comprising 111 houses and 108 units for the erection of continuing care retirement accommodation together with associated infrastructure and formation of new access onto Stafford Road. An update report was tabled at the meeting setting out additional information received since the publication of the main report.

Mr G Mann, the Applicant's Agent, spoke in support of the application in terms of sustainability, viability, national planning policy and the applicant's commitment to pre-commencement infrastructure works.

In response to questions raised by Members, the Planning Officer stated that satisfactory amendments had been made to the proposals following comments received from Urban Design and that the parking courts were generally associated with the care home. The Assistant Director: Planning Specialist also advised Members with regard to a perceived trend for developers to seek to modify the terms of Section 106 Agreements to reduce affordable housing figures and developers' right to challenge obligations which were considered onerous.

Upon being put to the vote, it was by a majority:-

**RESOLVED – that with respect to planning application TWC/2014/0333 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide 16% affordable housing; £55,855.72 towards offsite highway infrastructure works; £15,000 towards bus stop improvements in the vicinity of the site; £20,000 towards tactile crossings in the vicinity of the site; £5,000 towards relocation of a flower bed; £294,747 towards primary and secondary education provision; £600 per dwelling towards offsite play and recreation in the vicinity of the site(excluding the extra care unit); £5,000 towards Travel Plan monitoring; £5,000 for Traffic Regulation Order; any trees shown within the limits of the adopted highway will attract a commuted maintenance sum of £350 per tree; the clauses in the previous care village s106 such as care provision, age restriction, leases, tenancies, provision of mini bus and pool car for care home residents etc. need to be carried forward into this s106; and s106 monitoring costs of £12,860 and further subject to the conditions set out in the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

- (f) TWC/2014/0335 - Metal & Waste Recycling Ltd, The Old Smithy, Lightmoor Road, Lightmoor, Telford, Shropshire, TF4 3QN

This application sought detailed permission for the erection of a new building for aluminium storage and associated water tank for dust suppression, additional

acoustic barriers and removal of a mobile phone mast. Councillors F M Bould and C P R Mollett, Ward Members, had requested that the application be determined by the Planning Committee. An update report was tabled which set out an additional request from the applicant's agent to slightly amend the suggested maximum noise level condition from Environmental Health.

Mr C Dent, the Applicant's Agent, spoke in support of the application noting that the application did not represent an increase in activity but greater efficiency in the separation of aluminium and ferrous material streams. He commented on noise reduction measures and noted that the proposals represented an opportunity for improvement at the site which was home to a world leader in metal recycling.

The Planning Officer noted that objections to the application centred on intensification, but that the applicant had confirmed that throughput would continue to be limited to approximately 50,000 tonnes and that this would be subject to condition. Enforcement would be by the Environment Agency and Council Enforcement Officers. Noise would be alleviated by sound barriers and there was no impact on visual amenity. In response to questioning, the Planning Officer confirmed that hours of operation were unchanged by the application and expanded upon means of enforcement.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2014/0335 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the conditions set out in the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

(g) TWC/2014/0366 - 3 Cherry Tree Hill, Coalbrookdale, Telford, Shropshire, TF8 7EQ

*(In accordance with his declaration of interest Councillor C R Turley left the room during determination of this application).*

This was a retrospective application for the installation of roof mounted solar panels. Councillor D G Davies, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting setting out additional information received since the publication of the main report.

Cllr Bragg, representing the Gorge Parish Council spoke to oppose the application which was considered a breach of the Article 4 Direction and threatened the status of the World Heritage Site. The Parish Council was supportive of renewable energies but considered that the solar panels negatively impacted upon the visual aspect of a harmonious roofscape and the geography and aspect of the Gorge.

Cllr D G Davies, Ward Member, spoke in support of the application noting that the applicant had been incorrectly advised by the Planning Team and that the Article 4 Direction was vaguely worded and ambiguous. Cllr Davies was a strong supporter of heritage conservation but also recognised a need to sympathetically move with

the times. He did not feel that the solar panels were inappropriate at this particular site and would not set a precedent as any further applications would be dealt with on their merits.

Mr R Petty, Applicant, also spoke to support the application. He noted the heritage and cultural importance of the Gorge and pointed to the sympathetic renovation of his property and his sensitive choice of solar panels and their limited visibility. He noted the incorrect advice he had received and disputed that the solar panels were located on the principle elevation of the property since they fronted on to the railway. He also did not consider that a precedent would be set if Members were minded to grant planning permission in this case.

The Planning Officer referred to the designation of the World Heritage Site and conflict with the Article 4 Direction. She advised that the application had to be considered in terms of the effect on the character of this part of the Ironbridge Gorge World Heritage Site and the character of a locally listed building when considered against the justified sustainable credentials of a renewable energy proposal. She referred to the site visit which had taken place earlier that day and pointed to the effect on the roofscape on the principle frontage of the property. She also considered that the applicant had not demonstrated that he had considered alternative sites or other free standing or less obtrusive structures such as those viewed at a nearby location as part of the site visit. She was, therefore, of the opinion that the location and type of panels were not adequately justified or in accordance with the NPPF.

Members expressed concern that the applicant had apparently been incorrectly advised regarding the installation and the Legal Advisor reminded Members that what advice was or was not given to the applicant was not a material planning consideration.

Members were generally supportive of renewable energy generation. Some Members felt that the adverse impact on the World Heritage Site outweighed the benefits of renewable energy provision whilst others recognised a need for sympathetic modern technological advances. Members held similarly conflicting views on whether the application was precedent setting in nature. Careful consideration was also given to whether the solar panels were obtrusive in this specific location.

The Assistant Director: Planning Specialist advised that the need for renewable energy did not automatically override environmental protections and that Members should take great care to ensure that the World Heritage Site was conserved in a manner appropriate to its significance and cultural importance. He noted that the property was in close proximity to the Museum of Iron, arguably at the heart of the Gorge, and that it was important not to undermine the principles of the World Heritage designation by piecemeal erosion which could eventually risk its status. He urged Members to consider whether they would expect to see such installations at other comparable iconic heritage asset sites before making a decision which could irrevocably damage the quality of the site for generations to come.

The recommendation of refusal was proposed and seconded but, on being put to the vote, it was defeated. Subsequently a recommendation to grant planning permission was made and seconded from the floor. Following a vote it was by a majority:-

**RESOLVED** – that with respect to planning application TWC/2014/0366 planning permission be granted.

The meeting ended at 8.51pm

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANNING COMMITTEE**

**13<sup>th</sup> August 2014**

Schedule 1 - Planning applications for determination by Planning Committee

<b>TWC/2014/0115 Land between Beech Hill &amp; Blue House Barns, Chetwynd Road, Newport, Shropshire</b> Outline application for the erection of up to 19 dwellings, formation of a new vehicular access and drainage infrastructure works with all other matters reserved .....	<b>2</b>
<b>TWC/2014/0230 Land at Back Lane/Plantation Road, Tibberton, Newport, Shropshire, TF10 8NX</b> Outline planning application for residential development with all matters except access reserved *****Additional Information Received – Indicative Housing Number***** .....	<b>13</b>
<b>TWC/2014/0419 New Lawley Primary School, Off Martingale Way, Lawley, Telford, Shropshire</b> Reserved matters application for the erection of a primary school with playing field and community facilities and associated works pursuant to outline planning permission TWC/2010/0828.....	<b>33</b>

TWC/2014/0115

Land between Beech Hill & Blue House Barns, Chetwynd Road, Newport, Shropshire Outline application for the erection of up to 19 dwellings, formation of a new vehicular access and drainage infrastructure works with all other matters reserved

**APPLICANT**

Harry Parton

**RECEIVED**

11/02/2014

**PARISH**

Chetwynd

**WARD**

Edgmond

**OFFICER**

Anna Adams

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Highway safety, Impact on protected trees and ecology, Character and appearance, Residential amenity, S106 contributions

THE PROPOSAL: The application seeks outline planning permission for the erection of up to 19 dwellings with access on to Chetwynd Road and associated infrastructure works. All other matters are reserved.

Following discussions with officers, the Agent has submitted a revised plan reducing the number of units from 19 to 14 dwellings; however layout and scale remain reserved matters. It is still the intention to provide 35% affordable housing.

The application has been accompanied by supporting documents relating to Highways access report, Drainage assessment, Ecological report, Arboricultural report as well as Design & Access and Planning Statement.

**SITE AND SURROUNDINGS:**

The application site comprises an area of grassland measuring 1.15 hectares. The site area is generally flat, although the site is several metres higher than the retaining wall embankment from the highway level along Chetwynd Road. The site is bounded by trees to the east and south, with timber fencing to the north, adjacent to access drive and communal car parking/garaging which serves the Blue House Farm Barns development. The belt of trees/woodland to the east of the site, adjacent to Chetwynd Road is protected by a Tree Preservation Order.

To the north of the site is the Blue House Barns development at Blue House Farm, which has been converted into 7 units. There are Listed Buildings located in large established plots to the south and northwest of the site boundaries – Beechhill, a Grade II early 19<sup>th</sup> Century mansion and Chetwynd Knoll, a Grade II early 19<sup>th</sup>

Century Regency property.

On the opposite side of Chetwynd Road is an established row of mid-Twentieth Century detached and semi-detached dwellings set back from the highway and located in an elevated position, with a combination of hard and soft landscaping along the frontage.

The application site is located in Chetwynd Parish, directly to the northern edge of Newport Town Centre and the junction of Edgmond Road. The site is located close to a range of services and facilities in Newport.

#### PLANNING HISTORY:

PE/2013/1349 Pre-application enquiry regarding principle of residential development on the site, as well as highways issues and proposed financial contributions

Surrounding residential developments:

Land to rear of Nix Service Station, Forton Road:

TWC/2014/0204 Erection of 7no. dwellings with associated garages, parking and landscaping, No decision made

Land adjacent Ingleside, 1 Edgmond Road:

TWC/2014/0401 Erection of 85 dwellings with associated access and landscaping (Reserved Matters Application), No decision made

Land West of Beech Hill, Edgmond Road

TWC/2014/0422 & 0436 Erection of 3no. detached dwellings and detached double garages with associated access, Listed Building and Full Granted 17/07/2014

Blue House Barns:

W88/0907 Conversion of Barns to Seven Dwellings, Full granted 24/10/1988

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Core Strategy:

CS1 Homes

CS6 Newport

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:  
UD2 Design Criteria  
H6 Windfall Sites in Telford & Newport  
H22 Community Facilities  
H23 Affordable Housing  
OL6 Open Land  
OL11 Woodland and Trees  
LR6 Developers Contributions to Outdoor Recreational Open Space Provision within  
New Residential Development  
T22 Planning Obligations

#### CONSULTATION RESPONSES:

Newport Town Council: Makes the following comments:

- Disappointment at another housing development on a greenfield site
- The green corridor provided by trees which creates the woodland strip is a significant feature of the town and provides a characteristic profile at one of the main gateways into the built up area
- Existing speeding traffic despite 30 mph speed limit
- Serious concerns as to the access and egress of traffic from the site, as the topography levels between the highway and the access site is dramatic in scale and will require substantial removal of woodland to accommodate visibility, significantly changing the streetscape of the area
- Cumulative impact on the wider highway network - 58 dwellings on the B5062 Edmond Road (TWC2013/0297 outline granted), TWC/2014/0036 13 Mobile homes on Green Lane, TWC/2014/0204 on Forton Road for 7 dwellings
- The site is in close proximity to the business of TFM which regularly has deliveries from HGV vehicles, which, combined with lack of pavements and the proximity of schools requires a long term strategy for the future highway improvements and infrastructure
- Members concur with the Planning Ecologist regarding the Habitat Regulations Assessment in terms of drainage capacity and impact on European Designated Site.

Highways: no objection in principle subject to amendments to the access and consideration of the level of parking provision at reserved matters. A number of pre-commencement conditions are required regarding Details of design and construction of new roads and footways, Parking turning and loading, Details of design and construction of relocated retaining structure, Details of amendments to width and junction radii of access; and specifying conditions regarding Visibility splays of 2.4m x 43m and Gradient; and Highways informative.

