



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

PLANNING COMMITTEE

Date	Wednesday, 14 th December 2016	Time	6.00pm
Venue	Shropshire College Hotel School Ltd (The Telford Whitehouse) (Telford Suite), Watling Street, Wellington, Telford TF1 2NJ		

Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	(01952) 383205
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Lead Officers	David Fletcher – Development Management Service Delivery Manager	(01952) 384133
	Katherine Kynaston – Assistant Director: Business, Development & Employment	(01952) 384012

Committee Membership: Councillors J C Minor (**Chairman**), C R Turley (**Vice Chairman**),
N A Dugmore, I T W Fletcher, J Loveridge, L A Murray, N C Lowery
and P Scott

Substitutes: Councillors K T Blundell, G H Cook, J A Francis, E J Greenaway,
R T Kiernan, S J Reynolds, C F Smith and M J Smith

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes** Appendix A
To confirm the minutes of the meeting of the Planning Committee held on
23rd November 2016.
4. **Deferred/Withdrawn Applications**
5. **Site Visits**

Continued . . . /

6. **Planning Applications for Determination** Appendix **B**
Please note that the order in which applications are heard may be changed at the meeting. If Members have queries about any of the applications, they are requested to raise them with the relevant Planning Officer prior to the Committee meeting.
7. **Tree Preservation Order** Appendix **C**
Borough of Telford & Wrekin (Maple Tree at; 9 and 11, Castle Road, Dawley, Telford, TF4 3EU) Tree Preservation Order 2016.

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PLANNING COMMITTEE**Minutes of a meeting of the Planning Committee held on
Wednesday, 23rd November 2016 at 6.00pm in the Telford Suite at
Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel),
Watling Street, Wellington, Telford TF1 2NJ**

Present: Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, L A Murray, P Scott and C F Smith (as substitute for C R Turley).

Also Present: Councillors S P Burrell (for planning application TWC/2016/0365) and G C W Reynolds (for planning application TWC/2016/0769)

PC-037 Apologies for Absence

Councillor C R Turley.

PC-038 Minutes

RESOLVED – that the minutes of the meeting of the Planning Committee held on 2nd November 2016 of be confirmed and signed by the Chairman.

PC-039 Declarations of Interest

In respect of planning application TWC/2016/0769 Councillor P Scott declared a personal interest and indicated that he would withdraw from the meeting during determination thereof.

In respect of planning application TWC/2016/0769 Councillor N A Dugmore stated that he knew the owner of a neighbouring property but had not been involved in any discussions on this application.

PC-040 Deferred/Withdrawn Applications

The Chairman informed the Committee that, with regard to the Tree Preservation Order – Maple Tree at 9 and 11 Castle Road, Dawley, Telford, TF4 3EU, this application would be deferred until the next meeting in order for the Tree Officer to be present.

RESOLVED – that determination of the Tree Preservation Order – Maple Tree at 9 and 11, Castle Road, Dawley, Telford, TF4 3EU be deferred until the next meeting of the Planning Committee.

PC-041 Site Visits

The Chair advised that an application may be considered at the next meeting in regards to Pave Lane. If this application was to come before the next meeting, a site visit prior was recommended. Following a vote it was unanimously:-

RESOLVED – that the following applications be deferred for a Site Visit to take place on Wednesday, 14th December 2016:

TWC/2016/0437 – Land South of junction, A41/Pave Lane, Newport, Shropshire.

PC-042 Planning Applications for Determination

Members had received a schedule of planning applications to be determined by the Committee and fully considered each and the supplementary information tabled at the meeting regarding TWC/2016/0646.

(a) Site of Sutherland Farm, Back Lane, Tibberton Newport, Shropshire

This was an outline application for the erection of 8no. dwellings with following the demolition of a group of existing agricultural buildings, with all matters, including layout, appearance, scale, access and landscaping, reserved for later approval. The existing buildings had been redundant from commercial use since 2002. An indicative site plan had been provided by the applicant, which broadly aligned to the footprint of the existing buildings and indicated a new, centrally formed access point.

Councillor S P Burrell, Ward Councillor for Edmond and Ercall Magna, spoke against the application and raised concerns in respect of village amenities, access and highways. The report indicated that affordable housing was needed in the village; however, this need was for four properties, which had been met by other applicants within the village. The application would increase the size of Tibberton by 5%, and in total, all the approved developments would increase the size of the village by 50% in five years.

Ms Amy Waugh, Local Resident, spoke against the application and raised concerns regarding over-development of the village. The site had recently been flooded. The development would cause a material change to the landscape, as it would encroach into open countryside and overlook existing properties. The residents do not object to the development of the land in principle, however, object to the level of development in this application, as well as the type and character of the proposed development.

Mr David Haston, Applicant's Agent, spoke in support of the application. Tibberton was listed as one of three suitable settlements for development in the Local Plan. The existing buildings had been redundant since 2002 and there was no prospect of these returning to commercial use. No objections had been received from officers or technical consultees, bar the parish council.

The Principal Planning Officer advised that in regards to the need for affordable housing in Tibberton, this had last been assessed in 2011. Since 2011, house prices had increased, which would increase the need for affordable housing. The application site was close to the centre of the village and was considered sustainable. The application was policy compliant and was not considered to encroach onto the open countryside.

The Principal e Engineer advised that as part of the S106 agreement, £500 per dwelling would go towards works on the B5062 to form a gateway feature into Tibberton, with the aim of reducing speeds in the area.

Members agreed that the existing buildings on the site were an eyesore. Some Members felt that the proposed development did not cause encroachment, as the development would occupy the site of the existing farm buildings however, other members considered that the proposed development did extend the boundary of the village. Members praised the allocation of three affordable dwellings on the site.

Some members considered that Tibberton had taken its fair share of development, and raised concerns were raised regarding the lack of infrastructure in the village.

Members noted that there was no street lighting on Back Lane and asked if any lighting was proposed. Officers replied that there was no proposal to install street lighting as part of the application and it was not unusual for small villages not to have street lighting.

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

RESOLVED – that with respect to planning application TWC/2016/0365 authority to be delegated to the Development Management Service Delivery Manager to grant planning permission, subject to the applicant entering into a S106 agreement with the Local Authority for the provision of:

- 3 affordable dwellings to be made available for social rent;
- £500 per dwelling towards a Traffic & Speed Management Scheme on the B5062 within the vicinity of Back Lane/ B5062 junction & £1500 towards the provision of 1 passing bay on Back Lane;
- £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field;
- To be indexed linked from date of committee

and the conditions and informatives set out in the report (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management).

(b) Land fronting Southwater One, Park Avenue, Southwater, Telford Town Centre

This was a full application for a 68 bed hotel with a bar / restaurant on the ground floor level and the provision of an enhanced area of public open space. Outline consent had been granted in 2010 for a civic office and A1 – A4 uses, however, this had not been implemented and a temporary grassed area had been installed.

17 comments had been received during the consultation period; 15 objections and 2 in support. Great Dawley Parish Council had offered no comment in relation to the application.

Mr Chris Pettman advised that he was speaking on behalf of the Friends of Telford Town Park and spoke against the application. The Friends of Telford Town Park were a volunteer group who worked to promote and protect the park. The Friends of Telford Town Park objected to the plans as they were out of proportion and reduced the interface to the park from Southwater and raised concerns that the public consultation documents had not been made publically available. The Friends of Telford Town Park called for the application to be withdrawn and resubmitted with a fresh approach and with more detail.

Mr James Dunn, on behalf of the applicant, spoke in support of the application. Outline consent had been granted in 2010 and there was a clear vision for the area to be a vibrant centre and to be a place that people wanted to visit. Following the completion of the first phase of Southwater, the plot was temporarily back-filled and grassed over. The public have become accustomed to the area so the proposals include an enhanced area of public open space.

The Principal Planning Officer stated that the western half of the site had been designed as an area of public open space and indicative design details had been provided, although the design had not been finalised.

The hotel was of a high quality design, in keeping with the urban form. The proposed civic offices were a larger footprint and the same height, five stories, as the proposed hotel. To avoid the issues noted with the Premier Inn, refuse would be stored internally.

Four disabled parking spaces had been proposed, but the remainder of the parking would be in the existing car parks around the town centre. A transport assessment had been completed, which concluded this was acceptable, based on the existing capacity. The Principal Engineer advised that a contribution had been requested towards growth point works around the Borough.

Some members felt that the proposed development would reduce the open aspect to the park and would be detrimental to business. Members expressed their disappointment that the finalised design for the open space had not been available for the committee. Some members questioned the need for a further hotel in the area and the proposed development was too similar to the existing businesses, which were not always full to capacity; however, this was refuted by other members, who felt that the existing bars and restaurants were busy.

Some members expressed their concern that there were no comments from the police or the fire service within the report. Some members had concerns that the design was poor and would not enhance the area, but other members praised the design and felt the application would help Telford to grow and thrive.

Some members stated their concern regarding the proposed parking arrangements. The development was not on a bus route and there was no drop off point. Others noted that similar arrangements were not unusual in cities and that the existing car parks were not that far away. Although cycle bays had been provided, members considered it unlikely that guests would arrive via bicycle.

In response to a question, the Principal Engineer advised that there were 4601 available car parking spaces in the Telford Town Centre area. There were no plans to allocate parking spaces within the public car parks to the hotel. The proposals had been agreed on safety grounds and were felt to be sufficient for the application.

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

RESOLVED – that with respect to planning application TWC/2016/0646 authority to be granted to the Development Management Service Delivery Manager to grant planning permission subject to the applicant entering into an agreement with the Local Planning Authority through a ‘memorandum of understanding’ (terms to be agreed by the Development Management Service Delivery Manager) securing:

- £59,400.01 towards Telford strategic highway network improvements;
- £2,500 towards travel plan monitoring

and the conditions and informatives set out in the update report (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management).

(c) Site of Clifton Cottage, Hillside Road, Ketley Bank, Telford

In accordance with his declaration of interest Councillor P Scott left the room during determination of the following application.

This was an outline application for 1no. detached dormer bungalow. This application had been deferred at Planning Committee on 2nd November in order for a site visit to take place.

Councillor G C W Reynolds, Ward Councillor for Oakengates and Ketley Bank, spoke against the application on the grounds of an unacceptable impact on neighbours and their quality of life. The site was on a single track road, where access was difficult, particularly at the proposed location. Emergency vehicles struggled to reach the area. The properties in the area are older, leading to the proposed development being out of character with the area. A similar application had been refused the previous year and the reasons for refusal remained.

Mr Ralph Morgan, Local Resident, spoke against the application on the grounds of overdevelopment, the character of the local area and impact on the neighbouring properties. Mr Morgan noted the single track lane leading to the development and stated that there would be an unacceptable loss of 22m of hedgerow. The dwelling would overlook existing properties and cause a loss of privacy.

Ms Chloe Jones, on behalf of the applicant, spoke in support of the application and advised that the proposed property would be a family home for herself and her young family. The proposed dwelling would fit comfortably within the context of the area and the plans had been carefully drawn to ensure that there was no loss of privacy. The proposed site would have its own parking, with a space for visitors. The applicant was a reputable builder who had the skills to ensure the build was to a high standard and would cause minimal disturbance to neighbours.

The Principal Planning Officer advised that the access point was to be realigned to provide visibility and the road would be widened to provide a passing place. Two parking spaces would be provided, as well as a turning space, to enable any vehicle to leave in a forward gear.

Some members felt that the plans did not adequately show the narrowness of the road and the topography of the local area. Some members felt that although the proposal was for a modest dwelling, due to the area, it would have a significant impact.

Some members indicated that they had concerns regarding the impact on the locality and the character of the area. Some members indicated that the proposal would be overdevelopment and would constitute 'garden grabbing'.

Other members felt that the area was characterised by a variety of buildings, old and new, so the proposed development would not be out of character. Some members felt that the proposals to widen the road would be beneficial for the area. Members

noted that if the development was approved then a condition removing the permitted development rights should be in place.

In response to a question, the Principal Planning Officer advised that the existing hedgerow and wall could be removed without permission. The application was not intending to totally remove the hedge and wall, the proposals were to rebuild these further back.

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

RESOLVED – that with respect to planning application TWC/2016/0769 authority be delegated to the Development Management Service Delivery Manager to grant reserved matters permission subject to the conditions and informatives set out in the report and an additional condition removing permitted development rights.

The meeting ended at 7.42 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL**PLANNING COMMITTEE****14th December 2016**

Schedule 1 - Planning applications for determination by Planning Committee
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- TWC/2015/0556 Land East/South East of Granville Drive, Off Muxton Lane, Muxton, Telford, Shropshire** Outline planning application for a residential development of up to 78 dwellings with associated access with all other matters reserved **12**
- TWC/2015/1079 Agricultural buildings adjacent Sambrook Hall Farm, Sambrook, Newport, Shropshire** Conversion of Shippon and Granary Barns to form two dwellings, with conversion of Cart Shed to form associated garage and storage area***AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED **56**
- TWC/2016/0785 Land East & South East of Shelldar Bungalow/Covings/The Old Stables, Back Lane, Tibberton, Newport, Shropshire** Outline application for residential development of up to 14no. dwellings, associated infrastructure and access, with all other matters reserved **73**

PLANNING COMMITTEE LIST OF BACKGROUND PAPERS

The Background Papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

1. Application: includes the application form, certificate under Section 65 of the Town and Country Planning Act, 1990, plans, and any further supporting information submitted with the application.
2. Further correspondence with applicant: includes any amendments to the application – including any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent, together with any revised details and/or plans.
3. Letters from Statutory Bodies: includes any relevant letters to and from the Parish Councils, Departments of Telford & Wrekin Council, Water Authorities and other public bodies and societies.
4. Letters from Private Individuals: includes any relevant letters to and from members of the public with respect to the application, unless the writers have asked that their views are not reported publicly.
5. Statutory Plans and Informal Policy Documents: some or all of the following documents will comprise general background papers taken into account in considering planning applications in the administrative area of Telford and Wrekin (“Telford and Wrekin”)
 - (a) The Telford and Wrekin LDF Core Strategy (adopted December 2007)
 - (b) Saved policies of Wrekin Local Plan (adopted February 2000)
 - (c) Saved policies of Shropshire and Telford and Wrekin Joint Structure Plan (adopted November 2002)
 - (d) Saved policies of Shropshire, Telford and Wrekin Minerals Local Plan (adopted April 2000)
 - (e) Government Planning Guidance – National Planning Policy Framework and Circulars
 - (f) Town and Country Planning legislation, case law and other planning decisions and articles
 - (g) Telford and Wrekin Supplementary Planning Documents: Design for Community Safety SPD (adopted June 2008) and Telecommunications Development SPD (adopted May 2009)
 - (h) LDF Central Telford Area Action Plan (adopted March 2011)
6. Past decision notices and reports referred to in specific reports.
7. The following additional documents (if appropriate):-

TWC/2015/0556

Land East/South East of Granville Drive, Off Muxton Lane, Muxton, Telford, Shropshire
Outline planning application for a residential development of up to 78 dwellings with
associated access with all other matters reserved

APPLICANT

Gladman Developments

RECEIVED

18/06/2015

PARISH

Donnington and Muxton

WARD

Muxton

OFFICER Daniel Owen

1.0 PURPOSE

- 1.1 The purpose of this report is to update Members with regard to the two applications for housing development at Muxton Lane made by Gladman and their impending appeals.
- 1.2 One planning inquiry for 110 dwellings has already taken place in January 2016, but a second Inquiry will take place in April 2017 as the original Planning Inspector's decision has been quashed. The new combined Inquiry will consider both applications which are for 110 dwellings and alternatively for 78 dwellings on a smaller part of the site.