Drainage: Support subject to conditions regarding Soakaway tests.

Arboricultural: Following additional information and amendments to the indicative plan, still objects to the proposal, due to the location of the access which will result in the loss of trees along Chetwynd Road. Accordingly and in line with the saved

Wrekin Local Plan Policy OL11 and Planning Policy CS12, a Tree Preservation Order has been made to protect this woodland strip.

The tree survey states that the woodland is around 30 years old, although it does appear that it is possibly older than this given the size of the Beeches within. The woodland contains species such as Beech, Scots pine and Cherry all of which appear to of been planted during the establishment of the strip. However, since this time other trees have and are beginning to establish within, such as Yew, Hawthorn, Elder and Oak. All of the trees growing within the woodland are British Native species.

Additionally, the tree survey has not covered any of the trees growing on the southern boundary, which will have an influencing factor over the site given that the majority of them are evergreen Hollies that are easily over 10 metres high, there are also a number of Cedar and Oak trees growing along this southern boundary which would have an effect on proposed dwellings.

Ecology: Makes the following comments that the application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 10km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. Natural England has been formally consulted and has made no objection. Accordingly, a Habitat Regulation Assessment screening matrix has been completed and it has been concluded that there is no likely significant effect on the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development.

Accordingly, there are no objections subject to conditions regarding bat and bird boxes, lighting, and informatives regarding bats and birds

Urban Design: Raises an objection to the proposal and makes the following comments: Whilst further work regarding the extent to which the trees will be retained is a fundamental part of this application, the real issue to address is that the extent to which the new access will undermine the quality and character of the site and its wider context. On the information submitted, it is considered that the impact of the development will be significant since it cannot be easily reconciled in urban design terms. Consequently it is considered the principle of development should be resisted under current urban design policies.

Affordable Housing: The application proposes 35% affordable housing. There is a shortfall of affordable homes in this part of the Borough. The preference is for the affordable homes to be provided on site, as social rented housing, by a Registered Provider and to be fully integrated within the overall development. These key

principles should be agreed with the applicant prior to the consideration of this outline application. The affordable homes should remain as affordable in perpetuity. Priority for the allocation should be given to applicants with a local connection (as described in the draft S106 Agreement).

Education: No objection, but given the number and type of dwellings, a contribution towards primary and secondary education facilities in the vicinity of the development would be required. Following the revised indicative layout and reduction in the number of units, the contribution has been calculated as £2170 towards primary, and towards £1496 secondary education in the Newport area (£3666 total). Based on 14 units, with a discount applied to the 5 affordable dwellings but not for any 1 bedroom dwellings, the total contribution for the proposal would be £32,995 comprising £19,531 towards primary education and £13,464 towards secondary education.

Parks & Open Spaces: The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby proposed play / recreational facilities for children and young people, which could be upgraded in order to maximise the capacity and meet the need arising out of this development. Therefore it is suggested that should development provide 2 or more bedroom properties; that they meet this need through conditioning of Wrekin Local Plan policies LR4 and LR6 and an appropriate sum to request would be £600 per property.

Severn Trent Water: no objection subject to a condition that details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority.

Natural England: The development is close to and may have implications on internationally and nationally designated sites – Midland Meres and Mosses Phase 2 Ramsar site and Aqualate Mere Site of Special Scientific Interest (SSSI). Accordingly the Local Authority must undertake a Habitats Regulations Assessment screening.

There should also be consideration of the impacts on biodiversity and geodiversity, local landscape character and priority habitats and species, the opportunities for enhanced green infrastructure provision and biodiversity enhancements.

Shropshire Fire Service: Comments regarding Access for Emergency Fire Service Vehicles, Water supplies for Firefighting and Sprinkler Systems – Residential Premises.

Save Newport Campaign/ Newport and District Civic Society: Raise concerns regarding existing drainage system capacity, as outlined by Severn Trent Water in February 2013 in relation to TWC/2012/0961 (Land at Orchard House, Tibberton).

There have been 7 neighbour letters received with the following comments and objections summarised:

- Site is not included in any local plan and housing target already exceeded, especially in Newport
- Development on greenfield site
- Loss of trees and grassland – impact on landscape, ‘rural aspect’ and wildlife
- Recent Newport Town Plan survey of residents demanded retention of green spaces and no further housing
- Location of access and additional traffic, poor visibility combined with existing speeding vehicles – highway safety, especially pedestrian safety – lack of footpath provision
- Loss of historical raised pavement
- Proposed pedestrian crossing to access the site despite previous concerns that a pedestrian crossing would be unsafe and should not be provided, in order to discourage children from walking to school, in relation to the St Peter & St Paul School application (W2004/0583)
- Traffic noise and pollution – existing trees absorb both
- Lack of parking provision for visitors, thus onstreet parking problems. Existing onstreet parking to residents on Chetwynd Road opposite
- Scale of development in Newport area – impact on existing services and infrastructure and impact on market town characteristics
- New houses would be out of character with existing traditional/ pre-1950s development
- Impact on privacy and overlooking
- Previous subsidence on Chetwynd Road
- Lack of notification

#### PLANNING CONSIDERATIONS:

The proposal comprises the erection of up to 19 dwellings to include 35% affordable housing, with the creation of a new vehicular access off Chetwynd Road, to the northern boundary of Newport.

The revised illustrative plan comprises 14 units with indicative parking arrangements and amenity space. All matters except access are reserved.

#### Principle of development

The National Planning Policy Framework (NPPF) requires Local Authorities to identify that they have a 5 year housing supply, and this is updated annually. It has recently been established that Telford & Wrekin Council has only a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area and the policies relating to Newport (CS6) and the Rural Area (CS7).

Accordingly, the LPA cannot refuse applications purely on the grounds of housing

supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development.

The site is located on the northern edge of Newport, within the Parish of Chetwynd; thus it is located in the rural area; however it is located adjacent and opposite to established housing at the Blue House Barns development and 1930s dwellings along Chetwynd Road. The site is located close to a range of services and facilities, on the edge of Newport District Centre. Therefore, whilst rural housing schemes should be limited in scale to meet local needs as set out in the Core Strategy; with regard to NPPF, the proposed housing can be viewed in terms of supporting and maintaining the vitality of Newport Centre and its role as a market town. The development would be well located in terms of service provision. Accordingly, the site is considered to be sustainable and accessible and accords with the criteria in NPPF regarding housing in the rural area and the provision of affordable housing, and policy CS9 of the Core Strategy.

Local planning policies CS11 of the Core Strategy and OL6 of the Wrekin Local Plan seek to protect incidental open space from development where the land contributes to the character and amenity of the area. The NPPF does not stipulate that brownfield land must be developed before consideration of greenfield sites. It was recognised by the Inspector following the Core Strategy examination that in order to deliver the required housing in Newport, development of some greenfield sites and incidental open space adjacent to existing built-up areas in Newport would be necessary.

Officers acknowledge that there have been a number of recent planning applications for residential development in Newport, including the land off Edgmond Road for 85 dwellings. However, the LPA cannot currently demonstrate that there is sufficient supply of housing to meet the Borough's needs. With regard to policy CS1 of the Core Strategy, there is a need to build approx. 60 dwellings a year in Newport. There has been a shortfall of dwellings constructed and completed in Newport and the wider Borough over the Core Strategy plan period 2006 – 2013. Housing land is coming forward as a result of permissions granted; however this does not necessarily mean that the sites are deliverable. Moreover, the larger housing schemes will be phased over a period of years; therefore the provision of housing and in particular affordable housing will not be delivered immediately and the shortfall will remain for some time. By comparison, this smaller development, albeit currently for outline planning permission, could be delivered more quickly and would help to address housing and affordable housing requirements. Accordingly, the principle of residential development on this site is considered acceptable.

#### Highway safety

The proposed vehicular access would be provided in a central position on to Chetwynd Road, which would require cutting into the existing embankment and

excavation, with removal of some of the existing trees to provide required visibility. The development will require retaining structures to be constructed to stabilise the embankment, and will also provide a 2m wide footpath with a pedestrian crossing point on Chetwynd End to the south of the site. The Agent has had pre-application discussions with the Council's Highways Engineer and has sought to address their comments, in order to design appropriate access arrangements for the development.

Local concerns regarding existing vehicle speeds being above the 30mph speed limit are noted, and this would be a police matter; however, the Highways Engineer has assessed that the requisite visibility splays for the speed limit can be accommodated at the site entrance and that the proposal meets highway requirements subject to conditions relating to design and construction of the junction, new roads and footways etc. as well as the retaining structures.

The Highways Engineer has raised concerns in relation to parking provision for the 19 units; however the layout is indicative at this stage, and the illustrative plan showing the reduced number of dwellings to 14 units suggests sufficient parking space could be accommodated through a mix of garaging and driveways. Appropriate conditions can be applied on the outline consent in regard to details of parking provision.

With regard to the Town Council's comments, officers and Highways Engineers are aware of the existing planning consents and other uses in the locality of the development. This proposal will not result in a significant increase in vehicle movements and measures are proposed within the development to provide improved pedestrian routes. The Highways Engineer has not requested any additional financial contributions in relation to wider infrastructure improvements.

Furthermore, the Council's Drainage Engineer and Severn Trent Water have confirmed that there are no objections in principle subject to conditions. Accordingly, it is considered that the proposal meets the requirements of policy H6 of the Wrekin Local Plan.

#### Impact on protected trees and ecology

According to the tree survey, the proposed position of the vehicular access will require the removal of approx. a third of the trees/woodland area along the highway frontage which has now been protected by a Tree Preservation Order. The Arboricultural Officer has also raised concerns that not all the trees on the site boundaries have been assessed in the tree survey and the possible implications for residential amenity resulting in future requests for trees to be pruned/removed. With regard to comments from consultees regarding the position of the access and impact on the existing wooded area and character of the area; the Agent was asked to clarify whether an alternative access could be achieved utilising the adjacent access serving the Blue House Barns development. The Agent has advised that the existing

access is within separate ownership, and the Council's Highways Engineer has confirmed that this would also require amendments to accommodate the additional vehicle movements associated with the development, which in turn would require removal of trees.

Whilst the objections regarding the removal of trees are noted; officers consider there are existing gaps in the woodland area; and that some of the trees will remain. The Tree survey suggests that replacement trees could be planted and appropriate conditions can be imposed to ensure that a suitable planting scheme is proposed to help maintain the character and appearance of the area. The scale and layout are reserved matters; therefore the position of proposed dwellings and associated private amenity space can be designed having regard to the remaining trees and woodland on the eastern and southern boundaries. It is considered that the impact on trees can be sufficiently addressed by conditions, with the scope of the treeworks and tree protection measures to be agreed with the Arboricultural Officer prior to commencement.

With regard to ecological issues, the application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

The Council's Ecologist has completed a Habitat Regulation Assessment screening matrix, having regard to comments from Severn Trent Water in relation to waste water treatment and has concluded that there is no likely significant effect and no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development.

Officers consider all other ecological matters can be sufficiently addressed by conditions and informatives. Accordingly, officers consider the proposal complies with policies CS12 of the Core Strategy and OL11 of the Wrekin Local Plan.

#### Character and appearance

The concerns raised regarding the design and character of the development in relation to the context of the established properties are noted. Officers would reiterate that the layout is indicative only and the development will be contained within the site and will not be overly prominent from Chetwynd Road, despite the removal of some of the trees. The illustrative plan indicates the proposal would comprise a mix of semi-detached and detached dwellings which would be in keeping with the existing development on Chetwynd Road. The detailed design would be submitted at reserved matters.

It is acknowledged that the removal of some of the existing trees will create a more open character on this side of Chetwynd Road; however, there are existing accesses punctuating the tree line, and the opposite side of the road is much more open, with a variety of hard and soft landscaping at the garden frontages; thus the overall character along this part of Chetwynd Road will not be significantly altered, and the proposal will comply with design guidance contained in NPPF and local policies UD2 and CS15.