2.0 BACKGROUND

- 2.1 Gladman had previously appealed against planning refusal on land off Muxton Lane for 110 dwellings (TWC/2012/0612) that included a field off Granville Drive (the 'northern field'). This appeal was heard by Public Inquiry in January 2016. The appeal was dismissed - the appeal decision is appended to this report.
- 2.2 However, Gladman challenged the Planning Inspector's decision on a number of grounds via Judicial Review. The Secretary of State (acting for the Planning Inspectorate) conceded on one of the grounds and the Council conceded on a different one of the grounds. As a result the Inspector's decision was quashed and there will be a fresh public inquiry. This re-scheduled appeal is to be heard together with a later application that was refused for 78 dwellings.
- 2.3 The scheme for 110 dwellings was determined by the Planning Committee on 17 December 2014 for the following two reasons, similar to reasons 1 and 2 for the 78-dwellings:-
1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and*

demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9 and OL11 and Core Strategy policies CS7 and CS11.

2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a sustainable urban extension with integrated infrastructure as indicated in Shaping Places Proposed Housing and Employment Sites document. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*

2.4 Gladman lodged an appeal against the 110 scheme, but before it was heard they submitted a second outline application (TWC/2015/0556) for a smaller development on the same site which would provide up to 78 rather than up to 110 dwellings and which would leave the 'northern field' as an ecology area rather than housing development.

2.5 In respect of this second application the Planning Committee resolved at its meeting on 7th October 2015 to refuse outline planning permission for up to 78 dwellings at the above site (Committee report attached at end). The Committee resolution directed members to refuse planning permission for the following reasons, which they did:

1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.*
2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*
3. *The applicant has failed to properly consider the constraints of the site and insufficient information has been provided to demonstrate that the site can*

accommodate 78 homes without resulting in a cramped form of development that would not be acceptable in terms of scale, layout and design. The proposal which would have an overly urban form in a rural location would harm the character and appearance of the area contrary to the NPPF and with the urban design objectives of CS Policy CS15 and saved Wrekin Local Plan Policy UD2.

4. *The applicant has failed to adequately demonstrate that the loss of an area of grassland of local interest in terms of its ecological value can be appropriately mitigated against. No information has been put forward to demonstrate that the mitigation proposed has been costed or included within a detailed viability appraisal of the development. In addition insufficient information has been submitted with the application to demonstrate that the impact of the development on Great Crested Newts has been fully considered. As such the proposed development is contrary to the NPPF and the provisions of Core Strategy Policy CS12.*

3.0 MATERIAL CONSIDERATIONS SINCE THE APPEAL WAS LODGED.

- 3.1 Since the combined appeals were lodged, there are several matters that are liable to change and which could have a bearing on the appeal case. These are set out below.

Refusal reasons

- 3.2 Reason 3 on the 78-dwelling application refers to the appellant's failure to demonstrate that the reduced appeal site for 78 dwellings can indeed accommodate 78 dwellings as well as the necessary site constraints, resulting in a cramped and overly urban form of development. Whilst the Council acknowledges that the detailed layout of any scheme would come forward at Reserved Matters stage, the lack of evidence presented at outline stage did not convince the Council that a suitable scheme could be achieved. This situation was presented in the Council's appeal Statement of Case
- 3.4 Officers have further considered this reason, and consider that, should outline planning permission be granted at appeal, that it would have sufficient power and scope at Reserved Matters stage to ensure that a suitably designed scheme for "up to 78 dwellings" i.e. a maximum of 78, could be accommodated on the site. The layout design would also have to ensure that appropriate distance buffers between hedgerows, open space etc could be achieved to overcome initial officer concerns. Therefore the Council does not propose to defend refusal reason 3 at the forthcoming appeal.
- 3.5 Reason 4 on the 78-dwelling application is based on viability, following the removal of the 'northern field' at the end of Granville Drive, and that this northern field is now suggested as meadow and for public use. The Council was concerned about the appellant's lack of the evidence to demonstrate that the long-term ecological and conservation management of three fields, which are vital to balancing the loss of this resource, could be achieved whilst still providing the same amount of affordable housing as on the larger appeal scheme (i.e. 29%).
- 3.6 Whilst the appellant's have not submitted viability information, despite repeated requests, officers consider that these matters can now be adequately addressed by suitably worded planning conditions that could be imposed should planning permission be granted on appeal. Therefore the Council does not propose to defend refusal reason 4 at the forthcoming appeal

- 32.7 The Planning Inspector at the first Inquiry did consider the Council's arguments for reasons 3 and 4 but was not persuaded by them.

The Examination in Public (EiP) of the Telford and Wrekin Local Plan.

- 3.8 This was due to have commenced on 14th November 2016, but has been adjourned because the Inspector is currently ill. The EiP is now anticipated to start in January 2017. The EiP will give clarification and direction relating to the Council's 5 year housing land supply.
- 3.9 At the appeal Inquiry for the 110-dwelling scheme in January 2016, the Council's 5 year housing land position was discussed. Since then the Council has further published its June Housing Statement in which the Council is able to demonstrate it now has 12.9 years' supply of deliverable housing land.
- 3.10 The progress of the EiP and its main issues relating to housing land supply and housing policies may need to be reported and fed into any updated Statement of Case and Proofs of Evidence for the Inquiry in April.

Policies

- 3.11 Although Core Strategy Policy CS1 (Homes) sets out the Council's approach towards the delivery of homes across the borough, the Council accepts that this policy is in part out of date because it has a maximum figure based on the rescinded Regional Spatial Strategy. The Council does not give the figures significant weight as a determining factor in this case, but the policy's spatial dimension is still up-to-date.
- 3.12 Reasons 1 and 2 contain reference to Wrekin Local Plan policies H9 (Location of New Housing) and OL11 (Woodland and Trees). Whilst policy H9 remains a 'saved' policy and the Planning and Compulsory Purchase Act s38(6) still applies, the Council will no longer be relying on Policy H9, as it is less strategic and more subservient to its more recent counterpart Core Strategy policy CS7 (Rural Area). The Council has considered the quashed appeal decision with regard to Policy OL11. As the policy applies to trees and woodland, not hedges, the Council will not be pursuing policy OL11.

4.0 RECOMMENDATION

- 4.1 At this stage Members are requested to:-

- a) note the Council's position on Wrekin Local Plan policies H9 and OL11 and Core Strategy Policy CS1.
- b) endorse officers' decision not to proceed with reasons 3 and 4 but to defend refusal reasons 1 and 2, namely:-

1. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development*

proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.

2. *The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.*

*****ORIGINAL COMMITTEE REPORT FOR 78 DWELLINGS*****

OBJECTIONS RECEIVED: Yes.

1. PROPOSAL

- 1.1 This is an outline application for the erection of up to 78 homes. The means of access to the site is included in this application and the matters of layout, appearance, scale and landscaping have been reserved for later consideration. A single vehicular access point is proposed to the south east of the junction between Muxton Lane and Halycon Court at an existing access into the field.
- 1.2 The application site is approximately 10.4 hectares in size and Illustrative plans have been submitted indicating that approximately three quarters of the site would remain undeveloped and preserved as a managed nature conservation area and wildflower meadow. The illustrative plans indicate that the proposed housing would occupy approximately 2.9 hectares of the site within the field to the south east of Granville Drive and adjacent to Muxton Lane.
- 1.3 A section of existing hedgerow between the proposed access and the edge of the site (where it adjoins No.87 Muxton Lane, a distance of approximately 60 metres) would need to be 'translocated' in order to provide the required visibility splay and widening of Muxton Lane.
- 1.4 The following information has been submitted in support of the application:
 - Design and Access Statement (incorporating the illustrative plans)
 - Landscape and Visual Appraisal
 - Transport Assessment
 - Travel Plan
 - Ecology Appraisal
 - Arboricultural Report
 - Flood Risk Assessment
 - Foul Drainage analysis (and supplementary foul drainage analysis report)
 - Air Quality Assessment
 - Noise Assessment
 - Archaeological Desk Based Assessment
 - Socio Economic Statement

- Planning Statement
- Statement of Community Involvement
- Phase 1 Site Investigation Report
- Outline Biodiversity Management Plan

1.5 This application has been submitted following the refusal of application TWC/2014/0612 by Planning Committee in December 2014 for the erection of up to 110 dwellings. An appeal has been lodged against that decision and this application seeks to overcome the previous reasons for refusal. The main differences are that the field at the end of Granville Drive would no longer be developed for housing, the overall number of houses has reduced to 78, a single access point would be provided on Muxton Lane rather than two and a shorter length of Muxton Lane would need to be widened which would reduce the amount of hedgerow that would need to be 'translocated'.

2. SITE AND SURROUNDINGS:

2.1 The site is located towards the east of the borough boundary, approximately 5km north east of the centre of Telford, 4.5km south west of Newport and approximately 1 km south west of the village of Lilleshall.

2.2 The site adjoins, but is outside of, the built up area of Telford as defined within the Wrekin Local Plan and is therefore within the rural area. There is existing housing to the north west of the site and to the south west on the opposite side of Muxton Lane. The site is in agricultural use and comprises pastoral grassland fields with mature hedgerows running along part of the road side boundary and within the site. These fields are species-rich unimproved neutral grassland, which are of ecological importance.

2.3 Muxton Lane leads off Wellington Road and continues to the Shropshire Golf Club to the south east of the site. There is a mix of housing types and styles along Muxton Lane, including several listed buildings. Muxton Lane has housing and roads leading directly off it on both sides of the road, as far as the site. From the site to the Golf Club, housing is only present on the western side of Muxton Lane, but this housing is not directly accessed off Muxton Lane - instead it is accessed off Marshbrook Way and set behind a hedge. The character of Muxton Lane changes from suburban to rural as it moves past Granville Drive due to the existing hedgerows and fields.

2.4 Muxton primary school on Marshbrook Way is approx. 230m away and can be accessed on foot via an unlit footpath that links Muxton Lane and Marshbrook Way. The nearest secondary school is approximately 3kms away to the south west. The site is not located on a bus route - the nearest bus route is the No. 6 Arriva service that runs along Marshbrook Way and the nearest bus stop for this service is approximately 350m away. There are two small rows of local shops to the west of the site close to the junctions of Fieldhouse Drive and Wellington Road with School Road / Donnington Wood Way. Both are approximately 1.3km away. There is a doctor's surgery approx. 550m away on the corner of Muxton Lane and Saltwells Drive.

2.5 The site does not have any statutory landscape or wildlife designation. Muxton Marsh Site of Special Scientific Interest (SSSI) is situated approximately 0.5 km to the southwest and Shropshire Granville Country Park Local Nature Reserve (LNR) is situated approximately 0.3 km to the southwest and includes some of Muxton Marsh SSSI.

2.6 Two Public Rights of Way cross the site entering at two points off Muxton Lane that provide access into countryside further north east towards Lilleshall. There is evidence that people have forged other paths across the site, including into the fields proposed for the nature conservation area. All paths appear well used.

2.7 The northwest boundary of the site is partly bounded by the housing along Granville Drive. Where not bounded by housing the land north of the site consists of a number of fields before reaching existing housing off Wellington Road. To the west the site boundary is marked by Muxton Lane and a roadside hedge extends along most of the site frontage. There is a mature hedge on the opposite side of Muxton Lane with modern housing beyond that, most of which is accessed off Marshbrook Way.

3. RELEVANT PLANNING HISTORY:

3.1 Planning Applications:

- TWC/2014/0612: Outline application for the erection of up to 110 dwellings with associated access with all other matters reserved on Land at Muxton Lane, Muxton, Telford: Refused 19/12/2014. An appeal has been lodged against this decision.
- W85/0666: Residential development with construction of vehicular and pedestrian access (Outline): Refused 09/09/1985.
- W85/0665: Residential development with construction of vehicular and pedestrian access (Outline): Refused 09/09/1985.

4. PLANNING POLICY CONTEXT:

4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent national guidance.

- Core Planning Principles
- Section 4. Promoting sustainable transport
- Section 6. Delivering a wide choice of high quality homes
- Section 7. Requiring good design
- Section 8. Promoting healthy communities
- Section 11. Conserving and enhancing the natural environment

4.2 Core Strategy Policies

- CS1: Homes
- CS3: Telford
- CS7: Rural Area
- CS9: Accessibility and Social Inclusion
- CS10: Community Facilities
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental Resources
- CS14: Cultural, Historic and Built Environment
- CS15: Urban Design

4.3 Saved Wrekin Local Plan Policies

- UD2: Design Criteria

- UD3: Urban Design Assessments
- UD4: Landscape Design
- H9: Location of New Housing
- H23: Affordable Housing
- T22: Planning Obligations
- OL2: Designated Areas
- OL6: Open Land
- OL11: Woodland and Trees
- OL12: Open Land and Landscape Contributions from New Development
- OL13: Maintenance of Open Space
- LR6: Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

4.4 Telford & Wrekin Local Plan (consultation 2015)

Limited weight can be given to this plan as it has not been the subject of public scrutiny. Nonetheless, the Local Plan has been prepared on the basis of detailed evidence and it is the Council's view that the policies in it are sound and consistent with national policy.

- HO1: Housing requirement

This Policy states that the Council will make provision for the delivery of 15,555 new dwellings (net of clearance) across the borough up to 2031. The Council has identified sufficient specific deliverable sites to meet the first five years of the plan and a further supply of developable sites for the remainder of the lifetime of the Local Plan.

- HO2: Housing site allocations

The purpose of this Policy is to clearly set out, in broad terms, the sites and locations critical to the delivery of the Local Plan strategy, as well as other allocations that will contribute towards meeting the growth requirements up to 2013. This policy proposes a number of site allocations where new development will be specifically promoted, including two Strategic Urban Extensions (land at Muxton – Site H1 and Land at Priorslee – Site H2).

- HO10: Residential development in the rural area

This Policy states that provision will be made for a net increase of approximately 900 dwellings in the rural area up to 2013 with the bulk of this new housing being directed to sites with unimplemented permissions and areas with extensive amounts of previously developed land. The council will also support a limited amount of infill development within the villages of Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton.

- HO11: Rural exceptions

This Policy sets out the exceptions that apply to residential development within the rural area and include solely affordable (small scale) schemes, self and custom build housing, conversions of redundant buildings and agricultural and forestry workers accommodation.

- SP3: Rural Area

This Policy states that development will address the needs of the rural area and that it will make the most effective and efficient use of land giving preference to the reuse of previously developed land.

- NE2: Management and maintenance of green infrastructure

This Policy advises that the Council will require development to provide adequate management and/or financial provision for the ongoing future management and maintenance of green infrastructure, open space and sports and recreational facilities.

- NE5: Biodiversity and geodiversity

This Policy states that biodiversity assets will be protected, maintained and improved. Development will not be supported where it is likely to

- NE4: Strategic Landscapes

This Policy identifies three areas as Strategic Landscapes. These are: Wrekin Forest; Weald Moors and Lilleshall Gap. The identified strategic Landscapes will be protected from inappropriate development and development which would cause detrimental change to the quality of landscape in the areas will not be supported.

- NE6: Trees, hedgerows and woodland

This Policy states that the Council will expect existing trees, hedgerows and woodland that positively contribute to the borough's green infrastructure assets and values to be retained, protected and appropriately managed.

5. SUMMARY OF CONSULTATION RESPONSES:

5.1 Standard consultation responses

5.1.1 Donnington and Muxton Parish Council: Objects to the application for the following reasons:

- The site is outside the built up area of Telford and the proposal would result in the undesirable encroachment into the open countryside to the detriment of visual amenity;
- It would reduce the visual and physical openness between Telford and Lilleshall;
- The translocation of the hedgerow would compound this;
- Muxton Lane is unable to support the additional traffic, there have been a number of accidents and the existing footpaths are narrow, the proposal would also be a danger to horse riders and cyclists;
- The proposed conservation/ecological area should be maintained by the Council to protect it from future development;
- Lack of infrastructure (schools, doctors, dentists) to support the proposal,
- Loss of privacy and light to existing houses;
- Coal Authority requested works would be detrimental to living conditions,
- Increased risk of flooding and existing drains and sewers would not cope,
- Potential loss of the Public Right of Way;
- Impact on wild orchards and newts;
- The applicant was invited to discuss the proposal with the Parish Council but refused to attend.

5.1.2 Education: No objection subject to the provision of £178,845 towards Primary education.

5.1.3 Environmental Services – Arboricultural: No objection subject to the final layout taking account of the presence of the mature trees and the implication that they can have on the newly built homes and their owners. Conditions are requested relating to a detailed landscape design, soil levels and a tree protection plan.

5.1.4 Environmental Services - Drainage: The drainage principles established in the Flood Risk Assessment are broadly acceptable and no objection is raised subject to conditions relating to matters covering detailed drainage design, foul drainage, surface water drainage and treatment, a SuDS management plan and the existing watercourse.

5.1.5 Environmental Services - Highways: No objection subject to conditions relating to the details of the highway works and the submission of a Travel Plan. In addition financial obligations are required totalling £45,000 for enhancement works to the bus stop, traffic management/calming measures and Travel Plan monitoring.

5.1.6 Environmental Services - Parks and Open Spaces: Detailed comments are provided relating to the provision of on/off site play facilities and the management and maintenance of the proposed Public Open Space. Further details are requested relating to these matters which have not been provided by the applicant. An off-site contribution of £600 per dwelling towards children's play areas should be provided along with £350 for maintenance of each tree proposed.

5.1.7 Planning and Development Plans – Ecology: Objection. The development continues to include the loss of an area of grassland of local interest and this loss should be given considerable weight in the balancing of material considerations. The financial impact of the proposed large nature conservation area on the viability of the proposal has not been fully detailed by the applicant and a costed habitat management plan is required at this outline planning stage since it is key to the balancing of the material considerations in this case.

5.1.8 Planning and Development Plans – Planning Policy: Objection. The site is not focused upon any named settlement under Policy CS7, or located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the rural area between Telford and the village of Lilleshall, and divert investment in new housing away from the borough's principal urban area. The site in question forms part of a sensitive landscape that serves as valuable and important visual break between urban Telford and Lilleshall. The proposal is at odds with the development plan and would harm the openness of this area, and is especially harmful given the lack of any housing justification for this proposal.

5.1.9 Public Protection – Contaminated Land: No objection subject to conditions relating to the submission of a site investigation, remediation scheme and unexpected contamination.

5.1.10 The Coal Authority: Initially raised concerns but following the submission of further information no objection is raised subject to conditions relating to the submission of site investigations and any necessary remedial works.

5.1.11 Natural England: No objection. This application is in close proximity to Muxton Marsh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We note the applicant is proposing to restore several hectares of grassland to priority habitat status and you should consider whether this enhancement outweighs the loss of the area of grassland to be lost to development.

5.1.12 Shropshire Fire Service: No objection subject to the attachment of an Informative.

5.1.13 Telford and Wrekin Local Access Forum: Although the forum cannot directly oppose the development the following comments should be taken into consideration:

- Public Rights of Way run through the site and no development can take place without a suitable diversion or other order;
- One of the proposed footpaths is to be placed along the pavement which would not be acceptable;
- The proposed footpaths have no value if they are not dedicated as Public Rights of Way by legal order and placed on the Definitive Map;
- The existing routes should be upgraded to Bridleway so that they can be used by cyclists.

5.2 Neighbour consultation responses

5.2.1 The application was advertised by notification letters being sent to the occupiers of neighbouring properties, an advertisement in the local press and through a site notice. As a result 141 letters of objection have been received raising the following material planning matters:

Need and brownfield land

- Reducing the numbers of proposed houses is irrelevant;
- The Council has identified a 5 year housing land supply (which was supported at a recent planning appeal);
- There is sufficient brownfield land in the borough (over 900 sites) and there is no need for this rural greenfield development;
- The Government advises that housing should be related to need and that brownfield sites should be developed first;
- The development would prompt further applications for housing;
- Muxton has been overdeveloped in recent years and the character of the village would be ruined;
- The development is contrary to the NPPF;

Traffic and access

- Muxton Lane is narrow and windy such that two cars can't always pass and drivers often speed and it cannot take the additional traffic, both during construction and post completion;
- The traffic survey that has been performed is not appropriate for the type of use the lane gets, with the data collected being biased;
- Access/egress will be created onto a dangerous narrow part of Muxton Lane;
- The junctions from Wellington Road and Marshbrook Way on to Donnington Wood Way are already dangerous at peak times;
- Extra traffic (200 extra cars a day) will make road safety and traffic speeds worse and increase noise;
- The road is semi-rural and used by horse riders, cyclists, runners and dog walkers and families walking to and from Granville Country Park;
- The reason there is no access by road from Lytham Green to Muxton Lane is because the Lane could not support the extra traffic;
- Existing footpaths are very narrow in places;
- Muxton Lane is being considered for Quiet Lane designation;
- The fabric of Muxton Lane is poor and may wear out

Wildlife and countryside

- Will destroy the green buffer (the 'Lilleshall Gap') between Lilleshall and Telford, destroy the semi-rural setting and character, and the encroachment beyond the boundary of Telford is inappropriate;
- The fields are used for recreation;
- Loss of established trees;
- The removal or "translocation" of the hedgerow is unacceptable as they, and the Eco structure they provide, are built up over decades and cannot be rebuilt overnight;
- A huge amount of environmental damage would be done including the depletion of biodiversity. Many species of both plants and animals will be destroyed including badgers, Newts, bats and buzzards;
- The Public rights of way should be protected;

- There would be nothing to stop the developer applying to build on the proposed nature areas in the future;
- The fields should be protected as part of the 'Green Guarantee'

Impact on local services/facilities

- The development is unsustainable in terms of public transport and with the doctors and schools already stretched so won't be able to cope with extra population.
- Lots of housing been built in Muxton, but not the facilities and services to match.

Other material planning matters

- Detrimental impact on a Listed Building which has the potential to fail structurally;
- Detrimental impact on the outlook of the countryside looking between Muxton and Lilleshall;
- Increase in antisocial behaviour;
- The sewer system is substandard and the water table is high, flooding will increase on the site and Muxton Lane;
- The development would have a high density;
- Additional noise from new housing;
- The electricity supply to Muxton is unstable;
- The Coal authority has raised substantive concerns;
- The information submitted regarding views were all taken in the summer when the trees are in full leaf;
- Impact on electricity and water capacity;
- No need for affordable housing.

5.2.2 In addition a petition of objection has been received containing 673 signatures raising the following issues:-

1. The Council has a five year housing land supply in the region of 8.5 years that has been successfully used in other applications;
2. The site is within a Coal Authority High Risk area and the Coal Authority has objected to this application;
3. The proposal does not convince that the development would create a "distinctive high quality sustainable development which enhances the quality and character" of the area;
4. Drainage;
5. Traffic impact – a community led traffic survey recorded 2640 traffic movements on Muxton Lane over a 12 hour period. An increase in housing density on Muxton Lane of 40% would lead to an unacceptable increase;
6. Enforcement of Quiet Lanes and Homezones Act. The Council must use the Transport Act 2000 and the Quiet Lanes and Homezones Regulation 2006 to oppose this application;
7. Construction Access / Impact of Highways and Access – construction likely over a three year period, huge safety concerns, damage to foundations of listed building, removal of trees and hedgerows, road widening concerns;
8. The Council's ecologist has objected to the application as it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010);
9. Classification of the land – the land is outside of the urban area and is rural.

6. PLANNING CONSIDERATIONS:

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

- The principle of the development;
- Design and landscape impact;
- Highways matters;
- Ecology;
- Affordable Housing;
- Sustainable Development;
- Drainage and flood risk;
- Planning obligations and S106 contributions ;
- Other matters.

6.2 The principle of the development

6.2.1 Paragraph 47 of the NPPF states that Councils should boost significantly the supply of housing. Paragraph 47 also states that *“local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.”* When the previous application (TWC/2014/0612) was determined in December 2014 the Council could not demonstrate that it had a 5 year housing land supply and, in accordance with Paragraph 49 of the NPPF the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing were not considered up-to-date. The NPPF states (Paragraph 14) that where relevant policies of the development plan are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Even though the Council could not demonstrate that it had a 5 year housing land supply when the previous application was determined it was considered that the adverse impacts of the proposal would have significantly and demonstrably outweighed the benefits put forward.

6.2.2 In accordance with the requirement set out in NPPF Paragraph 47 the Council announced in March 2015 that it has a 5 year land supply following the publication of the Telford and Wrekin Objectively Assessed Housing Need Report (Peter Brett Associates March 2015). The applicant disputes that the Objectively Assessed Need Report represents the full objectively assessed needs of the Borough. As a result they do not consider that the Council can demonstrate a five year housing land supply against a NPPF and PPG compliant full objectively assessed need.

6.2.3 The Government’s *Planning Practice Guidance* (PPG) explains that *“where evidence in local plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.”* The acceptability of the Objectively Assessed Need Report and the degree of weight that should be afforded to it has recently been considered by the Secretary of State in a planning appeal at Tibberton (Planning Inspectorate reference APP/C3240/W/15/3003907). In that case the Planning Inspector concluded that the Report *“is credible and very up to date”* and that *“consequently, I consider that it is a material consideration of significant weight”*.

Despite the opposing view of the applicant in this instance it is considered that the Council can demonstrate a 5 year housing land supply and that the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing are up-to-date and can be afforded full weight in the consideration of this application.

- 6.2.4 The site is located outside the current boundary of the Telford urban area. Therefore, the site, whilst contiguous with the existing built-up area, is considered to be located in the rural area. The policies relevant in this regard are therefore Core Strategy Policy CS7 (Rural Area) and Wrekin Local Plan Policy H9 (Location of New Housing). Policy CS7 seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside.
- 6.2.5 This proposal site is not focused upon any named settlement under Policy CS7, nor is it located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the open countryside between Telford and Lilleshall, and divert investment in new housing away from the borough's principal urban area and the application does not represent a rural exception.
- 6.2.6 The proposal performs poorly when assessed against Core Strategy Policy CS7 (Rural Area) and saved Wrekin Local Plan Policy H9 (Location of New Housing). This represents the main reason why the proposal is unacceptable when assessed against the development plan.

6.3 Design and Landscape Impact

- 6.3.1 This is an outline planning application that seeks to establish the principle of the development, the means of access to the site and an upper limit on the number of houses that could be built (up to 78 homes). Matters relating to the detailed design of the houses, their exact location within the site, the position of windows and boundary treatments etc. would be submitted and considered as part of a subsequent reserved matters application should outline planning permission be granted.
- 6.3.2 It is still necessary to assess whether the amount of development being applied for (up to 78 homes) could be accommodated within the site. The area proposed for new housing measures 2.87 hectares and the proposal is for up to 78 houses. This would equate to approximately 27 houses per hectare which would be comparable with the previously refused application and with the development within Granville Drive to the north west of the site.
- 6.3.3 The Ecological Appraisal submitted in support of the application states that the hedgerows within the application site are of a high ecological value. It continues to state that the network of hedgerows provides suitable habitat for many species and that this high value is such that retention and buffering of the hedgerows should form a key element of the Development Framework and that the inclusion of hedgerows within gardens will be avoided. The applicant's appraisal does not specify a buffer distance, however the Council's Ecologist has advised that a buffer of at least 20 metres would typically be sought between significant mature hedgerows and trees and new development. The submitted Framework Plan indicates that housing would be proposed in much closer proximity to the existing hedgerows than would be considered appropriate and this is likely to reduce the developable area of the site and increase the density of the development.

- 6.3.4 The Planning Statement submitted in support of the application states that a formal play area (LEAP) would be provided centrally in the site however the Illustrative Masterplan included within the supporting Design and Access Statement does not show any play area within the site. If an on-site formal play area is provided then a buffer zone of 30 metres between the play area and any houses would be required which would have further reduced the developable area of the site. This issue was raised with the applicant who has advised that contrary to the contents of the Planning Statement a financial contribution would be provided towards off-site facilities rather than through the provision of a new on-site play facility.
- 6.3.5 Whilst this is an outline application officers consider that insufficient information has been put forward in support of the application to demonstrate that 78 homes, as set out in the application form, can be accommodated on the site whilst taking account of the necessary constraints. The constraints include the buffer zone required for the existing hedgerows and trees, the need to take account of the existing public rights of way across the site, ensuring that suitable levels of privacy and garden areas for existing and proposed residents are provided whilst ensuring that the development would result in an attractive place to live whilst respecting the rural nature of the site and the wider area. The proposal is therefore contrary to the provision of Policy CS15 of the adopted Core Strategy and saved Policy UD2 of the Wrekin Local Plan.
- 6.3.6 Although this was not put forward as a reason for refusal in the previous planning application this application has been assessed in full following its submission. In addition the announcement that the Council has a 5 year housing land supply and the publication of the Telford & Wrekin Local Plan are both material planning considerations that must be given consideration. The absence of a 5 year housing land supply and the reduction in weight that could therefore be afforded to some policies within the development plan weighed in favour of the previous application.
- 6.3.7 Central to the design considerations of the proposal is the impact that the development of the site would have on the wider landscape. Saved Wrekin Local Plan Policy OL6 (Open Land) states that the Council will protect from development *“locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat.”*
- 6.3.8 The site in question forms part of a sensitive landscape that serves as valuable and important visual break between the defined urban area of Telford and the rural village of Lilleshall. It is considered that the site meets all the criteria of specified under Wrekin Local Plan Policy OL6. Policy OL6 is clearly consistent with the National Planning Policy Framework (NPPF), which seeks to conserve and enhance the natural environment, in particular protecting and enhancing valued landscapes, and protecting the best and most versatile agricultural land. Consequently, the proposal is at odds with the development plan and would harm the openness of this area, and is especially harmful given the lack of any housing justification for this proposal.
- 6.3.9 The Telford & Wrekin Local Plan identifies Lilleshall Gap as one of three strategic landscapes in the borough, in recognition of the sensitivity of this visual break. The Council therefore considers that the proposal is in conflict with the emerging Local Plan, including Policies NE4, SP3 and HO11 which seek to control development in the rural area.
- 6.4 Highways
- 6.4.1 This application includes the means of access to the site. The proposal includes a single point of vehicular access that would be located towards the north west end of the site in the approximate location of an existing gated access into the field.