#### Residential amenity

It is considered that the site is a sufficient separation distance from the adjoining residential properties with adequate screening remaining to ensure that the proposed development can be accommodated without detriment to existing residential amenities, and moreover the proposal will not adversely affect the setting of the Listed Buildings to the south and northwest. The proposed dwellings to the northern boundary adjacent to Blue House Barns can be designed and orientated so that mutual privacy is maintained. Properties on the opposite side of Chetwynd Road are located in an elevated position; therefore the proposed dwellings will not adversely impact on amenity.

#### Section 106 Contributions

The scale and nature of the proposed development requires contributions towards primary and secondary education, parks & open spaces and highways, as well as provision of a proportion of affordable housing, in order to accord with planning policies H22, LR6 of the Wrekin Local Plan and CS6 of the Core Strategy and in providing necessary community benefits.

The Applicant has agreed to provide a financial contribution of £3666 per unit towards primary and secondary education provision (with a deduction for affordable housing), £600 per unit towards offsite play/recreation; along with monitoring costs of 5% of total. In this instance, the Highways Engineer has not requested any contributions towards highway infrastructure improvements.

The affordable housing provision of 5 units at 35% of the development for sites in Newport accords with policy criteria set out in CS6 of the Core Strategy. Officers consider the provision of affordable housing and financial contributions towards education and parks are acceptable.

In conclusion, the principle of the development and proposed new access on to Chetwynd Road are considered acceptable in this location and the indicative layout demonstrates that the development can be accommodated without significant impact on adjoining residential amenity, the prevailing character, highway safety or the natural environment. Accordingly, officers consider the proposal complies with the relevant national and local planning policies and recommend the application for

approval subject to financial contributions, affordable housing provision and appropriate conditions.

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

- A) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:
  - i) Provision of affordable housing constituting 35% of total number of units;
  - ii) A contribution of £3666 per 2 bed unit (and above) towards primary and secondary education provision, (totalling £32,995 based on 14 units, with a deduction for the affordable units);
  - iii) A contribution of £600 per 2 bed unit (and above) towards offsite play and recreation (totalling £8400 based on 14 units);
  - iv) Planning monitoring contribution of 5% of total sum (£2069.75).

- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

- A01 Time limit - outline
- A03 Time limit – submission of reserved matters
- B01 Standard outline
- B03 General details required
- B Highways - Details of design and construction of new roads and footways including pedestrian crossing point  
Parking turning and loading  
Details of design and construction of relocated retaining structure  
Details of amendments to width and junction radii of access
- B Drainage – Details of foul and surface water drainage  
Soakaway tests
- B Arboricultural – tree protection measures
- B Environmental Management Plan
- C Highways - Visibility splays of 2.4m x 43m and Gradient  
Ecology - Bat and bird boxes  
Lighting

Informatives:

- I06 S106 Agreement
- I11 Highways
- I22 Ecology
- I32 Shropshire Fire Authority

TWC/2014/0230

Land at Back Lane/Plantation Road, Tibberton, Newport, Shropshire, TF10 8NX  
Outline planning application for residential development with all matters except  
access reserved \*\*\*\*\* Additional Information Received – Indicative Housing  
Number\*\*\*\*\*

**APPLICANT**

M Fisher

**RECEIVED**

20/03/2014

**PARISH**

Tibberton and Cherrington

**WARD**

Edgmond

**OFFICER**

Anna Adams

This application was deferred by Members at 2<sup>nd</sup> July Planning Committee for the purpose of clarity to enable further information to be submitted in relation to the following matters:

- Location of development
- Impact on the natural environment
- School place provision
- Drainage to be fully articulated
- Design & Access Statement to be updated to include density and numbers of units

The Manager of Development Management and the planning case officer met with the Agent following the Planning Committee and requested further information to be submitted in light of the concerns raised by Members.

With regard to the Members' comments and concerns, the Agent has submitted additional information in relation to the location of the development, the impact on the natural environment, drainage, school place provision and an indicative layout has been submitted with clarification on the density and layout.

Location of Development

The Agent asserts that the site is located in one of the suitable settlements outlined in Policy CS7 of the Core Strategy and that the site is on the edge of the village and within walking distance of the existing services and facilities in the village, which the new housing will help to support and maintain. This was also considered in the officer report with regard to the principle of development and it was assessed that the proposal accorded with planning policy.

Layout and Density

An indicative layout has been submitted demonstrating how 25 dwellings could be accommodated on the site to include 40% affordable housing provision in order to comply with planning policy in Policy CS7 of the Core Strategy. The Agent suggests that the affordable housing could be accommodated in the form of 5 pairs of semi-detached dwellings, with 15 open market detached dwellings. He asserts that 25

units is consistent with the number outlined in the Shaping Places document, and would equate to 18 units per hectare.

Officers wish to highlight that the Shaping Places document is not formally adopted; therefore limited weight can be given to this. In terms of the layout and density, albeit indicative, officers consider the development appears a little contrived and needs to better address Back Lane and Plantation Road. The density of the development is significantly higher than existing housing on Back Lane and Plantation Road; however, it is similar to other parts of Tibberton such as Old Smithy Road and Maslan Crescent. Detached and semi-detached dwellings are characteristic of the prevailing form of housing; although officers query whether there should be such a clear distinction between the affordable and market housing stock; and that semi-detached units could also be market housing. Officers would still consider that a detailed assessment of the existing site constraints and context of the area is required in order to inform the layout and design; however the indicative plan demonstrates that a maximum of 25 units; not the previous suggestion of 34 units, could be accommodated on site.

#### Impact on the natural environment

With regard to the impact on the natural environment, the application was accompanied by an Ecology Survey and Landscape and Visual Appraisal. The Agent has reiterated the consultation comments from Ecology regarding the surveys and mitigation measures being sufficient, subject to conditions and informatives. Furthermore, the development has been considered with regard to the Habitat Regulations Assessment and the conclusions were that there would be no likely significant effect and no likely effect on the integrity of the European Designated Site.

The Agent's statement that there are no Arboricultural objections is not correct; as no tree survey was submitted at outline stage; however the Arboricultural Officer has specified conditions that should be imposed on any planning permission. The indicative layout plan suggests that the majority of the trees and hedgerows on the site boundaries shall be retained with protective fencing erected.

#### Drainage

Additional information has been submitted regarding options for drainage of the site and development. The Consultants' Addendum to the report submitted with the application proposes alternative options should Severn Trent Water's arrangements for upgrading existing systems not be possible in the short timeframe that is being targeted for delivery of housing to meet the current shortfall across the Borough.

Drainage comments are awaited in this regard and will be included in an update to Members at Committee.

#### School Place Provision

With reference to the Education comments on the application, the Agent has reiterated that it was considered financial contributions could be provided to mitigate the effect of the proposed development and that the Applicant agrees to such requirements and the relevant contributions will be secured through a Section 106 Agreement.

With regard to school place provision, the School Organisation team has provided comments regarding current arrangements at Tibberton Primary School:

The Net Capacity of Tibberton is 143 pupils, this is a calculation based on square footage and there are currently 140 pupils attending Tibberton. Of the 140 pupils attending Tibberton 35% of them live within the catchment area for Tibberton, 41% are from Telford and Wrekin addresses and 24% live outside Telford and Wrekin boundary. If the developments at Tibberton Green (60 dwellings) and Back Lane/Plantation Rd (34 dwellings) were to be developed they could potentially yield a further 26 primary pupils. In School Organisation we include Tibberton in the Newport Area and our projections are suggesting that we will fall below 5% surplus across the Newport area within the next couple of years. It is generally accepted that we should keep a 5% surplus to accommodate parental choice and bulge years.

The Schools Assets team is considering undertaking a feasibility study to assess whether the site at Tibberton is expandable; however this has currently been put on hold, given the larger development for 60 dwellings (TWC/2014/0236) has been refused (at 2<sup>nd</sup> July Planning Committee).

It is still the case that children within the village would have priority over children outside the catchment area to attend the primary school; however this would obviously have a knock-on effect for schools in other areas, such as Newport. Accordingly the financial contributions towards primary education provision may be used to expand these schools, rather than Tibberton Primary.

Following submission of this additional information, officers consider the application is acceptable and that it can be recommended for outline planning permission subject to the following:

**RECOMMENDATION:** That DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

- C) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:
  - v) Provision of affordable housing constituting 40% of total number of units;
  - vi) A contribution of £700 per unit, of which £200 per dwelling towards improvements of the Public Right of Way and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062;
  - vii) A contribution of £4083.47 per 2 bed unit (and above) towards primary and secondary education provision and transport costs;
  - viii) A contribution of £600 per 2 bed unit (and above) towards offsite play and recreation and a commuted sum towards maintenance (to be agreed);
  - ix) Planning monitoring contribution of 5% of total sum.

D) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

- A01 Time limit – 12 months for reserved matters to be submitted and 12 months from reserved matters for commencement of development
- A03 Time limit – submission of reserved matters
- B01 Standard outline
- B03 General details required
- B Character assessment
- B Highways – offsite works – passing bay access and vis splays  
design and construction of new pedestrian footway  
design and construction of any new roads, footways, accesses  
details of the parking, turning, loading and unloading
- B Drainage – modelling work of foul and surface water systems  
specification for works required to implement capacity improvements  
Scheme and Specification implemented to satisfactory standard
- B Environmental Management Plan
- B Tree Survey & Fencing, Landscaping Design, Design specification
- B Ecology - European Protected Species Licence  
Ecological Mitigation Strategy and Method Statement – Great crested newts  
Ecological Mitigation Strategy and Method Statement – Badgers  
Pre-commencement inspection – Barn owl
- C Soil Levels
- C Erection of artificial nesting/roosting boxes  
Erection of boxes - Barn owl  
Lighting plan
- C Restriction on number of units

Informatives:

- I06 S106 Agreement
- I11 Highways
- I22 Ecology

The Committee update presented at 2<sup>nd</sup> July Planning Committee is outlined below:

Further to preparation of the officer report, additional comments have been received from the Council's Arboricultural Officer. He still has concerns about the application and is seeking to protect a number of trees on and adjacent to the site through Tree Preservation Orders.

The Arboricultural Officer has specified a number of conditions that he would wish to be included should the application be recommended for approval. These are pre-commencement conditions regarding Tree Survey & Fencing to include a tree protection plan for the TPO'd trees on site, Landscaping Design, to include proposed and existing functional services, to include all those listed in the condition and fibre optic and planting plans, Design specification will be required for the entrance given that the proposal is within the RPA of the TPO at the front of the site, and a specifying condition regarding Soil Levels.

Accordingly, the officer recommendation is unchanged and remains for approval subject to the Applicant signing the S106 and conditions, to be agreed.

**RECOMMENDATION:** That DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

E) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:

- x) Provision of affordable housing constituting 40% of total number of units;
- xi) A contribution of £700 per unit, of which £200 per dwelling towards improvements of the Public Right of Way and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062;
- xii) A contribution of £4083.47 per 2 bed unit (and above) towards primary and secondary education provision and transport costs;
- xiii) A contribution of £600 per 2 bed unit (and above) towards offsite play and recreation and a commuted sum towards maintenance (to be agreed);
- xiv) Planning monitoring contribution of 5% of total sum.

F) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

- A01 Time limit – 12 months for reserved matters to be submitted and 12 months from reserved matters for commencement of development
- A03 Time limit – submission of reserved matters

- B01 Standard outline
- B03 General details required
- B Character assessment
- B Highways – offsite works – passing bay access and vis splays  
design and construction of new pedestrian footway  
design and construction of any new roads, footways, accesses  
details of the parking, turning, loading and unloading
- B Drainage – modelling work of foul and surface water systems  
specification for works required to implement capacity improvements  
Scheme and Specification implemented to satisfactory standard
- B Environmental Management Plan
- B Tree Survey & Fencing, Landscaping Design, Design specification
- B Ecology - European Protected Species Licence  
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Erection of boxes - Barn owl  
Lighting plan
- C Restriction on number of units

**Informatives:**

- I06 S106 Agreement
- I11 Highways
- I22 Ecology

The original Committee report is attached below for information:

**OBJECTIONS RECEIVED: Yes**

**MAIN ISSUES:** Principle of development, Character, Impact on existing infrastructure – Highways, Drainage, Education, Residential amenity, Ecology and Habitat Regulation considerations, Section 106 Contributions

**THE PROPOSAL:** The application seeks outline planning permission for residential development on the existing site at the junction of Back Lane and Plantation Road. All other matters are reserved.