- 6.4.2 Muxton Lane runs from Wellington Road in the north to the Shropshire Golf Club in the south, after which the road becomes less well maintained, but does continue to Granville Country Park. There is pavement on both sides of Muxton Lane for most of its length from Wellington Road as far as the site, and then the pavement on the eastern side stops, but continues along the western side of Muxton Lane as far as the Golf Club.
- 6.4.3 As part of the development proposals the applicant intends to widen the carriageway of Muxton Lane to a width of 5.5m but this would be limited to an area between the proposed access point and the north western end of the site, a distance of approximately 60 metres. A 2 metre wide footway on the eastern boundary of Muxton Lane between the access and the north west end of the site and traffic calming measures would also be provided. New lighting and surface improvements to the existing footway link between Muxton Lane and Marshbrook Way would also be provided along with financial contributions towards improvements to existing bus stops within the vicinity of the site.
- 6.4.4 A significant number of objections have been received raising concerns over the suitability of Muxton Lane to accommodate the additional traffic that would be generated by the development. In order to assess the suitability of the local highway network and its capacity to accommodate the proposed development, the applicant submitted a Transport Assessment (TA) for the Council's Highway Engineer to consider. Following consideration of that document the Local Highways Authority has advised that they do not have any objection to the proposed development subject to conditions relating to detailed design.
- 6.4.5 As part of the previous planning application local residents undertook their own traffic survey. Over a 12 hour period they counted 2574 vehicles plus 58 cyclists and 8 horse riders passing the survey point in either direction with the busiest times between 8-10am, 2-3pm and 4-7pm. The residents who undertook the survey estimated that about a third of the traffic they surveyed exceeded the 30mph speed limit. The residents' survey provides a snap-shot of traffic movements on a particular day, but as the survey is different from the TA surveys it is not possible to make direct comparisons or draw any particular conclusions. However, the applicant's TA offers a more comprehensive and professionally informed assessment of traffic impacts arising from the proposed development and more weight has to be attached to it. In addition the previous application, which was for a higher number of dwellings, was not refused on traffic or highway safety related reasons.
- 6.4.6 There are two definitive public rights of way that cross the site from Muxton Lane and converge to provide a link between Lilleshall and Muxton Lane, although there is evidence on site that people have forged other footpath routes across other parts of the fields. The illustrative layout plans indicate that the designated routes and alignments will be retained as green links. Officers would expect any detailed Reserved Matters applications to retain and integrate these routes so that they continue to link into the existing footpath network and for the developer to contact the Telford & Wrekin Access Forum.

6.5 Ecology

- 6.5.1 The site comprises 4 unimproved species rich neutral grassland fields, 3 of which are currently managed for hay and grazed afterwards and the fourth is grazed by horses and supports ridge and furrow features. There are mature hedgerows and tree belts between the fields and around the boundaries associated with small stream features. Some of the trees are of sufficient age to be classed as veteran. All the fields meet

the criteria for designation as a local wildlife site for neutral grassland and lowland meadow habitats.

- 6.5.2 There are 16 individual hedgerows which are generally species rich according to FPCR. 60% of the hedgerows on the site meet the definition of being 'important' under the Hedgerow Regulations and most have high ecological value and diverse ground flora. The site contains 60 individual trees including ash, oak, alder, crack willow and field maple. Some trees on the site have features suitable for use by roosting bats and several could meet the definition of veteran trees.
- 6.5.3 The proposed development uses the least diverse of the fields for residential development and retains two of the other fields as a proposed area of nature conservation part with restricted access and a further field as a species rich grassland area with some tree planting and a balancing pond. The applicant has submitted an Outline Biodiversity Management Plan which refers to broad principles only and does not include the level of detail required by the council's Ecologist. The management plan should cover a period of at least 20 years and include a full breakdown of associated costs and roles and responsibilities. This would then form the basis of a Section 106 agreement with associated commuted sum should the nature conservation area be proposed for transfer to the Local Authority, or would be the basis of the work carried out by any private management company on the site.
- 6.5.4 The costed management plan should be secured up front at the outline stage rather than as a planning condition since the associated costs of managing a large nature conservation area appropriately over a long period should be fed into any assessment of viability for the scheme. Securing the long term appropriate management of the 3 fields within the nature conservation area is vital to balancing the loss of the field intended for development in line with the National Planning Policy Framework. It is not considered that this has been satisfactorily demonstrated by the applicant in this instance and as such the proposal is contrary to Core Strategy Policy CS12 (Natural Environment) and the NPPF. This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.5.5 An Ecological Appraisal has been submitted in support of the application that contains details of protected species surveys. They have considered the potential impact on Bats, Reptiles, Nesting Wild Birds, Badgers, White Clawed Crayfish and Water Voles. The submitted information shows that subject to appropriate conditions and vegetation being removed outside of the bird nesting season then there would be no detrimental impact from the development on these protected species.
- 6.5.6 Information has also been submitted relating to the potential impact from the development on great crested newts. There are 14 ponds within 500m of the site but only 3 have been surveyed for great crested newts due to a lack of access permission. The submitted information gives no details of what attempts were made to seek access to the other ponds for survey and that information is required. This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.5.7 It is not considered that sufficient information has been put forward by the applicant to demonstrate whether the proposed nature conservation areas and public wildflower meadow is financially sustainable or deliverable as part of the proposed development. The provision of these areas is necessary to mitigate against the loss of the field for the housing and it has not been demonstrated that the benefits of the

proposal would considerably outweigh the harm caused. As such the proposal is therefore considered to be contrary to the provisions of Core Strategy Policy CS12.

6.6 Affordable Housing

6.6.1 The applicant has proposed 29% affordable housing. This amount of affordable housing falls short of the council's target for the area of between 38% and 40% as set out in saved Wrekin Local Plan Policy H23 and Core Strategy CS7. The proposed level is also below the 35% set out in Policy HO5 of the draft Telford & Wrekin Local Plan. No information has been put forward by the applicant with this proposal to justify this level of affordable housing.

6.6.2 In addition the Planning Statement submitted in support of the application and the draft Heads of Terms document include within it make repeated reference to the provision of 29% affordable housing being subject to viability. Given that the long term maintenance of the Public Open Space and managed nature conservation areas is likely to be a significant cost to the developer the amount of affordable housing could be further reduced. Whilst the provision of affordable housing would be a positive consideration there is a significant supply of housing land available elsewhere in the borough and no demonstrable requirement for this site to be developed. It is considered that due to the fact that a reduced amount of affordable housing is being proposed and the likelihood that this could be reduced further once a detailed viability assessment has been submitted by the applicant then the weight that should be attached to the provision of a limited amount of affordable housing is reduced.

6.7 Sustainable Development

6.7.1 Paragraph 6 of the NPPF advises that the policies in paras 18-219 of the NPPF are taken as a whole and sets out the government's view of what sustainable development is and paragraph 7 identifies three mutually dependent dimensions to sustainable development - namely economic, social and environmental - and that these should be mutually dependent and balanced out to ensure appropriate development.

6.7.2 The applicant has submitted a sustainability matrix that seeks to show how far facilities and services are located from the site and concludes that the site is sustainable. The development would bring some socio-economic benefits. More housing in the borough, including some affordable housing should bring associated spending and employment and help create a mixed community. However the Council has a supply of new housing land in excess of 8 years and the level of affordable housing proposed is below the level required by policy and may be reduced further. The new development would place some burden on education and local recreation/play facilities, but these impacts could be mitigated against to some degree by financial contributions to the Council towards improving facilities.

6.7.3 In terms of the site's location it is not on a bus route and the nearest railway station in Telford town centre is over 5kms away, as the crow flies. The nearest bus stop is approximately 350m away on Marshbrook Way. This situation has changed since the previous application was refused following the alterations to the Arriva service across the borough. However it is debatable whether these distances would actually encourage bus patronage.

6.7.4 Muxton Lane currently forms part of the Sustrans National Cycle Network route 55 that runs from Ironbridge to Stafford via Muxton Lane and the Golf Club. However,

route 55 is to be re-routed as part of future planned route realignments and will no longer pass along Wellington Road or Muxton Lane. Whilst this route downgrade won't prevent people cycling along Muxton Lane, it means there wouldn't be a strategic cycle route in the immediate vicinity of the site.

- 6.7.5 The site is adequately located for the Primary School on Marshbrook Way as it is located some 250m away on foot taking the nearest route via the currently unlit footpath between Muxton Lane and Marshbrook Way. The nearest secondary school lies approximately 3kms away and furthermore the nearest shops on Wellington Road/Donnington Way are approximately 1.3kms away - a distance that is likely to be undertaken by car. Despite financial contributions towards highway and bus stop improvements, essentially the site is located along a quiet rural lane without direct access to public transport, education and other social and community facilities and as a consequence does not meet with the social inclusion objectives set out in the Core Strategy and Policy CS9.
- 6.7.6 In the wider sustainability context, one of the NPPF's twelve core planning principles requires Local Planning Authorities to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". Paragraph 52 the NPPF recommends that the "the supply of new homes can sometimes be best achieved through planning for larger scale new development, such as new settlements or extensions to existing villages and towns that follows the principles of Garden Cities". To this end the Council has published for consultation the Telford & Wrekin Local Plan that will replace the existing Core Strategy (2007-2016) and saved policies in the Wrekin Local Plan (1995-2006), and which will allocate sites for employment and housing up to 2031.
- 6.7.7 The overriding aim of the Local Plan is to strengthen and protect the identity of Telford as a "green town" and establish the borough as a place characterised by extensive areas of open land and prominent landscape features. Housing sites selected for allocation have been drawn from sites included in the 2012 Strategic Housing Land Availability Assessment (2012 SHLAA) and have been subject to an assessment against their performance against the Shaping Places Local Plan strategic aims and objectives. The application site has not featured in the 2012 SHLAA nor has it been included as one of the sites in the Telford & Wrekin Local Plan for housing.
- 6.7.8 The Council's strategy is to promote "good planning" and involves a cluster of sites that form a Strategic Urban Extension on the north eastern edge of Telford in the Muxton area, located close to strategic employment land around the east of Telford and located either side of the A518, which is a strategic highway route through the Borough that links to Stafford via Newport. This cluster of sites would amount to some 83 hectares with a possible yield of some 2,538 dwellings and would represent a planned urban extension to Telford. It would also necessitate and include provision of a school and a local centre (comprising shops, health and other community services) and facilitate opportunities for high degrees of connectivity with public transport and pedestrian and cycle routes. This "integrated approach to considering the location of housing, economic uses and community facilities and services" (NPPF para 70) brings benefits of allowing for planned infrastructure with more efficient and equitable use of resources and finances, economies of scale and helps manage and mitigate against the cumulative impact of development including controlling visual impact. Furthermore such an approach can increase opportunities for people to have greater accessibility to services and facilities and this engenders the Council's social inclusion objectives outlined in Core Strategy policy CS9.

6.7.9 Whilst the Telford & Wrekin Local Plan does not yet have development plan status it does demonstrate how the Council is proactively planning for housing growth in the future. Accordingly some weight should be attached to it.

6.7.10 Granting planning permission for this site would also set a precedent for other speculative development sites that may come forward on other parcels of land adjacent to Muxton or along Muxton Lane. Even though any such applications would have to be assessed on their individual merits, the presence of built development on the application site, if approved, would undoubtedly be an influencing factor on future applications. This would serve to further undermine and compromise the delivery of preferred strategic development and infrastructure and the Strategic Urban Extension at Muxton and could lead to uncontrolled and inappropriate patterns of development.

6.8 Drainage and Flood Risk

6.8.1 The issue of flooding has been raised within a number of the objections that have been received. The applicant has undertaken a Flood Risk Assessment (FRA) and the area is not deemed to be at risk from flooding in relation to the Environment Agency Flood Zones. The Council's drainage engineer has assessed the proposal and the submitted FRA and has not raised any objection to the proposal subject to the imposition of conditions relating to the submission of a scheme of foul drainage and surface water drainage; that there be a reduction in surface water runoff and that the ownership of any proposed SuDS features is supplied. Any detailed reserved matters applications will require more detailed drainage calculations. The maintenance and/or adoption of any SuDS features will need to be determined in due course, and a clause can be written into the s106 requiring the necessary commuted sums should the council agree to adopt them.

6.9 Planning obligations and S106 contributions

6.9.1 Financial contributions are required for Education, Public Open Space provision, highways improvement works.

6.9.2 The development will have a number of impacts on the local community and infrastructure. The developer has proposed heads of terms for a S106 agreement covering affordable housing, open space (informal open spaces and equipped children play areas and commuted sums for maintenance), highways and public transport improvements, education provision and any other necessary identified contributions. The heads of terms for this legal agreement are generally consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.9.3 Following consultation on the application, the following infrastructure contributions have been identified:-

- £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site;
- £25,000 for traffic management/calming measures to Marshbrook Way and Wellington Road;
- £5,000 for travel plan monitoring;
- £178,845 towards primary education;
- £600 per dwelling towards upgrading existing nearby off-site equipped play areas;
- Affordable housing - to be confirmed;
- Clause to secure a commuted sum for maintenance of the SuDS features if deemed necessary and not operated by a management company.