The proposed new access is indicated off Back Lane, and is some 25m from the junction with Plantation Road, with visibility splays of 2.4m by more than 70m in either direction along the highway.

In the supporting information, the applicant initially proposed 25 market dwellings on the site; however they have since suggested that this may be increased to 34 units to accommodate affordable housing. Whilst an indicative layout was requested by the Local Planning Authority to aid the assessment of the proposal; under current legislation, it is not mandatory for the applicant to submit such details for an outline application. Subsequently, this has not been submitted, and will be provided at reserved matters, subject to receiving outline planning permission.

Whilst the final number of units and layout will be determined at reserved matters, the applicant sets out that the proposal would comprise a mix of terraced, semi-detached and detached dwellings.

The application has been accompanied by a Planning Statement, information regarding Highways, Drainage and Flood Risk, a Landscape and Visual appraisal and Environmental (habitat) Survey. With regard to drainage arrangements, the application form outlines the intention to use soakaway for surface water and package treatment plant for foul drainage.

The Planning Statement outlines the policies in National Planning Policy Framework (NPPF) and in the Core Strategy that the applicant deems to be most relevant in the consideration of the application. The applicant asserts that the principle of sustainable development has been established in Tibberton, and that appropriate measures can be taken to mitigate issues regarding highways, drainage and flood risk. Furthermore, the applicant considers the ecological, landscape and visual impacts of the development can be minimised and enhancements provided. The benefits of the scheme are set out as provision of affordable housing and community infrastructure.

#### **SITE AND SURROUNDINGS:**

The application site comprises a broadly rectangular shaped field, which widens to the northwest and is bounded by hedgerows and trees. The site measures approx. 1.3ha and comprises a red brick building and steel container, which are located towards the rear of the site, on the rear boundary with the adjoining residential dwelling, No.64 Plantation Road.

The site adjoins Back Lane to the east, Plantation Road to the south, further fields to the north and west, as well as garden land to No.64 Plantation Road, a large detached dwelling. It is located to the south of the village of Tibberton.

Three trees on the north, west and northeast boundaries of the site have recently been protected with Tree Preservation Orders. There is a further Tree Preservation Order covering the woodland area to the south of Plantation Road, which also includes a number of ponds.

There are no footways currently on Back Lane or Plantation Road. A Definitive Right of Way (DROW) runs from Back Lane, opposite the proposed indicative access point, across agricultural land to the west of the application site. There is a further DROW that runs from Plantation Road through the existing agricultural land and Sports Ground and linking to Maslan Crescent.

The site is detached from the main settlement of Tibberton, with the nearest property being No.64 Plantation Road. To the north of the application site on Back Lane, the development comprises established ribbon form of detached and semi-detached properties fronting the highway. The character of Tibberton consists of a mix of modest traditional cottages with large modern detached and semi-detached mid to late Twentieth Century properties.

#### PLANNING HISTORY:

W80/0048 Residential Development Of 15 Houses With Construction Of Vehicular And Pedestrian Access, Full Refused 02/06/1980

[W2003/0713](#) Erection of Two Detached Dwellings with Detached Garages and Construction of New Vehicular Access, Full Refused 22/08/2003, Appeal Dismissed 18/02/2004. Grounds for refusal based on Wrekin Local Plan and Shropshire and Telford & Wrekin Joint Structure Plan policies in relation to character, not infill, extension into open countryside, not for occupation by essential agricultural or forestry workers

Relevant history on adjoining sites:

Land at Orchard House:

TWC/2012/0961 Erection of 10 dwellings and partial demolition of Orchard House to provide access, Full Granted 18/10/2013

Land adjacent 12 Tibberton

TWC/2014/0236 Outline planning application for erection of up to 60no. dwellings with associated infrastructure (All matters reserved), Not yet determined

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Core Strategy:

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

Wrekin Local Plan:

UD2 Design Criteria  
H10 Scale of Development  
H22 Community Facilities  
H24 Affordable Housing Rural Exceptions Policy  
OL11 Woodland and Trees  
LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Development  
T22 Planning Obligations

#### CONSULTATION RESPONSES:

Councillor Burrell: no formal comments have been submitted, but has verbally discussed the main issues with officers regarding the scale of development and issues regarding existing infrastructure, in particular drainage arrangements and flooding.

Tibberton & Cherrington Parish Council: A meeting was held on 14<sup>th</sup> April and approx. 100 people attended. Of the attendees, only 2 supported this proposal and the other application TWC/2014/0236. Everyone else opposed the development on the following grounds:

- Scale and cumulative impact – the proposals constitute c.50% increase in existing number of households, which is excessive and unsustainable
- Existing road infrastructure and highway safety – the main roads are narrow in nature with poor visibility
- Lack of footpaths – safety of children walking to school/ bus stop
- Drainage infrastructure – combined sewer and limited capacity of the pumping station, and proposals in supporting statement for disposing of rainwater are uneconomic and unsustainable
- Risk of flooding due to existing site constraints and existing/proposed drainage arrangements – soakaways unsuitable due to underlying clay, and would require new surface water sewer
- Consider Severn Trent Water and Environment Agency need consulting
- Limited provision of public transport – no bus routes on Back Lane of Plantation Road, and constraints to commuting for work/ evening travel due to frequency of buses
- Schools - Tibberton Primary School is fully subscribed, and there are parking issues at start and end of school day. Limited secondary school provision as

Burton Borough has a wide catchment area and the number of recent planning permissions in Newport itself; also the other Newport schools are selective

- Impact of additional vehicle movements on 'Quiet Lanes' project through the Weald Moors, and on nature conservation
- Impact of development on Newts, birds of prey and other wildlife
- Child safety due to proximity of marl pit pools
- Limited access to telecommunications – Broadband and mobile coverage
- Contradictions and omissions in supporting statement in relation to weight given to Core Strategy policies CS1 and CS7
- Reference to unmet need for housing in Parish outlined in Housing Needs Survey of March 2011, but not the actual figure of c.3 – 6 units

Highways: No objection subject to pre-commencement conditions relating to:

- Offsite highway works to provide 1 passing bay located on Plantation Road
- Details of access to include 2.4m x 43m Visibility Splays
- Design and construction of 1.5m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way
- Design and construction of any new roads, footways, accesses together with details of disposal of surface water to a suitable outfall
- Details of parking, turning, loading and unloading of vehicles

There is also a requirement for a Section 106 contribution of £200 per dwelling towards improvements of the Public Right of Way which runs From Plantation Road to the Primary School and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction. The monies are to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.

Informatives are required regarding all off site Highway Improvement Works to be secured via Legal Agreement with the Local Highway Authority under S.278 Highways Act 1980, and the need to contact Highways prior to commencing work for permission to work on the adopted highway, under Section 184 Highways Act 1980.

Drainage: Support subject to conditions and make the following comments:

- An updated Flood Risk Assessment (FRA) at reserved matters with details of foul and surface water disposal and information on how the site will be restricted to greenfield rates of surface water discharge.
- The FRA has identified that there is a highway drainage system serving Back Lane. No connection to this or any other highway drainage system will be permitted. A detailed drainage investigation of any possible point of connection should also be submitted.
- There are known sewer capacity issues in Tibberton and the site is lacking an obvious point of connection for both surface and foul water flows, therefore Severn Trent Water should be consulted to determine if there is sufficient capacity in the sewerage network to cater for the proposed development.

Arboricultural: Objects to the application for the following reasons:

- Lack of information has been submitted regarding the trees on site.
- No proposed site plan therefore unclear as to where the properties would be and what impact on the existing tree stock during construction
- The most notable tree on site is the large Oak growing adjacent to the entrance which has a drainage ditch within its root protection area (RPA). There will be construction activity within its RPA during the development of the entrance into the site.
- The applicants have stated that they propose to erect up to 34 dwellings on the site and given that there is no tree survey or proposed layout, a tree preservation order has been made to ensure that the trees are paid due diligence throughout any proposed development of the site.

Ecology: Initial objection and request for further surveys to be carried out with regard to Great Crested Newts. Following submission of additional information, the proposal is considered acceptable subject to conditions regarding European Protected Species Licence, Ecological Mitigation Strategy and Method Statement – Great Crested Newts, Ecological Mitigation Strategy and Method Statement – Badgers, Pre-commencement inspection – Barn owl, Erection of artificial nesting/roosting boxes, Erection of boxes – Barn owl, and Lighting plan; as well as informatives.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

The Ecologist has completed a Habitat Regulation Assessment screening matrix which concludes that there is no likely significant effect or likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Education: no objection, but makes the following comment that given the number and type of dwellings a contribution towards primary and secondary education facilities in the vicinity of the development, as well as costs associated with transporting pupils to Newport would be required. Based on 34 units, the contribution would be £88,054 for primary and £50,784; totalling £138,838; (£4083.46 per unit).

Parks & Open Spaces: Requests that a sum of £600 per 2 bedroom property (and above) is provided towards offsite play/ recreational facilities; and that clarification is

provided regarding the management of any open space proposed within the development. If the Council is to adopt this, a commuted sum for maintenance would also be required. If not, a management plan will need to identify how the area is to be managed and funded.

Affordable Housing: no comments received.

Severn Trent Water: Has become aware of several development sites that could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton. As such they are gathering information from assets in the village to enable a hydraulic modelling exercise to commence to determine the impact of these proposals on the sewerage system in the area. The results of the modelling exercise will identify what action should be taken in respect of investment; but will not commit to investing in an area until there is reasonable certainty that a site (or sites) are going to proceed.

Recommends pre-commencement conditions should be imposed in relation to written confirmation outlining any necessary off site drainage improvements and sewerage improvements; with a further condition stating no surface water should discharge to local foul sewers.

Shropshire Fire Service: Advice provided regarding fire safety guidance.

There have been 19 letters of objection submitted by local residents, with their comments summarised below:

- Existing highway is narrow - single track with passing places, and blind corner at junction of Plantation Road and Back Lane
- Impact of additional vehicles on road infrastructure in Tibberton and country lanes in the wider area
- Lack of footpaths and highway safety issues
- Impact on ecology – ponds/woods on opposite land – newts and nesting sites for birds
- Impact on trees and hedgerows
- Character of area – loss of agricultural land
- Area used by villagers and dog walkers – loss of amenity
- Understand need for affordable housing, but scale of development proposed in this application and TWC/2014/0236 (Outline application for 60 dwellings) is inappropriate
- Scheme represents 12% increase in size of village and an expansion of the settlement, and combined with other applications would increase village by 50%
- Continuation of small-scale infill development instead of these large developments
- Previous refusal for 2 dwellings on site
- Density of development too high – overdevelopment, and will not allow for sufficient landscaping and green space

- Parish Housing Needs Survey demonstrated only 5 affordable houses required; thus scale of development not established
- Is there really a need for this level of development, or is it speculative/ land-grabbing?
- Other planning permissions, (10 dwellings at Orchard House) have not yet commenced – cumulative impact on utilities and services – foul and surface water drainage capacity/ flood risk including on highways
- Orchard House development delayed due to drainage issues
- Need Severn Trent Water’s opinion on the foul drainage proposals – if sewage treatment works required, would this meet sustainable criteria
- Lack of services in village – no mobile phone signal, poor broadband, inadequate bus service, no significant employment facilities
- National guidance emphasises development of brownfield sites before greenfield, as outlined by Nick Boles, Planning Minister in March
- Clarification also provided by Nick Boles regarding refusals on grounds of prematurity in relation to draft plan and refusing development on greenfield land where there would be significant impact on roads and sewerage systems
- Proposal is contrary to local planning policy CS1, CS7 and CS12 in Core Strategy and H9 and H10 in Wrekin Local Plan
- Lack of consultation
- Shropshire Council has turned down an application for a rural development on the edge of Whitchurch (despite being in the same position as Telford & Wrekin Council with no 5 year plan) on the grounds that the proposal would cause "demonstrable and significant environmental harm."
- Small communities such as Tibberton are being penalised because the Council has not produced a plan, in accordance with NPPF
- Query regarding removal of Phase 2 Environmental Survey from website

#### PLANNING CONSIDERATIONS:

The proposal comprises outline planning permission for residential development with all matters except access reserved at this stage. The number of units and the layout has not been provided.

The access is indicated to be located in a central position off Back Lane, which would require part of the boundary hedge to be cut back/removed to accommodate the new vehicular access and requisite visibility splays.

#### Principle of development

The National Planning Policy Framework (NPPF) requires Local Authorities to identify that they have a 5 year housing supply, and this is updated annually. It has recently been established that Telford & Wrekin Council has only a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area and the policy relating to the Rural Area (CS7). Accordingly, the LPA cannot refuse

applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development.

The application site is located within Tibberton, which is outlined in policy CS7 as one of the suitable settlements in the rural area where development to meet local needs should be focussed. The site is located within walking distance of the local facilities in the village, namely the primary school, shop, village hall, public house and church and the bus route. Therefore, whilst rural housing schemes should be limited in scale to meet local needs as set out in the Core Strategy; with regard to NPPF, the proposed housing can be viewed in terms of supporting and maintaining the existing local services. Accordingly, the site is considered to be sustainable and accessible and accords with the criteria in NPPF regarding housing in the rural area and the provision of affordable housing, and policy CS9 of the Core Strategy.

With regard to NPPF, it is considered that residential development can be supported in this location providing it is economically, environmentally and socially sustainable and does not have an adverse impact on existing services or infrastructure. The merits of the scheme and the development's impacts on existing services and infrastructure have been assessed by officers. It is considered that the proposal will support existing services, can deliver a mix of housetypes and tenures including affordable provision and other community benefits through financial contributions towards highways, education and play/recreation provision. The imposition of appropriate conditions and measures can be taken to mitigate impacts on the existing infrastructure, in regard to highways, drainage and education.

Furthermore, whilst limited weight can be given to the draft Shaping Places Local Plan document at this stage; the application site, along with adjoining land to the north, east and west, is included within the Proposed Options document and was also included in the Strategic Housing Land Availability Assessment 2012 (SHLAA).

The number of dwellings committed in the rural area has exceeded 170 for the plan period, as outlined in CS1 of the Core Strategy; however this figure can no longer be relied upon, having regard to the NPPF requirements and the lack of housing supply. During the same plan period, the number of affordable houses approved and delivered in the rural area has been very limited. Planning permission has been granted for a development of 10 dwellings with 4 proposed as affordable units at an adjoining site to the north, (Orchard House, Back Lane, TWC/2012/0961), although this development has not yet commenced. The size of the proposed site and potential housing numbers should ensure that a significant number of affordable houses – a target of 40% of the total - are provided by the development. It is noted that the Tibberton and Cherrington Parish Housing Needs Survey Report (2011) outlined that a small number of affordable houses were required; however this proposal would help to meet the affordable housing shortfall for the rural area and wider housing needs for the Borough.

## Character

The site is located on the southwestern edge of Tibberton and does not directly adjoin any other properties; thus the development would constitute an extension of development along Back Lane; however the development is contained within the main envelope of the village and bounded by the highways to the west and south; it would also follow a similar building line as existing housing on Plantation Road; therefore it is considered that the proposal will not significantly extend the settlement into the open countryside. The site is enclosed and there are no designated public rights of way through the land; and, although the development would lead to the loss of an area of agricultural land, this would not constitute a significant loss, having regard to the land surrounding Tibberton and the prevailing character of the area. Thus, whilst the proposal would not conform to some of the criteria in policy H10 of the Wrekin Local Plan, in terms of the scale of development, and not constituting an infill plot; it is considered that the proposal would not lead to the loss of important open space, nor extend the village into the open countryside.

A major consideration is the scale and density of development and appropriate design and layout at the edge of the village, having regard to national and local planning policies regarding design. The prevailing character of housing in the vicinity of the site, on Back Lane and on the northern side of Plantation Road is frontage development with a mix of traditional and modern detached and semi-detached properties. Existing development is low density, and officers have concerns that the proposed scale of development – up to 34 dwellings – would not be appropriate to the context of the area. Furthermore, the appropriateness of proposed terraced housing within the development would need to be demonstrated, given the prevailing character of housing on Back Lane and Plantation Road. The applicant has not submitted an indicative layout plan to demonstrate how the development would be accommodated, taking into account existing opportunities and constraints, such as hedgerows and trees. Officers would not wish to see a cramped and overly dense form of development, to the detriment of the area and environment; therefore, it is suggested that any planning permission is restricted to a maximum number of units, which would be significantly lower than the proposed 34 units.

The outline application has been submitted with a number of supporting documents, including a Landscape and Visual Appraisal, which asserts the landscape is unremarkable and the site cannot be easily viewed from the highway. The report suggests there is an opportunity to create a gateway to the village on the corner of Back Lane and Plantation Road; however no clear indication is given as to what this would be. At reserved matters, officers consider much more detail will be required demonstrating how the proposal will respond to the site's location on the edge of the village, as well as the relationship to and impact on protected trees and the hedgerow boundaries. A Character Assessment will be required. However, it is considered that a lower density of development and an appropriate layout can be

accommodated on the site, which will relate to the character and appearance of the area and comply with design policies in NPPF and local policies CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

#### Impact on existing infrastructure

The local objections are noted with regard to the constraints to existing and new development in Tibberton. It is a relatively small settlement that is detached from other parts of the Borough, with a small number of local services, few employment uses, narrow roads, limited bus services, poor access to telecommunications, known drainage issues and a fully subscribed primary school. However, with these constraints in mind, the larger scale of the proposed development enables officers to request contributions and improvements to be made to the existing infrastructure to benefit the existing and proposed residents, which would not otherwise be achieved by small infill development. The main concerns relate to highways and drainage, as well as school provision.

#### Highways

The proposal comprises a single vehicular access point from the site on to Back Lane. The block plan indicates that the requisite visibility splays of 2.4m x 43m can be accommodated in both directions; although this would require the removal of hedgerows on the field boundary, and appropriate mitigation/ replacement planting would be required.

The number of units has not been established at this stage and only an indicative figure has been provided; however, it is noted that given the limited nature of existing bus services in Tibberton and the likelihood that the majority of the new residents will have at least one vehicle; it is recognised that the proposal will constitute an increase in vehicle movements in and out of the village. Whilst it is noted that the existing highway infrastructure in Tibberton comprises narrow roads with passing places and the junctions from the settlement on to the surrounding highway network have limited visibility; the Council's Highways Engineer considers the proposal can be accommodated, subject to a number of pre-commencement conditions relating to access, visibility, footways, parking and an additional passing bay, as well as informatives, as well as financial contributions towards the Right of Way and a traffic and speed management scheme, in accordance with T22 of the Wrekin Local Plan.

The requirement for the creation of new footways and financial contributions towards the upgrading of existing right of way and traffic management measures will provide community benefits, with safer and improved pedestrian routes. The traffic and speed management scheme is specifically for the B5062 close to the junction with Back Lane; however the Parish Council's comments are noted with regard 'Quiet Lanes' through the Weald Moors, and the implications on the wider highway infrastructure.

With regard to the other application which is also before Members to determine, (TWC/2014/0236), the Council's Highways Engineer has been liaising with the applicant and their proposal includes improvements to the main junction (crossroads) from Tibberton on to the B5062; therefore providing measures to increase highway safety.

Accordingly it is considered that the highways issues can be mitigated and the site can be adequately accessed, with a variety of measures through conditions and contributions to improve existing arrangements and ensure highway safety.

### Drainage

Concerns from the Parish Council and local residents are noted in relation to existing capacity in combined drains and the distance of the site from the pumping station, as well as flood risk on site and on adjacent highways. Severn Trent Water is planning to undertake investigations to establish any required upgrades to the existing drainage systems; however, both Severn Trent Water and the Council's Drainage Engineer consider the development can be adequately covered by planning conditions requiring drainage details to be submitted by the applicant and written confirmation outlining any required drainage improvements. Thus, whilst the problems associated with existing drainage arrangements and flooding are noted, it is considered that a drainage solution can be achieved, with the imposition of appropriate conditions and necessary improvements by Severn Trent Water. It is recognised that their 5 year plan did not include upgrading services in Tibberton; however, as a statutory undertaker; they are legally obliged to establish if improvements to existing drainage systems are required and to undertake this work.

Legal advice has been sought regarding the wording of the drainage conditions, due to time constraints which would be imposed on any such planning permission in the rural area to ensure the deliverability of the scheme; as a time limit of approx. 2 years to commence the development, (1 year to submit the reserved matters and a further 12 months to commence on site), would be required in order to address the current housing shortfall.

### Education

It is acknowledged that Tibberton Primary School is close to capacity and that there are pressures on Burton Borough Secondary School in Newport, due to other planning permissions for residential development in Newport and other parts of the Borough. The Council's School Organisation Officers are assessing the impacts of this and adjoining potential developments on school capacity. They are investigating opportunities to expand the primary school to accommodate additional pupils; but also have regard to the fact that a significant proportion of the existing intake (65%) do not live within the catchment area for Tibberton. The children resident in the village and within the catchment area of the school would have priority regarding

school places. These assessments by the School Organisation Officers are ongoing.

Given the location and scale of the development, having regard to policy H22 of the Wrekin Local Plan, it is requested that a contribution towards primary and secondary education provision, as well as transport costs; which would equate to £4083.46 per residential unit, is provided. Accordingly, the existing constraints to school capacity can be mitigated through appropriate contributions.

#### Residential amenity

No indicative layout has been submitted; however the layout at reserved matters would need to have regard to the significant shadowing effect of trees in the wooded area to the south of Plantation Road, to ensure that proposed dwellings have adequate residential amenity.

The nearest residential property to the site is No.64 Plantation Road. The layout will need to be designed ensuring existing and proposed privacy are maintained. No other residential properties would be directly affected. Usual measures could be conditioned with regard to submission of an Environmental Management Plan to control construction traffic and hours of construction etc. to ensure the proposal does not impact on the amenity of residents in the wider area of Tibberton.

#### Ecology and Habitat Regulation considerations

The proposal is located close to a wooded area with ponds, comprising suitable habitat for Great Crested Newts and there is evidence of a badger sett. Furthermore, the existing outbuilding on site is suitable habitat for barn owls; as well as the existing trees, some of which are protected by Tree Preservation Order, and hedgerows on the boundary of the site in regard to nesting birds and bats.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

The Council's Ecologist has completed a Habitat Regulation Assessment screening matrix, having regard to comments from Severn Trent Water in relation to waste water treatment and has concluded that there is no likely significant effect and no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development.

Officers consider all other ecological issues can be sufficiently addressed by conditions and informatives.

### Section 106 Contributions

The scale and nature of the proposed development requires contributions towards primary and secondary education, parks & open spaces and highways, as well as provision of a proportion of affordable housing, in order to accord with planning policies H22, LR6 of the Wrekin Local Plan and CS7 of the Core Strategy and in providing necessary community benefits.

As set out in policy CS7, there is a requirement for development in the rural area to provide 40% affordable housing, but has not yet outlined the tenure split or if any types of affordable housing are being ruled out. The applicant has agreed this in principle. With regard to the other contributions, there would be a requirement for highway improvements with £700 per unit, (of which £200 would be towards improvements of the Public Right of Way and £500 towards a Traffic and Speed Management Scheme on the B5062), £4083.47 per unit towards education provision and £600 towards offsite play and recreation, with monitoring costs constituting 5% of total figure.

### Other Matters

With regard to consultation comments regarding an emphasis on development of brownfield sites before greenfield, as outlined by the Planning Minister, it is outlined in the NPPF that Local Planning Authorities should encourage the effective use of land by reusing previously developed land; however there is no requirement for a sequential approach to be taken. With the current lack of 5 year housing supply and in order to meet housing needs; combined with planning policies encouraging sustainable development in existing settlements, providing the development does not impact on existing infrastructure – in this instance, conditions and mitigation can overcome additional impacts; officers are minded to recommend the application for approval.