- 6.9.4 The provision of affordable housing is necessary in order to be consistent with Core Strategy Policies CS1 and CS7, Local Plan Policy H23 and the NPPF. At this stage the applicant has proposed 29% affordable housing which is below the required level. No viability information has been submitted with this application to justify a reduction in the level of affordable housing to be provided. The contributions towards highway improvements reflect the necessity to widen the road to make the development acceptable and its location relative to public transport and the negotiation of these contributions is consistent with Local Plan Policy T22. The provision of a financial contribution towards educational improvements is necessary because of the link between the development and the impact on local school rolls and contribution to off-site play provision in the vicinity of the site will help mitigate against the increased population pressure on these facilities in accordance with CS10, OL13 and LR6.
- 6.9.5 As stated above no detailed costings have been provided regarding the maintenance of the ecology areas and it likely that this would have a significant impact on the viability of the proposed development the ability of the scheme to deliver all of the above contributions.
- 6.9.6 No viability information has been submitted with this planning application. a viability appraisal was submitted with the previously refused application and that made an allowance towards landscape provision (this figure will now be higher) but it did not make any provision for either future maintenance or a commuted sum payment to the Council to adopt the areas. If further costs are added it is likely that the level of affordable housing will be reduced below the 29% currently being proposed.
- 6.9.7 This additional information has been requested from the applicant, along with a deadline for a response, but has not been submitted at the time of writing this report.
- 6.10 Other Matters
- 6.10.1 The NPPF seeks to conserve heritage assets. Saved Wrekin Local Plan Policy HE24 seeks to ensure that historic parks and gardens and their settings are protected or enhanced. Core Strategy Policy CS14 seeks to protect and enhance the borough's unique built and cultural assets.
- 6.10.2 There are two scheduled monuments within 1km of the site - Muxton Bridge Colliery and Lilleshall Abbey. There is also a Registered Park and Garden located at Lilleshall Hall adjacent to the eastern edge of the Lilleshall Abbey scheduled monument. Given the separation distances involved the type and location of the proposed development will have no significant effect upon these historic assets.
- 6.10.3 There are a number of listed buildings and structures recorded in Lilleshall village including the Sutherland Monument on top of Lilleshall Hill. The applicant's submitted Landscape & Visual Appraisal includes photographs of views from the monument. Views are expansive and due to the local topography and matrix of fields and hedges the development of the site would not adversely affect the setting of the monument even though it would encroach onto Lilleshall.
- 6.10.4 The nearest listed buildings are located on Muxton Lane within 500m of the site's boundary - namely No.45 Muxton Lane (known locally as The Crooked House), Muxton House and Muxton Manor. Due to the separation between these properties and the site and the intervening existing residential development along Muxton Lane and Granville Drive there will be no adverse effect on their character or setting. Officers are therefore satisfied that there is no conflict with the NPPF, Wrekin Local

Plan Policy HE24 and Core Strategy policy CS14 with regards to the historic environment.

- 6.10.5 It is noted that concern has been raised regarding the potential impact of construction traffic on the structural integrity of the Crooked House. This is a civil matter between the property owners and the applicant/developer and cannot be used to influence the outcome of this application.
- 6.10.6 There is evidence of historic unrecorded underground coal mining activity in the area. The Coal Authority initially raised an objection to the proposal but following the submission of additional information they have confirmed that they do not have any objection to the proposal subject to site investigation being undertaken prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.
- 6.10.7 The proposed development will result in some loss of Grade 3 agricultural land (as defined on the Agricultural Land Classification (ALC) map held by Natural England). The ALC system classifies land into five grades and it is acknowledged that Grades 1, 2 and 3a offer the most flexible, productive and efficient land that can best deliver future crops for food and non-food uses. Paragraph 112 of the NPPF requires LPAs to take into account the economic and other benefits of the best and most versatile agricultural land, particular attention is required to be devoted to proposals for significant development. Often the loss of agricultural land is an inevitable consequence of growth, especially on the urban/rural fringes. However, loss of this land presents another marginal concern with the proposal.

7. CONCLUSIONS

- 7.1 The Council has in excess of a five year supply of deliverable land and therefore the relevant Core Strategy and saved Wrekin Local Plan policies relating to the supply of housing are up-to-date and can be afforded full weight in the consideration of this application. The site is located in the rural area and the policies considered most relevant in this regard are therefore Core Strategy Policy CS7 (Rural Area) and Wrekin Local Plan Policy H9 (Location of New Housing). Policy CS7 seeks to focus new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. This proposal site is not focused upon any named settlement under Policy CS7, or located in any settlement identified under Policy H9. Given the significant supply of housing land available elsewhere in the borough, there is no housing justification to set aside current adopted housing supply policies that seek to restrict development in the rural area and allow the extension of the existing development boundary of Telford into the rural area, and divert investment in new housing away from the borough's principal urban area.
- 7.2 The development represents an extension to the built up area of Telford and an undesirable encroachment into the countryside that would serve to reduce the visual and physical separation and openness between the urban area of Telford and the village of Lilleshall and result in their undesirable coalescence. The potential for coalescence would be further increased by the precedent the development of this site would set for other sites in the immediate area that may come forward for speculative development resulting in uncontrolled and inappropriate development patterns. The development of the site and the resulting encroachment and coalescence will destroy the visual and physical separation and openness between the two settlements and the surrounding countryside and cause irreversible significant and demonstrable

harm. Hence the development would be contrary to the NPPF, Wrekin Local Plan policies OL6 and OL11, and Core Strategy policies CS7 and CS11.

- 7.3 The site comprises a significant ecological asset as species-rich pastoral grassland fields, which is of County importance. The proposal involves developing on one of the species-rich fields and retaining the eastern-most fields as a managed conservation area in order to secure their permanent retention and enhancement. Whilst there could be some overall biodiversity gain in this regard the applicant has failed to satisfactorily demonstrate that this element of the proposal is financially viable. In addition insufficient information has been submitted in regard to the great crested newt surveys that have been undertaken.
- 7.4 It is not considered that the development represents sustainable development, despite some environmental, social and economic gains and despite financial S106 contributions. Essentially the site is located along a quiet rural lane without direct access to public transport and other social and community facilities and this further reinforces the site's unacceptability. Locating development here would further serve to undermine the Council's intentions for a strategic urban extension to Telford in the Muxton area, as shown in the Telford & Wrekin Local Plan which should be afforded some weight. As such the development would not be in accordance with social inclusion objectives of Core Strategy policy CS9.
- 7.5 There will be no adverse effect on any historic assets in the vicinity of the site. There are no technical reasons on grounds of drainage, highways or ground conditions to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions and necessary s106 financial contributions. The site is not a designated or protected landscape or wildlife site and the development will not have an adverse impact on the nearby SSSI site at Muxton Marsh or Local Nature Reserve at Granville.
- 7.6 Taking all relevant matters into account officers are of the view that there will be a significant and demonstrable harm resulting from the development such that the development proposal would not meet the sustainable development objectives of the NPPF.

8. RECOMMENDATION

Based on the conclusions above, it is recommended that the Committee REFUSE PLANNING PERMISSION for the following reasons:

- 1 The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.
2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with

associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.

3. The applicant has failed to properly consider the constraints of the site and insufficient information has been provided to demonstrate that the site can accommodate 78 homes without resulting in a cramped form of development that would not be acceptable in terms of scale, layout and design. The proposal which would have an overly urban form in a rural location would harm the character and appearance of the area contrary to the NPPF and with the urban design objectives of CS Policy CS15 and saved Wrekin Local Plan Policy UD2.
4. The applicant has failed to adequately demonstrate that the loss of an area of grassland of local interest in terms of its ecological value can be appropriately mitigated against. No information has been put forward to demonstrate that the mitigation proposed has been costed or included within a detailed viability appraisal of the development. In addition insufficient information has been submitted with the application to demonstrate that the impact of the development on Great Crested Newts has been fully considered. As such the proposed development is contrary to the NPPF and the provisions of Core Strategy Policy CS12.

Appeal Decision

Inquiry held on 26-28 January and 2-3 February 2016

Site visit made on 2 February 2016

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2016

Appeal Ref: APP/C3240/W/15/3010085

Land off Muxton Lane, Muxton, Telford, TF2 8PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2014/0612, dated 4 July 2014, was refused by notice dated 19 December 2014.
 - The development proposed is outline planning application for a residential development of up to 110 dwellings with associated access with all other matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for up to 110 dwellings on fields adjacent to Muxton Lane. Four fields are involved, with the bulk of the dwellings proposed to be on what was called the 'southern field' in the angle between Muxton Lane and Granville Drive. The remainder of the dwellings would be on the 'northern field' at the end of Granville Drive, which effectively protrudes into the countryside more than the southern field. The two other fields are proposed to be dedicated for access and nature conservation.
3. Prior to the Inquiry, the appellant made an outline application for up to 78 dwellings¹ on a reduced area of the site. This was refused on 25 November 2015 with four reasons for refusal. These briefly were that the site was in open countryside outside the development boundaries of Telford; it would be locationally unsustainable; it would be overly urban and possibly cramped and; loss of locally important grassland. The illustrative plan for the new application showed all the dwellings to be in the southern field, the northern field was now to be for access and conservation only. The appellant requested this alternative proposal be considered as part of this appeal, a request the Council opposed.
4. Having considered the matter I found that taking this alternative scheme into account would not offend any of the principles of the Wheatcroft Judgement². The new application had been fully advertised and I was given a folder of

¹ TWC/2015/0556

² Bernard Wheatcroft Ltd v SSE (1982) 43 P&CR 233 at 238

objections from third parties. These objections, and those of the Council in their refusal, were essentially the same as for the 110 dwelling scheme. There was no difference between the two, except for the deletion of dwellings from the northern field. The density of development appeared to be unchanged. At the Inquiry the Council raised a further objection that the smaller scheme might not be viable. Their concern was that the payments proposed for the open space would be higher, as there was to be more open space, but the profit lower as there were fewer houses. However, no viability evidence was provided to counter the appellant's figures and the open space costs seemed to be relatively small in the wider scheme of things. As the appellant pointed out the Council should be reassured by a properly worded condition. In my view therefore it would be open to me to restrict any permission granted by condition to a maximum of 78 dwellings and to exclude the northern field from development.

5. The appellants also provided an illustrative plan showing a 'pulled back' version of the 110 dwelling scheme, with less development in the 'northern field' and a woodland buffer along the edge of that field. There are consequently three possible alternatives, the original 110 dwellings occupying all the southern and northern fields, the 'pulled back' version and the 78 dwelling version with development only on the 'southern field'. I have considered all three versions throughout the analysis that follows.

Main Issues

6. The main issues in this case are, the status of the policies relied on by Council; whether the Council can show a 5 year supply of housing land; the harm caused to the countryside and possible coalescence between Muxton and Lilleshall and; whether the site is locationally sustainable.

The Policy Background

7. The Council rely on the saved policies from the Wrekin Local Plan 1995-2006 (adopted in 2000), the Core Strategy Development Plan Document (adopted in 2007) and the emerging Telford and Wrekin Local Plan 2011-2031 (eLP). The appellant argues that regardless of the outcome of the housing land supply issue the Council do not have any up to date policies relevant to this appeal. As a consequence, the bulletpoint of paragraph 14 of the NPPF which states "*where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...*" is engaged. I shall consider the policies in detail below.

The saved policies from the Local Plan

8. The local plan is now very old. It is 16 years since adoption and 10 years since the period it covered has passed. Nevertheless, I agree with the Council that this does not necessarily make it out of date for paragraph 14 purposes, the relationship of the policies to the wording and spirit of the NPPF is also important.
9. Policy H9 is one of the few saved policies from the Housing chapter of the local plan. It is concerned only with housing in rural areas and the saved part of this policy says "*new residential development will be permitted only within the following suitable settlements – High Ercall, Tibberton [and] Waters Upton. All*

proposals for new development within these villages must accord with policy H10 [which is saved and deals with scale]. Elsewhere in the rural area there will be a policy of refusing proposals for new residential development except that permitted under the exceptional circumstances detailed in Policies H18 and H24". Those exceptions, for conversions and affordable housing, are irrelevant for this appeal. Essentially this is a blanket ban on any housing development in rural areas except for the three villages listed. I agree with the appellant that this does not sit comfortably with the general emphasis in the NPPF on housing development that is sustainable as defined in the NPPF. It is certainly not in accord with paragraph 55 of the NPPF which talks about allowing housing to enhance or maintain the viability of rural communities. The policy should be read as part of the overall suite of the housing policies in the local plan. In 2000, when the plan was adopted, the Council only needed to find land for 400 houses in the period up to 2006 and only 150 of these were to be located in the rural area in the villages identified in H9. The need for dwellings and their distribution are dealt with in policies not saved and the Council accept these original housing projections are now out of date. Most of the villages listed in H9 have been deleted from the policy, leaving the three mentioned above as the only place where rural housing can be allowed. Because of the absolutist way in which the policy is worded I do not consider it is in conformity with the NPPF and so it is out of date.

10. The Council also relied on OL6 from the local plan. This states "*throughout the District the Council will protect from development locally important incidental open land within or adjacent to built up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat*". The Council invited me to give this its plain English meaning. Any parcel of land anywhere in the District can be covered by OL6 as long as it meets the definition in the policy. Firstly it must be "*locally important incidental open land*", which is "*within or adjacent to built up areas*" and secondly it must "*contribute to the character and amenity of the area*" or have "*value as a recreational space*" or have "*importance as a natural habitat*". I cannot agree with the Council that these defining characteristics are severely restricting and so mean that it is a clearly focussed policy. Firstly, no definition of "*locally important incidental open land*" has been provided, other than that the appeal site is such land as the locals obviously consider it important due to their opposition to any development and use of the footpaths across it. 'Incidental' to me would suggest 'left over' or related to an area but not a part of it, such as open space around a housing estate that is left as grass. This would not be the appeal site, which is agricultural land. The Council's approach, it seems, could apply to any urban fringe site as could the phrase "*contribute to the character and amenity of the area*".
11. In my view the meaning of OL6 is far from clear on its face. The explanatory text is equally unclear, but does say that "*many of sites to which the above policy will apply are within Newport*", and a number of OL6 sites are specifically identified on the proposals map. This does not suggest to me it was intended to apply to a wide range of unidentified sites around the urban fringe. The text also describes OL6 sites as helping "*to define the setting of surrounding development and adjacent buildings*" and can "*provide green space, visual variety and very local recreational opportunities*". OL6 sits within the Countryside and Open Land chapter which begins with OL1 "*All Open Land*". This seeks to protect the visual quality of all land which is not developed and is

not saved. It is followed by a series of policies which explain *"the Council's approach to the protection and enhancement of open land...through policies OL2-OL8"*. These seek to protect designated areas such as AONBs (OL2), the Green Network (OL3-5), open countryside (OL7) and agricultural land (OL8). OL6 thus seems to sit within a suite of policies which deal with different aspects of *"All Open Land"*. The Council argue elsewhere that the appeal site lies in the open countryside, which would have been covered by OL7, not OL6. Given the description of OL6 in the explanatory text and that its role seems to be circumscribed by other OL policies, I do not think that it applies to the appeal site at all, but seems, although it is not at all clear, to deal with incidental open land within larger urban areas and villages that otherwise would be unprotected and vulnerable to development. I note OL6 was not mentioned in the reasons for refusal for the original 110 dwelling application. I can only agree with the appellant that the Council are stretching OL6 to cover a gap left by OL7 and that the appeal site is not an OL6 site.