In conclusion, the main consideration is whether residential development is suitable on this site, given the lack of a 5 year land supply and given that the core strategy identified Tibberton as a suitable settlement on which to focus rural development officers consider that on balance the need for housing outweighs the concerns with regards to the design and character implications of the proposal as these issues can be reviewed, refined and mitigated through the reserved matters stages. Issues of highways, drainage, ecology and education can be mitigated through conditions and planning obligations.

**RECOMMENDATION:** That DELEGATED AUTHORITY is granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

G) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:

- xv) Provision of affordable housing constituting 40% of total number of units;
- xvi) A contribution of £700 per unit, of which £200 per dwelling towards improvements of the Public Right of Way and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062;
- xvii) A contribution of £4083.47 per 2 bed unit (and above) towards primary and secondary education provision and transport costs;
- xviii) A contribution of £600 per 2 bed unit (and above) towards offsite play and recreation and a commuted sum towards maintenance (to be agreed);
- xix) Planning monitoring contribution of 5% of total sum.

H) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

1. Time limit – 12 months for reserved matters to be submitted and 12 months from reserved matters for commencement of development
2. Time limit – submission of reserved matters
3. Standard outline
4. General details required
5. Character assessment
6. Highways – offsite works – passing bay access and vis splays  
design and construction of new pedestrian footway  
design and construction of any new roads, footways, accesses  
details of the parking, turning, loading and unloading
7. Drainage – modelling work of foul and surface water systems  
specification for works required to implement capacity improvements  
Scheme and Specification implemented to satisfactory standard
8. Environmental Management Plan
9. Ecology - European Protected Species Licence  
Ecological Mitigation Strategy and Method Statement – Great crested newts  
Ecological Mitigation Strategy and Method Statement – Badgers  
Pre-commencement inspection – Barn owl
10. Erection of artificial nesting/roosting boxes  
Erection of boxes - Barn owl  
Lighting plan
11. Restriction on number of units

Informatives:

- I06 S106 Agreement
- I11 Highways
- I22 Ecology

TWC/2014/0419

New Lawley Primary School, Off Martingale Way, Lawley, Telford, Shropshire  
Reserved matters application for the erection of a primary school with playing field  
and community facilities and associated works pursuant to outline planning  
permission TWC/2010/0828

**APPLICANT**

Telford and Wrekin Council

**RECEIVED**

15/05/2014

**PARISH**

Lawley and Overdale

**WARD**

Horsehay and Lightmoor

**OFFICER**

Kate Stephens

LAWLEY & OVERDALE PARISH COUCNIL HAVE REQUESTED THIS  
APPLICATION BE DETERMINED BY PLANNING COMMITTEE.

OBJECTIONS RECEIVED: YES

MAIN ISSUES: Principle of development, design, facilities, highways

**PROPOSAL:**

Outline planning permission W2004/0980 (later amended by TWC/2010/0828) was granted in 2005 for Lawley Sustainable Urban Extension (Lawley SUE) comprising 3,300 dwellings, employment, commercial and leisure facilities, a new primary school and associated recreational space and landscaping. The Lawley SUE is being built out in phases over some 20 years, but not in numerical phase order. Phases 1a, 1b, 2 (Lawley Square), 3, 4 and 6 have been commenced and some are nearing completion and as of the end of June 2014, 897 dwellings have been built. The Extra Care community facility adjacent to the proposed school has now been completed and is being occupied and Phase 8 (that will extend between Lawley Square and the M54) is intended to commence in Spring 2015 once reserved matters approval has been sought.

This is a reserved matters application pursuant to outline planning application TWC/2010/0828 described above for the erection of a Primary School with community facilities and playing field on the south side of Lawley Square and West Centre Way to the rear of the newly built Extra Care Home. The school has been designed for 210 places, with scope to be extended to a 420 place primary school as part of Phase 2 at a later date (will be subject of a separate application) to coincide with the expanding residential development of the Lawley SUE. The design brief for the school includes that it be used by the wider community in and out of school hours and provide flexible spaces.

The committee report for the outline application W2004/0980 makes clear that the provision of a new primary school would incorporate community facilities for use by existing and new residents of Lawley. The section 106 legal agreement with the outline application refers to the "Facilities Building" comprising a primary education school together with community facilities and a sum of £3million to be paid by the

Lawley Village Developer Group (LVDG) to the Borough Council, and on practical completion of the Facilities Building to pay a further £600,000 School Expansion Sum for use towards the improvement or enhancement of primary education facilities at Newdale School, Lawley County Primary or the Facilities Building.

The outline permission and s106 does not specify the format of these community facilities or who would control or operate them, but it does specify that the Facilities Building is to be available for use by the public for education and community uses. The principle of a primary school with combined community facilities on this site has therefore already been accepted and established by the grant of outline consent W2004/0980.

The proposal comprises:-

- 210 pupil primary school with class rooms, separate teaching areas, breakout spaces, large hall, kitchen and hall store, sport and performance space, staff and admin facilities and ancillary accommodation.
- Facilities to be shared with the community include large hall, and use of rooms annotated as family room, practical room, interview room, and toilets and reception area space.
- Outside there are hard play areas including a separate area for reception class, playground, class gardens, grassed soft play with trim trail and a Multi-Use Games Area with markings for netball, badminton, tennis and five-a-side football.
- There is also an U10 football pitch to Football Association standards - to be available for community use (a second pitch will be provided under Phase 2).
- Car park with 21 spaces, plus 3 accessible bays and plus 6 drop off spaces - also available for community use.
- Cycle and scooter parking for children within the school grounds, and community cycle parking outside by the main entrance.

The building is mainly single storey but with the community facility end of the building nearest Lawley Square occupying 2 storey height, as it contains the large hall. The building has been designed to address the gently sloping topography of the site whilst maintaining level access inside, but this has necessitated the use of gentle ramps and surrounding walls. The building is of a contemporary design with flat roofs, large areas of coloured render and glazing panels. The teaching wing runs parallel to the new access road with the classrooms looking over and giving access onto the playground areas. The large hall and shared community facilities are located in the 2 storey height part of the building closest to Lawley Square and there is a separate community/visitor entrance - the community spaces are located away from and separate from the teaching areas. The building will have a separate pupil entrance for daily use at the southern end of the school building with footpath access to the car park where parents can drop off.

There is also a service yard and refuse store to the north western side of the site, access to which will be off Martingale Way. Vehicular access to the school will be off the new access that has been partially constructed running along the site's western boundary and which will eventually be part of the main street that will run north south through the entire Lawley SUE. To accommodate the detailed design of the school, the access road application will need to be amended and a separate application will

be submitted to facilitate this.

The application has been accompanied by the following supporting documentation:-

- Design & Access Statement
- Planning Statement
- Geo environmental report
- Transport Statement
- Travel Plan
- Drainage Maintenance Schedule
- Dingy Skipper Survey
- Full Reptile Survey
- Flood Risk Assessment
- Coal Mining Risk Assessment
- Landscape Outline Specification

#### THE SITE:

The site lies within the built up area of Telford close to the M54 junction 6 and approx. 2.5kms from the centre of Telford. It is currently undeveloped land south of the recently completed Lawley Square, south of West Centre Way. The site slopes gently up from the Lawley Square end of the site towards the southern end of the site. Vehicular access is via an unfinished access road off Junction 3 of West Centre Way. Whilst the site is currently visible from Lawley Drive, in time the site will be sited behind the proposed hotel and restaurant that have been granted facing onto Lawley Drive. An existing footpath/cycleway runs along the eastern site boundary that currently gives access onto Martingale Way.

#### RELEVANT PLANNING HISTORY:

W2004/0980 – Outline to include access for Lawley Sustainable Urban Extension comprising 3,300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping. This permission set out a development framework and design codes to guide future development within Lawley. Approved 21/10/2005.

TWC/2010/0828 - Variation of condition 16 of outline planning permission W2004/0980 to exclude the areas comprised within reserved matters application ref TWC/2010/0627 and within plots G4 and G5 as defined within the phasing plan drawing number 006 rev L from the effect of condition 16 (amended description). Approved 13/12/2011 (this replaces outline W2004/0980).

W2006/1005 and W2007/0948 – Reserved Matters for the construction of phase 1A and Phase 1B of Lawley SUE. Approved 8/2/2007 and 11/10/2007. Phases 1A and 1B are nearly completed.

TWC/2010/0627 – Reserved Matters for the erection of the new Lawley local centre including a supermarket, shops, nursery, public house and 16 town houses and 11 duplex apartments and 12 one and two bedroom flats. Approved 2/3/2011.

TWC/2011/0488 - Reserved matters for phases 3 and 4 comprising 435 residential units, landscaping works to form part of Lawley Park and associated engineering works. Approved 17/10/2011.

TWC/2011/0800 - Reserved matters for erection of 2no. 3 storey mixed use buildings (residential and Use Classes A1 Retail, A2 Office, A3 Restaurant, A5 Hot Food Takeaway and B1 Office and D1 Non-residential institutions) with ancillary car parking, bicycle shed and waste/collection provision, to provide office and retail accommodation at ground floor level and 2 floors of residential apartments including 2no. one bed flats and 30no. two bed flats (namely Buildings 1 and 2). Approved 8/5/2012

TWC/2011/1090 - Reserved matters for erection of an Extra Care development containing 60 self-contained flats and associated communal/public facilities including restaurant and kitchen, lounge, cafe bar, shop, beauty salon, meeting rooms activity rooms, office space and ancillary space. External works to include landscaped gardens, car parking and storage area. Approved 9/3/2012

TWC/2012/0419 - Reserved matters for Phase 6 for erection of 388no. dwellings including details of landscaping, layout, architectural appearance, siting, access, parking and scale. Approved 24/8/2012

#### CONSULTATION RESPONSES:

##### **Lawley & Overdale Parish Council:** Object

###### 1. Access

The proposed access and egress to/from the site is duplicating and exacerbating traffic issues both in the Square and nearby existing Primary School. By allowing the traffic to turn back into the Square would, in our opinion, cause havoc to what is already an ill-conceived layout. There should be an in & out points on the proposed car park at the very least We would suggest that a one-way system is adopted taking all traffic which drops off or calls at the school away from the Square. We would draw the Committee's attention to the concerns regarding traffic around the existing Lawley School. These concerns continue to be relevant and ongoing.

###### 2. Parking spaces

The number of car parking spaces indicated is insufficient for a 210 place school, the initial number, and totally inadequate for the proposed extended school at 420 places. A comparison of spaces needed should include figures for teaching and support staff plus visitors and for Community users of the facilities. This alone for 210 would be constrained and 420 where staff would number in excess of 40 is totally inadequate and nowhere near the number realistically required as is already shown at the existing primary school.

###### 3. Duplication of resources and intended outcomes (re pitch size upon completion).

This we believe to be important due to the shortage of 'usable' pitches Borough wide which is having a mounting impact. There is a proposed MUGA shown on the site plan and there is also one planned at the Newdale NEAP within half a mile of the new school. At least what facilities that are going to be available on the MUGA's should be looked into at the very least to give variety to local children if both are to go ahead (There is already public unrest regarding the Newdale NEAP proposal)

###### 4. Inadequate Community Resources.

We base this on two factors:

- The call for Community space has already shown a glaring need. This point should be coupled with the fact that at the moment only 750 properties of the intended 3000+ have been completed. The figure of 3000+ is only the Lawley S.U.E. Other developments already earmarked within the Parish takes this figure over the 4000 mark.
- The Lawley S.U.E. was launched over a decade ago with a fanfare and promises by both HCA and Telford & Wrekin which clearly highlighted 'Community Facilities' to meet the needs of such an undertaking. We believe the promise of that has been finally broken. Whilst offering this point of view we think it could still be 'accommodated' but our concerns and representations to Telford & Wrekin have fallen on deaf ears.

We appeal to the Committee to not grant this plan, as it stands, so that the inside of the building proposed can be re-configured to deliver an element of the promise made by the local Council and Government agencies for Community Provision. This is an opportunity to 'get it right' and call upon imagination and inspiration from all to achieve this end.

Officer note - The Parish Council have subsequently submitted a plan showing suggestions for reconfiguring the internal space to provide a separate room for community use, especially during the day, or an alternative option of a small extension to the side for a separate community room. The Council is currently considering this and members will be updated.

#### **Shropshire Fire Service:**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

#### **The Coal Authority: No objection**

- The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report - that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.
- In the event that the site investigations confirm the need for remedial works to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

## **TWC Ecologist - Initially Object**

- The information in the Preliminary Ecological Appraisal Report by Mott MacDonald (2013) and the Update Survey by ArbTech (March 2014) is not considered sufficient in detail to address the potential ecological impacts of the proposed school site within the larger Lawley Village development.
- Additional information is required relating to: reptile surveys, dingo skipper assessments and potentially surveys if suitable food plants are found to be present, mitigation in the form of a reasonable avoidance method statement for field voles and nesting birds.
- Additional reasonable avoidance/mitigation measures may be required depending on the results of the reptile and dingo skipper surveys.

### Habitats

ArbTech (2014) assesses the habitats present on the site and states that there have been some changes since previous phase 1 habitat surveys have been carried out on the site. The proposed school site now comprises marshy grassland with hard and soft rush, semi-improved neutral grassland, scrub, a stream crossing the site and on the western boundary and some defunct hedgerow sections. There are no priority habitats on site according to ArbTech (2014).

### Amphibians

There is low potential for amphibians to be present on or around the site according to ArbTech (2014) since there are no ponds.

There is some potential for frogs and toads in the stream, but no potential for great crested newts and no further surveys for great crested newts are required.

### Badger

There is no potential habitat for badgers on the site according to ArbTech (2014) and no further surveys for this species are recommended.

### Bats

There is no potential habitat for roosting bats on the site according to ArbTech (2014) and I am satisfied that potential for foraging and commuting bats is also negligible given the scale of new development around the site and the lack of connecting foraging corridors in close proximity. No further surveys are recommended.

Information on lighting is provided within the application pack which appear satisfactory.

### Nesting wild birds

There is some potential for nesting wild birds to be present in the hedgerows around the site. Basic precautions should be taken to clearing vegetation from the site including working outside of the bird nesting season where possible (which runs from March – September inclusive) or, if vegetation removal is required in that period, working under the supervision of an ecologist. The report does not make those requirements clear in a way which could be followed by a developer and construction team and it would be valuable if the requirements and precautions could be brought together in a reasonable avoidance method statement once all the potential ecological issues have been fully assessed.

### Field Voles

ArbTech (2014) confirms that field voles are present on the site and that reasonable avoidance measures are required in order to minimise the impact upon this species. The ArbTech report does not set out the detail of the reasonable avoidance measures required. The required measures should be brought together in a

reasonable avoidance measures method statement once all the potential ecological issues have been fully assessed.

#### Reptiles

ArbTech (2014) confirms the conclusions of the previous ecological reports and the pre-application advice which I gave back in February 2014 that a full suite of reptile surveys are required. I understand that 8 surveys have been commissioned and I look forward to being provided with the results of that survey and any resulting mitigation and/or precautionary methods of working.

The full reptile surveys, mitigation and precautionary methods are required before the a planning decision can be made.

#### Dingy Skipper

ArbTech (2014) carried out a basic assessment of the site searching for the food plants of the dingy skipper butterfly but due to the time of year (March) were unable to confirm one way or the other whether the food plant is present. ArbTech (2014) recommend that further assessments of the presence of the food plants for dingy skipper and, if those food plants are discovered to be present, then a dingy skipper survey will be required. Mitigation and precautionary methods may be required as a result of the outcomes of the dingy skipper surveys.

The full habitat assessment and, if required, dingy skipper surveys, mitigation and precautionary methods are required before planning permission can be granted.

I note that the design and access statement suggests that suitable habitat for dingy skipper would be provided on site. While I welcome the inclusion of suitable habitat within the site design I cannot comment on the suitability and quantity of the provision until the surveys have been carried out, and mitigation on a 'worst case scenario' approach is not appropriate.

#### Conclusion

The survey provided by ArbTech (March 2014) is not sufficient to allow a full consideration of the potential ecological implications of the proposed development and further surveys for reptiles and dingy skipper are required to support the application along with details of mitigation and reasonable avoidance measures for nesting wild birds, field voles, reptiles and dingy skipper.

Additional ecological surveys have been submitted - members will be updated.

#### **TWC Parks and Leisure - Support**

- Support the proposal to provide sports pitches for the local community.
- There is no indication of proposed community usage of the MUGA as indicated as a possible duplication by Lawley & Overdale Parish Council - indeed this sort of MUGA design would be unsuitable for public use, hence the need for publically available facilities elsewhere to serve the local community.
- The offsite provision aims to provide for football, basketball and cricket which is a different range to what is proposed for school use.
- There is no confirmation of Community usage of the sports pitches with the exception of the notes within the design and access statement - can you confirm this is a firm obligation and if so shouldn't a community use agreement should be conditioned / entered into?

#### **TWC Arboricultural:** Support subject to conditions

Tree cover appears minimal - in a barren landscape more trees are needed here.

**TWC Drainage:** Support subject to condition:

- Development shall not take place until simulation files for the proposed drainage system and the existing ditch (to include blockage scenarios) has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall restrict surface water run off to 25 liters per second and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development. Reason: To ensure satisfactory drainage of the site and avoid flooding.

**TWC Highways**

- The requirement for an appropriate design of the road, footways and pedestrian areas has been requested however, at the time of making this recommendation no design has been either submitted or approved.
- The construction of the road, which extends from junction 3 to junction 7 of the Lawley Primary Infrastructure Works and serves the proposed school, was delayed pending consideration of the school design as clearly there could have been abortive works.
- At present, there is very little in terms of appropriate infrastructure which could afford staff, parents and pupils safe access to and from the school and it is clear that appropriate infrastructure needs to be designed and implemented to meet the school occupation timescale.
- As the road, footways and pedestrian areas are critical to the delivery of the school it is considered that an appropriate in-principle design should form part of the current planning considerations to provide assurances to the various stakeholders and interested parties of the wider context and infrastructure to be delivered.
- The currently signed left-turn (except buses) ban on the West Centre Way approach from Telford Town Centre will not be confirmed in the proposed Traffic Regulation Order and the sign will be altered as part of the road and traffic signals completion works. This is to facilitate access to the school car park for traffic approaching from the west or Lawley development phases to the north.
- Notwithstanding the rules surrounding reserved matters planning submissions, in the absence of an appropriate in-principle design for consideration and approval pre-commencement conditions are considered necessary to ensure that safe pedestrian and vehicle access/egress and parking provision can be considered and secured following any planning approval.
- These conditions would seek:- details of road layout design with traffic claiming; on-street parking; extension of public right of way across site; pedestrian access to Ironbridge way to coincide with school hours; traffic signals installed before school opens, provide car park before school opens; service access operational when school opens; Travel plan.

**TWC Urban Designer comments summarised below (full detailed comments on file):**

- Whilst there are some points for clarification, the proposed school design is considered to be acceptable in principle and should be recommended for approval, subject to conditions requiring material sample panels, details/sections.

- The scheme essentially responds to the key Design Code requirements in respect of addressing the northern corner of the site with a 2- 3 storey building to provide a visual stop to the end of this part of Lawley Square.
- This has been helped in part by the raising up of the building at this end in response to the difficulties with topography and although this has provided the level access required internally, it has created some issues around the building and the need for ramps and steps, e.g. which go up to the main entrance at the northern end and down at the southern end. One observation in regard to the southern ramp, just to query the gradient and whether it too should have a low wall to mirror the other ramps and steps around the building ?
  - This scheme cleverly uses strong accent colours to highlight particular areas of the building creating a legibility, which ideally should be continued inside - whilst the selection of particular colours is ultimately for the client or school to finalise, a strong colour on the underside of the extended porch and at the opposite end where the kitchen is located could be included to emphasise these areas.
- Currently there is insufficient clarity in regard to what the timber screening for the refuse store will comprise particularly if it is to sit adjacent to the public footpath and be visible from it to minimise any adverse impact, so it's location is not ideal.
- In terms of the open space in the Square, which is labelled as a "Community Square", it will presumably fall within the control and responsibility of the school and therefore it is suggested this may be an area created by the pupils either to promote the school and/or the wider community. There is perhaps a real opportunity here for the school to create a unique feature that would be "owned" and managed by the school, but because it involved the children by using artworks set into stone or paving etc, it may be treated with greater respect by them?
- If this is not an option, then it is advised that the paving needs to either be the same or something complementary to the paving used adjacent on the pathway to the north. In addition there probably will need to be some bollards along the western edge of this space to prevent cars from parking on it at any time.
- The main access will need to pick up on and continue the street hierarchy adopted for Phase 7, which will be the residential area to the south of the school which is currently being developed by the developer group's consultants.
- The proposals have tried to address the anticipated need for car parking and drop off within the school grounds, although the success is dependent to a large extent on the traffic management in the streets around the building which is essentially outside the scope of the Design Codes.
- Given that the Lawley development is intended to be a Sustainable Urban Extension, the Codes generally advocate keeping parking to a minimum and maximise facilities to encourage walking and cycling.
- The provision of community facilities within the school is considered a positive asset and should be welcomed, but its success will depend to a large extent on their maintenance and management which is outside the scope of the Design Codes.
- The facilities will be provided and should be made available to the community for use once school hours are over, however it is anticipated the management of this process will be determined once a sponsor for the Academy is secured.

- In regard to “safe routes to school” this issue has been discussed with officers and again it is anticipated it will be developed further once a sponsor for the Academy is secured.
- The proposed primary school does respond to the Design Codes - although the issues about child safety has been varied in this instance to allow a weld mesh boundary fence rather than a low wall and railings, and has been used successfully on other new schools to secure the perimeter whilst still allowing a high degree of visual permeability.

### **Public consultation**

2 letters of objection received, summarised below as follows:-

- Concerns for the infrastructure for parent parking - plans show a pathway over current mound leading over to Martingale Way.
- Concerns about mis-use of private drive to medical centre - already have issues with deliveries to the Extra Care.
- Homes who view open space between 8 and 18 Martingale Way are responsible for block paviour drive area and have concerns parents will use this as alternative to parking.
- Also parking at doctors and dentist surgery is already congested and it is inevitable parents will use this area as well to park when collecting children.
- Assume main access for cars will be road past the main entrance between schools and proposed hotel - should this be a one-way loop?

### **PLANNING POLICY CONTEXT:**

#### National Policy:

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

#### Core Strategy DPD:

CS1 – Homes  
CS5 - District and Local Centres in Telford  
CS9 – Accessibility and Social Inclusion  
CS11 - Open Space  
CS 10 - Community Facilities  
CS12 - Natural Environment  
CS15 –Urban Design

#### Wrekin Local Plan (saved policies):

Policy UD2 – Design.  
Policy UD4 - Landscape Design  
Policy H22 - Community Facilities  
Policy OL6 - Open land  
Policy LR6 - Developers Contributions to Outdoor Recreational Open Space  
Provision within New Residential Developments

### **PLANNING CONSIDERATIONS**

### Principle of the development

The principle and location of a school and community facilities has already been established by the grant of outline planning permission W2004/0980 (and TWC/2010/0828) for the overall Lawley SUE. The committee report for the outline application W2004/0980 makes clear that the provision of a new primary school will incorporate community facilities and the section 106 legal agreement refers to the “Facilities Building” comprising a primary education school together with community facilities. The outline permission and s106 does not specify the format of these facilities or who would control or operate them, but it does specify that the Facilities Building is to be available for use by the public for education and community uses. This application shows that the school and local community are to share indoor and outdoor facilities.

Whilst the Lawley SUE gained initial consent back in 2004, its whole sustainable concept is still very relevant to the sustainable development “golden thread” that runs through the government’s NPPF some 8 years later and its principles of enhancing the places in which people live and work, promoting high quality design and mixed uses and delivering community and cultural facilities to meet local needs.