12. The final local plan policy is OL11 which deals with trees and woodland. The proposal will lead to a loss of hedgerow where the access points are to be made. Part of the hedgerow would be transplanted to elsewhere on the site. It is true that a hedge is often comprised of tree species that have not been allowed to grow, and that there are trees dotted along the hedge line. Nevertheless, it is not immediately obvious that a policy for trees and woodland applies to hedgerows. The explanatory text does not mention hedgerows at all. There is a policy at T20 that seeks to protect hedgerows along roads in rural areas from development, which would seem to be the relevant policy except that it has not been saved.
13. The wording of OL11 itself also suggests it is not directed towards hedgerows. It says the Council will *"seek to retain and enhance the contribution that trees and woodland.....make to the landscape character of the District. This will be promoted by:-"* and three sub clauses follow which deal with the making of TPOs; woodland management and planting new trees and hedgerows. This is the only mention of hedgerows, in a rather throw-away line, which encourages new hedgerows to be planted. It does not refer to the loss of hedgerows. There will be new hedgerow planting as part of the proposed scheme.
14. The policy continues by opposing proposals that *"would result in the loss of trees which make a valued contribution to the character of the landscape, a settlement or its setting..."*. No one has made such a claim for the scatter of trees along Muxton Lane, especially as most will not be affected by the proposal. Consequently, I do not consider that OL11 is relevant or if it is, the proposal is not contrary to its provisions.

The Core Strategy

15. It is common ground that CS1, the principal housing policy is out of date as it relied on housing figures drawn from the Regional Spatial Strategy which the Council consider are anachronistic. CS7 deals with *"The Rural Area"*. Like H9 it restricts rural housing to three villages. Outside of those villages *"development will be limited and within the open countryside will be strictly controlled"*. I agree with the Council that this is a three pronged strategy, directing housing to certain villages, but assuming in other villages "limited" housing will be possible, but strict controls apply in open countryside. This seems to me to be

entirely on all fours with the NPPF and paragraph 55 which seeks very much the same level of control.

16. The key issue for this policy is whether the site is in the open countryside or even in a rural area at all. The appellant argues that it is only in the countryside because the CS defines all land outside of development boundaries to be countryside. Those boundaries were drawn up in the light of the housing commitments taken from the RSS which are out of date and so it is unreasonable to rely on those boundaries until the eLP is at a much more advanced stage and there is greater certainty in the allocation of housing numbers and sites. I shall deal with this argument in my conclusion to the housing land supply arguments below.
17. Policy CS11 is headed "Open Space" and seems to be the CS equivalent of OL6, except that it is more clearly worded. It will protect open space "both formal and informal". I do not think an agricultural field can be considered to be informal open space, and the explanatory text clearly suggests the policy refers to open space within the urban areas not to random fields on the edge of towns. This is further supported by the statement in the text that further work will be undertaken to support a Development Control Policy identifying and protecting open spaces of particular value. The policy never emerged but work was carried out in accordance with the old PPG17 "Open Space, Sport and Recreation". This identified and assessed land across the whole Borough but at no point did it consider the appeal site. It is clear to me that like OL6, CS11 is not aimed at agricultural land outside of settlements and so is not relevant to this appeal.
18. Policy CS9 refers to accessibility and social inclusion and so clearly is relevant and will be discussed below. In coming to the above conclusions on the Council's policies I have borne in mind the recent appeal decision³ I was given where the Inspector concluded the housing policies were consistent with the framework. That case was for a single dwelling in the open countryside that was determined by way of the written representation procedure. It does not seem that the Inspector was presented with any arguments as to the relevance of those policies nor arguments as to the housing land supply situation, it is therefore entirely reasonable for us to reach different conclusions as to the applicability of those policies given the radically different situations of the two appeals.

The emerging Local Plan (eLP)

19. The eLP is at a very early stage and the Council only rely on one policy from it, NE4 Strategic Landscapes. This policy was not referred to in the reasons for refusal, but the strategic gap argument is important for the Council. The eLP identifies three strategic landscapes and NE4 provides protection for them against "inappropriate development.....which would cause detrimental change to the quality of landscapes in the areas...". The three landscapes are the Wrekin Forest, which includes part of the Shropshire Hills AONB, the Weald Moors and the Lilleshall Gap.
20. The appellant argues that this policy suffers from an identity crisis, as Wrekin Forest and Weald Moors are landscape designations, whereas the Lilleshall Gap is a strategic gap, which has been identified for policy not landscape reasons.

³ APP/C3240/W/15/3065782 Site Visit 17 November 2015

While I agree the two landscape areas do seem to be different in substance from the Lilleshall Gap I am not sure this leads to an identity crisis that undermines the purpose of the policy. There seems to me to be no reason why a policy cannot combine landscape and policy designations under the heading "Strategic Landscapes". Having taken a policy decision to protect the Lilleshall Gap the Council drew up the boundaries based on a detailed landscape assessment, which seems wholly appropriate to me. Part of the site, the 'northern field', lies within the Gap, but the rest is outside. I therefore consider this policy is relevant but I can give it only limited weight due to the early stage of the eLP.

Five Year Housing Land Supply

21. The Council have rejected the targets and supply situation as outlined in the CS and have started again with an Objectively Assessed Housing Need (OAN) provided by independent consultants, Peter Brett Associates (PBA). This concludes that the Council need to find land for 497 dwellings per annum (dpa). The appellant appointed their own consultants, Barton Wilmore (BW), to produce a rival OAN, which found that 961 dpa are required. The appellant has also sought to question a number of other assumptions that underpin the Council's housing strategy by arguing that there should be a 20% buffer applied because of persistent under delivery, that a previous shortfall should be added to the figures and that the identified supply is over-optimistic. However, even the worst case scenario identified by the appellant, using the Council's OAN produces a 6.9 year supply. The worst case using the appellant's OAN produces a 3.9 year supply. The reliability of the OAN is thus crucial to the housing land supply argument.

The rival OANs

22. BW's approach differs from PBA in three main areas. Household formation and suppressed need adds 120 dpa to the PBA figure, migration levels add 32 dpa and employment trends and forecasts add 313 dpa. Because BW began from 1 less dpa than PBA these additions convert 496 to 961 dpa.
23. On household formation and suppressed need BW took the 2012 population forecasts produced by DCLG and added in an allowance for extra household formation. They argued that the PPG advises figures should be adjusted upwards (and so more houses would be needed) to take account of the suppressed need caused by the economic recession. I was specifically referred to paragraph 15 of the PPG. However that is not how I read that paragraph. It says that "*The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing.*" And goes on to add "*local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply*". It is clear there is no adjustment required because of a national housing crisis. Adjustments rely on local factors. The evidence put to me was that Telford had a better record than the national average for house prices and overcrowding and little different for concealed families. In particular the affordability ratios were much better for Telford than Shropshire, the West Midlands or England and Wales.

24. BW's counter argument was based on projections from the 2008 census compared to the 2012 figures. This showed a growing gap in certain crucial age groups. In other words household formation should have been higher according to the 2008 projections but had been suppressed by the economic downturn between 2008 and 2012. As a result, the Council should adjust upwards to get back to the 2008 "preferred" household formation figures. PBA countered that the 2008 projections had been shown to be inaccurate and could not be relied upon. But even if they could be, they dealt with the national position, the PPG was concerned that the OAN should only be adjusted for specifically local issues, and this would seem to be the case to me.
25. The appellant referred to an appeal decision for an inquiry held in November 2015 in Leicestershire⁴, where the Inspector accepted there should be adjustments for worsening affordability and concealed households. However I can see no mention in the decision as to whether that was on a national or local scale and I do not have the evidence he was shown. As the PPG is clear it is local issues that are important I can only assume that was the case in this decision or that it was not an issue that was raised.
26. Migration trends seemed to rely on which model was used. PBA relied on the 2012 DCLG rates and adjusted upwards as they felt they did underestimate demand slightly. BW merged the 2008 and 2012 figures to get a longer trend. This latter approach added only 32 extra dwellings to the figures, but again I was referred to the PPG which advises the 2012 figures should be the starting point as they "are the most up-to-date estimate of future household growth"⁵.
27. The employment trends and forecasts argument turned mainly on the use of differing activity rates. If activity rates are lower then for a given number of jobs more workers are required and so there is a greater housing need. BW used activity rates derived from Kent County Council, which were often used in OAN calculations around the country, and were more pessimistic than those used in the PBA model, although there is no evidence to suggest that one should be preferred over the other. One effect of the PBA figures was to assume a high level of activity rates amongst older people which BW considered to be excessive. However, when PBA put the Kent CC activity rates through its own model, the outcomes were little different because with lower activity rates there is also lower economic activity as a whole and so less demand. PBA suggested BW had used lower activity rates but kept job predictions the same, hence the increase in workers and houses, whereas in fact job creation would fall, offsetting most of the upward pressure on housing caused by lower activity rates.
28. I am not a housing statistician and it is not the purpose of this appeal to provide a definitive criticism of the Council's OAN. Much of the argument seemed to turn on the exact nature of the model that was used and the inputs that were fed into it. However, if the appellant had been able to demonstrate obvious shortcomings that would have affected my assessment of the reliability of the OAN. No doubt the figures will come under renewed scrutiny during the eLP process and I do not wish in any way to prejudge that, but on the basis of the evidence I heard, I do not consider that the appellant's criticisms were sufficiently well founded to suggest the Council's OAN was unreliable and I shall treat the OAN as the best indicator of housing need that is available.

⁴ APP/G2435/W/15/3005052

⁵ PPG paragraph 016

29. Having reached this conclusion there is a further, policy objection, to the OAN. The Council themselves are looking to provide more housing than suggested by the OAN. The latest version of the eLP is looking to provide 778 dpa. They have also consulted on other figures; one as high as 1000 dpa⁶ and the OAN figure is lower than the average of completions since 2011, which is 811 dpa. Given this, the appellant argues, the OAN cannot be said to be either realistic or consistent with the NPPF requirement to “boost significantly the supply of housing”. I have difficulty with the argument that the OAN cannot be realistic simply because it is lower than previous targets or recent completion rates, there is nothing in Government guidance that suggests an OAN should lead to an increase in housing rates. In this I am following the Inspector in a recent decision in the Borough⁷. The Council argues it has adopted a growth agenda, as befits a new town with plenty of industrial/commercial land available for development. This will meet the NPPF requirement to “boost significantly the supply of housing”, increase the supply of affordable housing, which it is accepted is needed, reduce commuting and recognise the Borough’s role as a sub regional hub in promoting prosperity across the Marches Local Enterprise Partnership⁸.
30. It seems to me therefore the OAN represents exactly what it says, whereas the Council are moving forward with a “policy on” figure that is larger. Bearing in mind this approach has yet to be tested in the eLP examination, it does not seem an inherently unreasonable position for the Council to take and does not effect my conclusion on the usefulness of the OAN.

Housing land supply

31. There are three main disagreements here; the use of a shortfall, the size of the buffer and the likelihood of identified sites delivering as the Council claim. In April 2013 the Council issued a Housing Land Supply Statement. This was based on the CS figures from 2006 to 2013. A total of 8050 houses should have been built and only 3638 were. There was a shortfall of 4412 houses and the Council accepted it was a persistent under deliverer and so a 20% buffer should be applied. In March 2015 a new Housing Land Supply Statement was issued based now on the PBA produced OAN and later updated in April 2015. This provided figures back to 2011. On the basis of an OAN of 497 the Council had provided too many houses in the period 2011-2015, there was no shortfall and no persistent under delivery, it therefore applied only a 5% buffer.
32. The appellant accepts the shortfall should be calculated only over the period of the OAN, as the Council have done, but they argue it was actually 601 dwellings as the true OAN was 961 dpa. I have dealt with the OAN argument above and do not believe there is sufficient evidence to suggest the PBA OAN should be set aside, therefore I consider there is no shortfall.
33. The Council argue there has also been no persistent under delivery. They have exceeded their targets for the last four years when measured against the OAN. They rely on the Zurich⁹ judgement that they are starting again with a clean slate as they now have a robust OAN and so should not carry forward any shortfall from before 2011 and so cannot be shown to have persistently under

⁶ Proposed Housing and Employment Sites (2014) (eLP document)

⁷ APP/C3240/W/15/3003907 (Hearing 20 May 2015)

⁸ eLP Chapter 5 and Technical Paper – Housing Growth (2015) section 5

⁹ Zurich Assurance Ltd v Winchester CC [2014] EWHC 758 (Admin)

- delivered. The appellant argues that Zurich relates only to a shortfall, hence they accept any shortfall calculation begins in 2011 when the OAN begins, but persistent under delivery is different. Here one has to look at a longer period and determine whether or not the Council has delivered on its housing targets.
34. I agree that the Zurich case is restricted to the issue of the shortfall. The Court held that when modelling the housing figures for 2011-2031 in a self contained model it would be wrong to add in a "shortfall" from 2006-2011 which had been calculated on a different basis. The methodology for deciding how many dwellings were required for the period 2011-2013 was a stand-alone calculation which had already taken into account the housing position in 2011 as its starting point. In my view that is different from arriving at a modelled figure and then asking whether it should be uplifted by 5% or 20% depending on the Council's past record of underdelivery.
35. Looking back to 2005-06 the Council missed the target of 1330 houses a year for every year until the target was reduced to 497 in 2011-12. Then they exceeded it comfortably. In other words they have 6 years of missed targets followed by 4 years of exceeded targets. This is a similar proportion to Cotswold DC in 2015 when the Inspector in an appeal¹⁰ there found that 12 years of undersupply and 11 years of meeting targets did not amount to a "persistent under-delivery". I agree that on the basis of the figures alone there has not been a "persistent" failure to meet housing targets. However, a problem is that the 1330 "target" is not a target in the conventional sense. The 1330 figure was taken from the Wrekin Local Plan and the Core Strategy and ultimately derived from the Regional Spatial Strategy for the West Midlands which set a maximum figure. The objective was to encourage housing in the Borough because of its role as sub regional focus of development. By implication the maximum was a figure of hope that was not meant to be exceeded and does not seem to have been underpinned by any robust analysis of its reliability. The Council argue that the fact that housing numbers were nowhere near the maximum is no indicator of failure. I am inclined to agree with this viewpoint, which at the very least makes the underdelivery in the years before 2011 less serious. Of course the OAN is untested and cannot be given the same weight as an up to date local plan housing figure, but as I conclude above, for the purposes of this appeal it is the best indicator of housing need that is available. In the past the Council has accepted it has a persistent record of underdelivery but that was before the new OAN was produced. I accept their argument that they were simply wrong in doing so. Taking these matters together, they only strengthen the Council's case that there has been no persistent under-delivery and so only a 5% buffer is required.
36. The Council have identified sites which they claim will supply 5439 dwellings, based on data as at 1 April 2015. The appellant argued that only 4866 were actually deliverable. Both parties went through the table of sites and eventually two separate figures were agreed. The Council accepted that 34 houses should be excluded leaving 5405. The appellant accepted a figure of 5016¹¹. The difference between the parties was thus reduced to 389 dwellings, which is not significant when considering the land supply figures.

¹⁰ APP/R3650/A/14/2223115, Inquiry August 2015

¹¹ Inq Doc 34 section headed 'Notes from the Appellant'

37. However, I agree with the Council that many of the appellant's comments on the sites in the list such as that they have been on the market for several years with no interest, or that reserved matters have not been applied for, apply equally to the appeal site. If planning permission were to be granted there is no identified developer. The site would go on the market along with the other sites in the list. The appellant was not able to show any specific constraints affecting any of the sites, except for issues concerning the signing of s106 agreements. In every case the Council were able to explain what those issues were and why they were not serious. It would seem the majority of delays were due to the market, and as that is now picking up there is no obvious reason why any of the sites should be discounted from the supply.

Conclusions on 5 year housing land supply

38. Bringing together this section on housing land supply, I do not find the appellant's attempt to undermine the Council's OAN to be persuasive and I consider it is reasonable to accept the OAN as the best figure for calculating housing land supply there is at the present time. I do not consider that a shortfall should be included separately in the housing figures as that is already taken into account in the OAN. I do not consider the Council has been a persistent under-deliverer of housing and so a buffer of 5% is applicable. I am not persuaded by the appellant's analysis of the delivery position and accept the council's figure of 5405.
39. The result of this set of conclusions is that based on the evidence that was put to me at the inquiry I conclude the Council have 10.4 years of supply. If I used the same set of assumptions as above, but factored in the BW OAN of 961 dpa, the Council still have a 5.4 years supply. If I accepted that the BW analysis of the OAN had some merit, and therefore took the Council's own eIP figure of 778 dpa as a reasonable proxy figure, and used all the appellant's worst case figures – a shortfall of 601, a 20% buffer and only 5016 dwellings identified as deliverable, the Council have a 4.7 year supply. Just removing the shortfall figure leads back to a 5.4 year housing land supply figure. The object of considering these various scenarios is to show that only by accepting the appellant's most serious criticisms can the Council be shown to have a shortfall in supply. Even a relatively modest adjustment of the appellant's figures leads back to a 5 year figure. Consequently, even if the Council do not have 10.4 years as I suggested, I am confident, on the evidence put to me that they have more than 5 years. Paragraph 49 of the NPPF is not, therefore, applicable.
40. This does not mean the Council's housing policies are automatically considered to be up to date. I have already concluded that H9 is out of date. CS7 is only relevant to the site as the policy covers all the land outside of the development boundaries of the urban areas, in this case Telford. The appellant argues these boundaries have to be out of date as they are predicated on housing targets that are themselves out of date. The Council argue that as they can comfortably demonstrate a 5 year supply of housing land there is no need to change these boundaries on an ad hoc basis. Where they have been altered to allow for more development this is being taken forward as part of the eLP process. The boundaries in this part of Muxton are unchanged in the eLP and so are still material. I find this argument to be persuasive. The logic of my conclusions on the 5 year housing land supply argument is that at the moment it would seem the Council can find plenty of land to meet its housing needs and so there is no need to insist that all its development boundaries should be

abandoned. Consequently, I consider CS7 is up to date and relevant in NPPF terms.

Harm to the Countryside and the Possibility of Coalescence

41. As a result of the deliberations above the relevant policies for this section are CS7 and NE4. Muxton Lane runs south-eastwards from its junction with the main Muxton to Lilleshall Road to end at a golf course, about 500m beyond the site. It essentially runs around the edge of Muxton except that from the junction mentioned above as far as the site, there is a narrow band of housing on the eastern, rural side of the Lane. The last houses on this side are grouped around Granville Drive which clearly sticks out into the countryside towards Lilleshall. From Granville Drive to the golf course the lane is bounded by houses on its western side and fields on the opposite side. Its western side has a pavement and neatly clipped hedges with houses behind them and the eastern side a grass verge and hedgerow. The fields beyond the Lane are small and divided up by hedgerows and tree belts as the land slopes gently down to a pair of streams, one of which bisects the site and one forms the eastern boundary. Beyond the further stream the land rises slightly to form a large open plateau which stretches as far as the road to Lilleshall Abbey and beyond that is a distinctive hill around which the village of Lilleshall is grouped. The hill has a monument on top which is a local landmark and from where there are sweeping views back across Muxton towards the Wrekin.

Landscape issues

42. The appeal site comprises four fields. The largest is in the angle between Muxton Lane and Glanville Drive and would take about 78 dwellings. It was called at the Inquiry the 'southern field' and is bounded by the nearer stream. To the east between the two streams are two fields that are intended, in all the various schemes, to be open space or conservation land. Joined diagonally to the 'southern field' and lying beyond Glanville Drive is the 'northern field' which would contain the rest of the houses. In the original application this would be entirely developed, but in the alternative scenario, the 'pulled back' scheme, development was restricted to the half of the field next to Glanville Drive. The new development would thus project less into the countryside towards Lilleshall than originally proposed. In the 78 dwelling scheme this field would be entirely open space. Apart from the development beyond Glanville Drive, the site would appear to be a rounding off of development on the eastern side of Muxton Lane as its southern boundary tapers down towards the lane. I agree with the appellant that the boundaries are defensible and do not immediately suggest an opening up of further development sites along the Lane.

43. The appellant was keen to characterise the site as urban fringe, which of course it is, but it is not 'urban fringe' in the sense of being lower quality land dominated by the urban area such as is often found on the edge of large conurbations. It is actually part of a very pleasant and attractive strip of countryside. The Council made the point that the housing on the western side of Muxton Lane did not, generally, front onto the Lane, but was built facing into the housing estate, it was the backs of the houses and their rear gardens that bordered onto the Lane, which reduced the sense of hard urban edge. I agree that walking along the Lane there was a stronger sense of being in the countryside than being on the edge of a housing estate. This feeling is accentuated when standing at the end of Granville Drive. Here the road ends

at the 'northern field' and there is an informal path across the field towards the stream where it meets two rights of way that cross the 'southern field' and head off across the plateau towards Lilleshall. There are fine views across the 'northern field' towards the prominent monument.

44. The site lies in an area characterised as "estate farmlands" in the Shropshire Landscape Typology, but of more relevance is the landscape character assessment of various sites proposed as part of the Strategic Housing Land Availability Assessment (SHLAA). A Landscape Sensitivity and Capacity Study was carried out for the Council in 2009 and updated in 2014, looking at various SHLAA sites. Three of these ring the appeal site, although it is notable the appeal site was not considered during the SHLAA process. SHLAA site 3-74 is the large open plateau fields lying to the east of the site. I agree they are quite different in character from the appeal site and quite obviously are sensitive to development. Site 4-64 is a parcel of land lying on the other side (northern side) of Granville Drive and 6-64 is a parcel of land adjoining the south-eastern boundary of the appeal site. 4-64 is described as a "*pleasant fine-grained landscape*". Its value was in its "*small scale pattern and hedgerows which complement the surrounding landscape and help integrate the settlement edge*". Both comments seem to me to characterise the appeal site as well. The description goes on to say the hedgerows and enclosure would also provide screening for potential housing which is true of the appeal site too. 6-64 had an old and rare field pattern with ecological value which was susceptible to change and was very sensitive to housing which would intrude into the open countryside. The appeal site seems to me to be more closely linked to 4-64 than 6-64, especially as those parts of the site that would be most sensitive to housing intruding into the countryside are mainly the fields which are to be open space. 4-64 was graded medium but the appellants grades the appeal site as "medium to low medium" in SHLAA terms. I can see no reason why it should not be "medium" as was 4-64, especially as it is less surrounded by existing development than 4-64.
45. The appellants' landscape assessment considers the site's susceptibility to new residential development to be medium to low. This is strongly influenced by the urban fringe setting. As I concluded above I consider this influence has been exaggerated. In this part of Muxton the urban edge is not as strong or as prominent as in other areas, but even so I would not like to characterise the sensitivity of the site as anything more than medium.
46. The visual impact of the proposed development was much discussed at the Inquiry. The effect of leaving a broad area of fields and hedgerows between the development and the open fields to the east, along with extra planting means the housing would be well screened. Views into the site from the footpath across the plateau would be restricted, and after new growth had matured the houses would only be glimpsed. From the monument there are clear views across the site, but again, because of the hedgerows and trees the impact of the housing would be reduced. There was much discussion as to exactly what would be seen by the naked eye. It is clear to me the bulk of the site would be well screened by existing and proposed vegetation, except for the 'northern field' which was more prominent in views than the rest of the site. This would clearly reinforce the existing prominence of Granville Drive which has already visually narrowed the gap between Lilleshall and Muxton. However, in the 'pulled back' scheme this effect would be reduced by the

proposed woodland buffer and the fact the houses would simply intrude less into the countryside.

47. There was much discussion as to whether the site was a valued landscape in terms of paragraph 109 of the NPPF. The meaning of this phrase is not defined in the NPPF and the appellant pointed to the advice in the Guidelines for Landscape and Visual Impact Assessment (GLVIA) which has a section on 'valued landscapes' and Box 5.1 of the guidelines sets out criteria to be used in judging whether a landscape is valued or not. The appellant's analysis was that the site was not a valued landscape for paragraph 109 purposes. I note the GLVIA advice is that there is no standard approach to assessments of this nature, but it is clear that there needs to be something more than that the site is pleasant and that local people like it for it to be considered a 'valued landscape'. The Council argued that it had been assessed as a valued landscape in the Strategic Landscape Study (2015) (SLS) that drew up the boundaries to the Lilleshall Gap. If this is so, then only the northern field can be considered to be a valued landscape. But even then, the policy that the SLS supports is in draft. Once adopted in the local plan there would be stronger argument this would be a valued landscape but at the moment I agree with the appellant that this is not a paragraph 109 'valued landscape'.
48. To conclude on the landscape issues, I consider the site forms a pleasantly attractive rural edge to Muxton and that Muxton Lane can best be described as semi-rural rather than urban fringe. The site is of medium susceptibility to housing development. It would be well screened from views on the ground, but the 'northern field' would intrude into views from the monument. The development of the 'southern field' could be described as a rounding-off of development on this side of Muxton Lane, but would still lead to the loss of a pleasant field that currently helps integrate the settlement edge. The site is not protected and is not a valued landscape and so its development would not contravene any policies of the NPPF, but it lies in the open countryside for development plan policy purposes and so its development is contrary to CS7.

Gap policy and coalescence

49. The 'Lilleshall Gap' is a policy construct, that may well have been in local planners' minds for many years, but was not given any formal status until the eLP and is therefore at an early stage of formulation. The boundaries to the gap have been drawn up based on the Council's landscape assessment. The boundary effectively splits the site in two. The two open space fields and the 'northern field' lie within the boundary, whereas the 'southern field' lies outside. If the development of the 'northern field' was considered to be "*inappropriate development which would cause detrimental change to the quality of landscape in the area*" then it would be contrary to NE4 of the eLP.
50. In my view development of the 'northern field' would quite clearly cause a "detrimental change" to the area and would close the gap between Muxton and Lilleshall albeit only to a small extent. As the appellant has pointed out a gap policy and a landscape policy are really different things. The loss of the 'northern' field would clearly not cause the two settlements to coalesce, or even to come close to coalescence. But in my view a gap policy is not designed to allow the edges to be nibbled away until only one field is left separating two places. Having identified a gap, any closure of that gap would be harmful. This is not quite what NE4 says as it talks about "*detrimental*

change to the quality of landscape" and so it does seem more designed to deal with landscape harm. In that sense it perhaps does have an "identity crisis". Nevertheless, an important part of the quality of the landscape is the obvious visual gap it affords between Muxton and Lilleshall, and so the loss of the 'northern field' would harm that quality and be contrary to NE4. The degree of harm would be reduced by the 'pulled back' scheme as there would be less physical and visual encroachment, but it would still have a negative impact on the gap. I also need to take into account the extra planting and dedication of the eastern fields for open space and nature conservation.

51. The Council also argued the 'southern field' acted as a buffer to the gap, and its loss would be almost as harmful. I agree that development of a prominent or tall building in the 'buffer' could impact on the gap, both in landscape and visual separation terms, but that is not what is proposed here. It was never satisfactorily explained how the houses built outside the gap would affect the gap itself, except perhaps to make its protection more of a priority. Consequently, I find the development of the 'northern field' only would be contrary to NE4 and the harm to NE4 would be reduced by the 'pulled back' scheme. NE4 can only have limited weight because of the emerging status of the eLP.

Accessibility and Social Inclusion

52. Both parties agreed that CS9 is a relevant and up to date policy. This policy aims to improve social inclusion and accessibility by "*making sure everyone is afforded a reasonable opportunity to access homes, work, schools, recreation and open spaces, sports facilities, healthcare, food shops and other key services*". The key issue here is not that everyone should be able to walk to all of these things but they should have a "*reasonable opportunity to access*" them. The policy goes on to suggest a number of issues of which the most relevant are that it will promote cycling and walking, minimise distances people need to travel and increase safety. This is in accord with the NPPF which at paragraph 29 says that "*people should be given a real choice about how they travel*" and at paragraph 37 says policies should encourage people to "*minimise journey lengths for employment, shopping, leisure, education and other activities*".
53. I was given an agreed list of distances of the site from various destinations. There are two bus stops, the primary school and a children's playground all within easy walking distance. I walked the most direct route which was along a path through the estate on the opposite side of the road to Marshbrook Way and it was a level and easy route. The path was unlit and lined by shrubs, but it was wide and hard surfaced. There was no sense of threat or any evidence of anti-social behaviour, as suggested by the Council. I cannot imagine that anyone would be put off using it. In any event the appellant has offered to provide lighting for the path in the event of permission being granted as part of a s106 agreement.
54. The bus stops provide access to a half hourly service to Telford and Wellington on Monday to Saturday. The appellant's bus isochrone shows that Wellington town centre as well as Horton Park Industrial Estate and Enterprise Park are all within 45 minutes travel time, Telford town centre is closer, within 30 minutes. Although the route is not direct, and does stop in the early evening (the last bus from Wellington to Muxton leaves the former at 18:15 and the last bus

from Telford is at 18:51) this still is a reasonable service allowing regular access to two town centres and major employment sites.