The provision of a primary school and community facilities is the next vital stage in the building out of the Lawley SUE and will help complete and consolidate the Lawley Square at the heart of the new and evolving Lawley community. This also accords with Core Strategy policy CS5 that seeks to locate new facilities and development in these centres and the policy acknowledges that Lawley is likely to be identified as a new local centre as well as policy CS10 that supports the provision of new community facilities. The Council’s emerging Shaping Places Local Plan has recognised Lawley as one of Telford’s urban centres that is to be the focus of new development.

### Design

The NPPF has as one of its 12 core planning principles to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. The NPPF goes on to advise at para 59 that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Wrekin Local Plan policies UD2 and UD3 and Core Strategy policy CS15 all seek to promote good design and good concepts of “place making” to create “Attractive, responsive and adaptable environments in which to live, work and play and are essential to creating sustainable local communities” (para 9.76 CS15).

In addition to national and local design policy, the development of the entire Lawley SUE is governed by Design Codes which advance the concept of sustainable development, set the context for detailed design and which must be followed by those submitting and determining planning applications at Lawley SUE.

The Lawley Design Codes stipulate that “The new primary school will be located along main street and will be an important community asset” and that:

“The new Primary School will be a key building fronting the Square and will have a significant presence appropriate for its places in the built and social

fabric of the community. Security is important and this should be achieved as part of a well-considered design creating distinct public and private areas, with buildings clearly addressing the street.

- The new primary school will form a new landmark with a prominent civic element
- The landmark will be a minimum equivalent of two to three storeys high using the principal rooms (assembly hall and gymnasium) and a distinctive roofline
- The building will provide the security of the plot in the northern corner
- Apart from the building the security defences will be formed of a low wall with railings.”

In response to the Urban Designer’s full comments, the architects have responded that some design changes have been necessary since pre-application discussion, such as the feature window openings now being sub-divided due to ventilation requirements. The colour to the underside of the front soffit will also occur on the kitchen yard end of the building as well and on the southern end the proposal is to line the inside of the courtyard with a strong colour. With regards the refuse store, the architect advises that these are normally recommended to be sited a minimum of 10m away from a building to reduce the risk of arson and is a requirement by many insurers. Due to the constrained nature of the northeastern corner of the site the space available to locate the refuse store is severely restricted. Therefore these constraints have led to the position of the refuse store as proposed. The refuse store is proposed to be screened by a 2.0m high timber close boarded fence, constructed from 25mm thick pales in order to provide screening of the refuse bins. No roof or cover is proposed to the bins.

The building is contemporary and has used materials and design features specified in the Design Codes. The building will have a positive presence and will be visible from the Square on the other side of West Centre Way, hence creating a visual connection as well. The Council’s Urban Designer, who has been heavily involved with Lawley and its design, is satisfied that the scheme accords with the Lawley concept and Design Codes, subject to some minor changes or further details that can be conditioned. Therefore officers are satisfied that the proposal accords with the aims and objectives of the Lawley Design Codes, Local Plan policies UD2 and UD3, policy CS15 and the guidance contained in the NPPF.

#### Highways, access and parking

The main vehicular access to the school will be via the new access road that has been partially built off junction 3 of West Centre Way, opposite the access into Lawley Square. On the Lawley masterplan this access road will eventually form the southern part of “main street” that will run north-south through the entire Lawley SUE from phase 8 near junction 6 of the M54 in the north, down through Lawley Square and past the school and future hotel and continuing down into the future residential phase 7. This road also runs alongside the adjacent site that has permission for a future hotel and restaurant and a reserved matters application has already been approved for the access road which has not been completed.

The Parish Council has expressed concerns about additional traffic at Junction 3 opposite Lawley Square. It is necessary to remember that the roads and junctions for Lawley will have been designed and engineered in the full knowledge of the

future additional phases of development that will link into them. There is therefore an evolving highway network as the Lawley SUE progresses over the next 10 years and changes may occur as the network develops.

The Council's Highway officer has been keen to ensure that the access road ties in with the school proposals and whilst the access road will form a separate application he has requested an "in-principle" layout design. Until that has been produced and considered the highway's officer has suggested several conditions. However, these may not be necessary on receipt of an acceptable "in-principle" layout design, which is being prepared. Members will be updated.

With regard parking, the application proposes a car park to the south of the proposed school building with a single in/out point and provision of 21 parking bays, 3 accessible bays and 6 drop-off spaces, intended for school staff and those using the school/community facilities. The plans indicate that there is also room on site to extend this car park to a total of 51 spaces when the Phase 2 school extension is undertaken.

There are no national parking standards since the cancellation of PPG13 and there are no parking specifications in the NPPF, apart from ensuring that developments are planned to encourage opportunities for sustainable transport modes and that priority is given to pedestrian and cyclists movements. At a local level, the Council's parking standards were not saved when the Core Strategy was adopted. Therefore there are no guideline figures.

The Lawley Design Codes advise that "To minimise parking requirements car parking will be shared between different users, for example, the parking for the local shops can be shared with the multi-purpose community buildings and primary school". Users can also make use of the car park outside Morrisons supermarket that can be shared and which is a short walk to the school/community facilities. Also there is a regular bus service along West Centre Way and bus provision will evolve as Lawley SUE gets built out.

The school and community facilities are fairly centrally located within the Lawley SUE and close to the shops and facilities of Lawley Square and medical practice on Martingale Way, so will be accessible on foot and by bike to a wide population. As part of the Lawley SUE a footbridge is also to be constructed over Lawley Drive giving improved pedestrian access from Lawley phase 1A to Phase 3 & 4 and Lawley Square and the school. "Safe routes to school" will be developed further once a sponsor for the Academy is secured.

Whilst there are objector concerns about there being inadequate school parking, officers consider that the proposed car park provides adequate dedicated parking provision for the school and the community centre, together with other shared parking nearby and the facilities being accessible on foot, by bicycle and public transport by a wide population.

#### Use of facilities

The submitted plans show the northern end of the building to be available for shared school/community use. There is a large hall, small area for hall storage, a practical

room, an interview room, a Family Space room and use of toilets and reception area.

The Council's architects department has advised that the Academy, when appointed, will be obliged to run the community facilities and the design will allow the school to be able to timetable the use of the joint use facilities to provide some community access during the school day. The Council has to secure a Sponsor for the Lawley Village Primary School and the Expression of Interest (EOI) document that prospective Sponsors responded to had the theme of 'community use' woven throughout and this document was agreed with the Parish Council prior to publication. The Council has recently met with a potential sponsor and the Council sought and received assurances about partnership working with the local community. The potential sponsors were made aware that the Parish Council is very active in this area and keen to be engaged and said that they would welcome this and that they want the new school to serve the community in which it is placed. Following the eventual appointment of a preferred sponsor the Council we will enter into a Development Agreement and will also seek to enter into a Community Use Agreement to formalise arrangements. The anticipated programme for this is September 2014.

The Parish Council would like to see some community facilities located or operated separately from the school to allow unfettered day-time community use, which they consider was intended on the Lawley SUE Development Framework "masterplan". The Parish Council have submitted a plan showing suggestions for reconfiguring the internal space to provide a separate room for community use, especially during the day, or an alternative option of a small extension to the side for a separate community room. The Council's architects are looking at these suggestions and members will be updated as to whether the Parish Council's suggestions are feasible.

With regards the external sports facilities, the Parish have raised concerns that the proposed MUGA will duplicate nearby facilities proposed as part of other Lawley MUGA facilities. A MUGA appropriate for primary schools has different facilities to a public MUGA facility available for unfettered access and use. In addition, the community use of the school's MUGA and playing field area is expected to be well managed and not available for general unrestricted open access. The school's playing fields and MUGA will be marked out for junior team use and are therefore only suitable for informal or sports training use by teenagers and adults. Therefore there will not be a duplication of MUGA facilities. It is anticipated that community groups should be able to book use of the sports field area and MUGA for sports training and various other community events.

#### Landscaping & Ecology

WLP policies UD4 and OL12 expect new developments, amongst other things, to be appropriately landscaped into its setting; replace any footpath/cycle way links that may be lost; identify any positive features that should be included into the scheme.

The NPPF expects the planning system to conserve and enhance the natural and local environment by, amongst other things, "minimising the impacts on biodiversity and providing net gains in biodiversity where possible ...". When determining planning applications the NPPF asks local planning authorities to apply various

principles in order to conserve and enhance biodiversity, which include refusing planning permission if there is significant harm that cannot be mitigated against or compensated for, or where irreplaceable habitats are lost or destroyed, but encouraging opportunities to incorporate biodiversity in and around developments. Core Strategy policy CS12 is already in conformity with the NPPF on this.

In addition new footpath links into the school site (for use when the school is open) will be created to link with the existing footpath along the site's eastern boundary and with the footpath access between the proposed school and Extra Care Home.

The site has already been granted for development under the outline application, and is now rather a waste land without trees. The proposed landscape scheme shows new tree planting and existing hedges will be retained and some landscaped bunds will be built around the community sports pitch. Some of the peripheral landscaped areas will be further enhanced after Phase 2 extension has been completed, allowing these peripheral areas to be "finished off" and would include a butterfly garden/meadow habitat area and a forest classroom.

Officers conclude that the proposal will not have an unacceptable effect on ecology and will result in some bio-diversity enhancement thereby meeting the aims and objectives of Local Plan policy UD4, Core Strategy policy CS12 and the NPPF.

#### CONCLUSION:

The principle and location of a school to incorporate community facilities has already been established by the grant of outline planning permission W2004/0980 for the overall Lawley SUE. The sustainable principles behind the Lawley SUE are still maintained and accord with the sustainable development "golden thread" that runs through the government's NPPF some 8 years later. The provision of a primary school and community facilities is the next vital stage in the building out of the Lawley SUE and will help complete and consolidate the Lawley Square at the heart of the new and evolving Lawley community. This accords with Core Strategy policy CS5 that seeks to locate new facilities and development in these centres and the policy acknowledges that Lawley is likely to be identified as a new local centre as well as policy CS10 that supports the provision of new community facilities.

The design concept of the school with the shared community facilities has addressed the requirements of the Lawley Design Codes. The design of the building will have a positive presence and as it will be visible from Lawley Square it will create a visual connection as well. Therefore officers are satisfied that the proposal accords with the aims and objectives of the Lawley Design Codes, Local Plan policies UD2 and UD3, policy CS15 and the guidance contained in the NPPF.

Vehicular access will be via the unfinished road off Junction 3 of West Centre Way. This access road will be amended under a separate application to ensure that it fully integrates with the finalised design of the school. The parking provision is considered adequate when considering the location of the school and community facilities close to Lawley Square and it will eventually be in the middle of more housing as future housing phases get built out. In addition, there is the car parking at Lawley Square that can be utilised and the site is accessible on foot, by bike and public transport to a large population, such that reliance on the car is not necessary.

There are no protected species that will be adversely affected by the development or which can't be dealt with by condition, and there are no other issues that cannot be mitigated against or conditioned.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received, and subsequently determining to grant reserved matters, subject to conditions in accordance with the presumption in favour of sustainable development as set out in the NPPF and local policies in the Wrekin Local Plan and Core Strategy

**RECOMMENDATION: GRANT RESERVED MATTERS** subject to the following conditions (and any others officers deem subsequently necessary).

A02	Time limit
B011	Samples of materials
BO12	Sample panels including external surfacing materials
B008	Sections of front elevation/windows
B152	Cycle parking details - school & community
custom	Highways conditions
C012	Car park to be laid out and marked
custom	Refuse/service yard to be laid out
custom	Refuse store details
custom	Details of boundary treatments/gates/walls
B062	Foul & surface water sustainable drainage
B121	Landscaping design
B145	Bat friendly lighting plan
B150	Site Environmental Management Plan
custom	Ecology conditions?
custom	MUGA and sports pitch done before occupation
custom	TWC/2010/0828 still relevant - read permissions together
custom	Community rooms ready before occupation
	Travel Plan
C038	Development in accordance with plans

#### Informatives

I11	Highways
I32	Fire Authority
I40	Conditions
I41	Reason for Grant of Permission
RA	Reasons