55. Further away, up to a kilometre, are a doctor's surgery, a church, several more bus stops and another playground. Within easy cycling distance are various pubs and hotels, a post office (1.4km), another primary school (2km) and Muxton District Centre with its shops and other facilities (1.5km). The nearest major supermarket is Aldi at 2.3km or Asda at 2.5km. I agree this is a long way to carry a weekly shop on a bicycle, but I doubt that anyone, unless they live next door to a supermarket, would do anything other than top-up shopping on foot or bicycle. However, that is not the test in either CS9 or the NPPF. The Council argued that as the percentage of Muxton households with access to 2 or 3 vehicles was higher than the Borough average this showed that Muxton was not a sustainable location. However, there could be a variety of reasons for this, not least household income, for which there was no evidence. I do not think that levels of car ownership in themselves tell us anything about access to alternative means of transport. I consider the site is reasonably well located so that people will have a genuine choice to carry out many of their day to day journeys on foot or bicycle. It is thus in accord with CS9 and the NPPF.
56. The Council also referred to the public sector equality duty and I have to agree with the appellant that this led to "*a strange diversion into the Equality Act 2010*". It was not the Council's case that the site was so remote as to render it impossible to travel anywhere other than by car, if that had been the case there might have been a point that this would discriminate against those who were less able or had no access to a car for whatever reason, but it was not. I conclude above the site is reasonably sustainably located and provides a genuine choice for people, whether less able or not, to access local facilities. In my view there is no discrimination against the groups cited by the Council, whose "*movements are encumbered by old age, disability, pregnancy or being accompanied by small children*".

Other Matters

Prematurity and precedence

57. The Council argued that releasing the site for housing would be premature and could undermine the delivery of two proposed urban extensions on this side of Telford, at Priorslee and Muxton. Together they will deliver some 2000 dwellings as well as supporting infrastructure. It was never clearly explained how the relatively modest number of dwellings proposed at this appeal would prejudice these major urban extensions. It was suggested it would set a precedent that would unlock all the land on the eastern side of Muxton Lane, but this is clearly not the case. Not only would each case have to be treated on its own merits, but the remainder of the countryside has different characteristics as the SHLAA analysis reveals.

Agricultural land

58. There would be a loss of some agricultural land. Part of the site is grade 2 and the rest either Grade 3a or 3b. The two former grades are considered to be the best and most versatile agricultural land (B&MVAL). However, a lot of the land around this edge of Telford is in these grades and the loss would be relatively minor. The appellant pointed out that the Priorslee urban extension was predominantly grade 2, and the loss of some of the B&MVAL was inevitable

to provide housing in this area, not just on this site. Paragraph 112 of the NPPF requires that decision makers should “*take into account the economic and other benefits of the best and most versatile agricultural land*”, but only where “*significant development of agricultural land*” is being considered should poor quality land be used in preference to higher quality. The Council sought to argue that the “other benefits” included the landscape benefits that good quality agricultural land provided, although this could not be quantified in any way. I do not believe there is a direct link between agricultural quality and landscape value and none was demonstrated at the Inquiry. The loss of a small amount of B&MVAL is of some weight, but the loss is not significant and I shall give it weight accordingly.

Bio-diversity and public access

59. All three versions of the appellant’s scheme would provide for the positive management of several fields for nature conservation and tree planting schemes. There would be a loss of some of the hedgerow fronting the Lane, but this would be more than made up for by translocating part of the hedge and additional planting. Although some of the land would be lost to development, there would be a net gain for bio-diversity.
60. There are two rights of way cross the site and these would be preserved, along with additional public access to the nature conservation areas. How this would be managed along with the need to protect and manage these areas for conservation is not entirely clear as this is an outline proposal. However, the illustrative plan for the ‘pulled back’ scheme shows one field with restricted access and the other with a footpath around, as well as a new footpath through the northern field heading towards the junction of existing footpaths on the edge of the site. Although the quality of parts of the existing rights of way will be reduced where they run through the new estate, there will be extra paths created and so on balance there would be a modest improvement in public access.

Local residents

61. There were a large number of objections from local residents as well as a petition and several spoke at the Inquiry. In addition to the matters covered above there was considerable concern as to the ability of Muxton Lane to cope with the extra traffic. This was principally based on the assumption that 110 dwellings would have 220 cars, each used twice a day leading to over 100,000 extra car movements a year.
62. The appellant provided a detailed traffic analysis which concluded there would be no significant traffic issues and this was accepted by the Council. The appellant’s consultants modelled the traffic related to the development using the industry standard TRICS database which produced a trip rate of 2.7 departures and 2.6 arrivals per dwelling per day, which is somewhat higher than the local objectors’ figures. However, these movements are spread across the day. The bulk of departures and arrivals happen at the morning and evening peak as one would expect, but the trip figures are reduced to 0.41 and 0.4 per dwelling per day. Traffic counts of the junction with Wellington Road suggest this will still be operating well within capacity as will Muxton Lane itself.

63. There was also some concern about the effect of vehicle movements on the listed "crooked house", but there is no actual evidence to support any concerns. The relevant local school and doctor's surgery organisations were consulted and raised no concerns.

Conclusions

64. The Council can demonstrate a five year housing land supply and so there is no immediate pressure to release further land for housing. Although paragraph 49 of the NPPF is not engaged, policies OL6, OL11 and CS11 are irrelevant for this appeal and policies CS1 and H9 are out of date as far as the NPPF is concerned, but equally policies CS7 and CS9 from the Core Strategy are both directly relevant and in accord with the NPPF. Policy NE4 from the eLP is also relevant, but of little weight because of the early stage of the local plan process. It follows that for the purposes of paragraph 14 of the NPPF the development plan as a whole is not absent, silent or its relevant policies out of date, and so paragraph 14 is not engaged.

65. The proposal would not lead to a loss of any protected or "valued" landscape in NPPF terms. The development of the 'southern field' could effectively round-off development on the eastern side of Muxton Lane and provide identifiable and defensible boundaries to development on that side of the Lane but this would be at the expense of the loss of a pleasant open field which currently defines the built up edge of Muxton and the urbanisation of this part of Muxton Lane. All the versions of the proposal are contrary to CS7 as they feature a significant number of dwellings in the rural area, and the dwellings on the northern field would intrude into the gap between Muxton and Lilleshall. The dwellings on the 'northern field' would also intrude into the view from the monument, although less so with the "pulled back" scheme. There would be a change in the semi-rural character of this part of Muxton Lane, making it more suburban. The site is reasonably well located so that people will have a genuine choice to carry out many of their day to day journeys on foot or bicycle and so is in accord with CS9.

66. The proposal would provide much needed affordable homes and would provide a net bio-diversity gain through the active management of several fields and also an increase in public access. I can give little weight to the economic benefits provided, nor to the provision of market housing. Paragraph 47 of the NPPF is clear that there should be a significant boost to the supply of housing, but it is also clear that this should be achieved by local authorities properly planning for the full objective needs of their areas through the local plan process. As the Council have a greater than five year housing land supply and are planning for an increase above their OAN in the eLP, then that should achieve the objective of boosting significantly the supply of housing. It follows that the appeal site does not need to be developed and if it were then other housing sites, which the Council have identified, would be in danger of either not being developed or being delayed. There would thus be no net economic benefit to allowing the proposal.

67. Because of my conclusion that neither paragraphs 49 or 14 of the NPPF are engaged the NPPF balancing act is straightforward. The definition of sustainability is the policies contained in paragraphs 18 to 219. I am giving little weight to the need to boost significantly the supply of housing for the reasons outlined above but weighing in favour of the appeal is the provision of

affordable housing, a net bio-diversity gain and an increase in public access. Against the proposal is the loss of a small amount of grade 2 and 3a agricultural land. In addition in this case the development is contrary to policy CS7 and to emerging policy NE4. The development would urbanise a semi-rural lane and intrude into the open countryside. Part of the development would also intrude into the Lilleshall gap and would harmfully intrude into views from the monument in Lilleshall. It is this harm which policy CS7 and (bearing in mind its early stage in the development plan process) NE4 are designed to prevent through their control of development in the countryside and protection of the Lilleshall Gap. The adopted development plan led conclusion is, for landscape reasons, firmly against the proposal. In my view therefore while the scheme meets the economic and social goals of sustainability as described in paragraph 7 of the NPPF it performs badly in the environmental role as it does not contribute to protecting or enhancing the natural environment. On balance, therefore, I find it is not sustainable as defined in paragraph 6 of the NPPF.

68. The starting point for my decision is s38(6) and the proposal is contrary to policy CS7. Given my conclusion that it is not sustainable in NPPF terms there are no material considerations that suggest a different conclusion to that based on the development plan should be reached and consequently the appeal should fail.
69. The 'pulled back' scheme would cause less harm to the countryside, to views and to the Lilleshall Gap, but this does not alter the balance in favour of allowing the appeal. The smaller development proposal would cause less harm again to the countryside and would not intrude into the Lilleshall Gap at all. However it would still be contrary to policy CS7 and would provide less affordable houses. The planning balance is therefore against all three versions of the appellant's scheme and I shall dismiss the appeal.
70. I have considered the s106 agreement that has been drawn up and the conditions that were discussed at the Inquiry. These are all designed to deal with potential negative aspects of the development or to ensure the positive matters referred to above are provided by whoever eventually develops the site. None of them alter my conclusions above.

Simon Hand

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Jones	Of Counsel
He called	
Christina Howick	Peter Brett Associates - objectively assessed housing need
MA(Oxon), MSc	
Darren Oakley BA, MA	Telford & Wrekin BC – Housing Land Supply
Michael Vout BA, MA,	Telford & Wrekin BC – Landscape issues
MRTPI, DipLA	
Vincent Maher	Telford & Wrekin BC - Planning
MA(Cantab), MCD, MBA,	
MRTPI	

FOR THE APPELLANT:

Jonathan Easton	Of Counsel
He called	
James Donagh	Barton Wilmore – objectively assessed housing need
BA(Hons), MCD, MIED	
Tom Jeremiah	Hourigan Connolly – Housing supply
MPLAN(Hons) MRTPI	
Keith Nye BA(Hons),	FPCR Environment and Design Ltd - Landscape issues
DipLA, March, CMLI	
Kevin Waters	Gladman Developments Ltd - Planning
BSc(Hons), MSc, MRICS,	
MRTPI	

INTERESTED PERSONS:

Phillip Loughlin	Representing Muxton Community
Brian Taylor	Local Resident

DOCUMENTS

- 1 Transcript of Crane v SSCLG [2015] EWHC 425 (Admin)
- 2 Wheatcroft note on behalf of the appellant
- 3 Illustrative plan for alternative 'pulled back' 110 dwelling option
- 4 Responses from local residents to 78 dwelling application
- 5 Round table – housing land supply agenda
- 6 Round table – objectively assessed housing need agenda
- 7 Appellant's opening
- 8 Council's opening
- 9 Missing Table from PBA Proofs
- 10 Reworked figures by PBA using Experian baseline, including UK job figures
- 11 Revised 5 year housing land supply position figures
- 12 List of contested sites
- 13 MAFF Agricultural land classification guidelines
- 14 Photo-comparison from Lilleshall Monument
- 15 Agreed walking distances from the site
- 16 Note on bio-diversity costings for the 78 dwelling scheme
- 17 Transcript of Zurich v SSCLG [2014] EWHC 758 (Admin)
- 18 PPG Extract – Natural environment
- 19 Extract from PPG6(1996) Town Centres and Retail Developments
- 20 Muxton Community Observations Report
- 21 Draft s106 agreement
- 22 Note on CIL Compliance
- 23 Transcript of Moore v SSCLG [2015] EWHC 44 (Admin)
- 24 Three local appeal decisions
- 25 Note on viability of 78 dwelling scheme
- 26 E-mails from Oxford Economic Modelling
- 27 Revised copy of s106 agreement
- 28 B&MVAL map for the site
- 29 B&MVAL classification
- 30 Statement of Common Ground
- 31 Suggested conditions
- 32 Final signed copy of s106
- 33 Clean copy of agreed conditions
- 34 Agreed schedule of disputed sites
- 35 Note on sustainability from Mr J W Simmons
- 36 Council's closing submissions
- 37 Appellant's closing submissions
- 38 Note on housing land supply issues for appellant's closings

TWC/2015/1079

Agricultural buildings adjacent Sambrook Hall Farm, Sambrook, Newport, Shropshire
Conversion of Shippon and Granary Barns to form two dwellings, with conversion of Cart
Shed to form associated garage and storage area***AMENDED DESCRIPTION AND
AMENDED PLANS RECEIVED***

APPLICANT

David Briggs

RECEIVED

02/12/2015

PARISH

Chetwynd

WARD

Edgmond and Ercall Magna

OFFICER

Libby Harper

**THIS APPLICATION IS REFERRED TO PLANNING COMMITTEE RELATED TO A
SECTION 106 HIGHWAYS FINANCIAL CONTRIBUTION**

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the conversion of two barns known as Shippon and Granary barns to form two dwellings, comprising 2No. 3 bedroom properties, together with conversion of the detached cart shed to form a garage and storage unit. Access to the site would be from the existing access to the north serving the existing residence and agricultural buildings beyond.
- 1.2 The proposal originally was for the conversion into four dwellings, comprising 3No. 2 bed units in the Shippon and Granary barns and a one bed unit in the Cart Shed. Revision has arisen further to Officer concerns as to overdevelopment of the site with the number of units, the nature of the physical changes proposed to the buildings, a lack of amenity space for occupants and cramped parking arrangement, together with overlooking concerns to existing residences.
- 1.3 The application has been submitted accompanied by a Planning & Design Statement, Structural Report, Marketing Report, and Ecology Report.

2. SITE AND SURROUNDINGS

- 2.1 The village of Sambrook sits at the rural north eastern edge of the Borough, 8 kilometres to the west of the market town of Newport. Sambrook Hall Farm sits towards the eastern edge of the settlement, which principally comprises residential development off 3 lanes running through the village. Sambrook is served by a public house, church, and village hall, the Wrekin Rider bus service (route WR19) provides a limited service comprising an am and early pm service Mon-Fri to Newport (departing at 09:14 and 13:44), a bus returns to the village at 11:45; a residential care home is positioned nearby to the north west.
- 2.2 The western Shippon comprises a single storey barn constructed of red/orange brick with a plain clay tile roof supported by timber trusses. Timber windows and doorway feature blue brick cills and red/orange brick arches, and a number of rooflights are

present within the roof. A lean-to extension fronts the barn comprising red/orange brick pillars and side wall, the previous corrugated tin roof has now been removed. The barn was formerly used to accommodate cattle. The eastern Granary barn is a two storey element with two gables facing south to the adjoining yard featuring by a range of timber window and door openings. It is constructed of regular coursed pink sandstone with two dual pitched clay tiled roofs, and abuts the eastern portion of the Shippon building with direct access via a ground floor doorway. The cart shed is a single storey open fronted regular coursed pink sandstone walls with horizontal timber boarding at the upper level of the eastern gable, the roof comprises plain clay tiles supported by timber trusses.

- 2.3 The barns abut residential development to the west comprising the converted Hall Barns with a rear garden positioned to the immediate north of the barns entailed. Sambrook Hall and its extensive grounds are positioned beyond served off a separate vehicular access from the public highway to the north. The application material cites provision of residential development consisting of 9no. dwellings on land to the east comprising a series of agricultural buildings (granted February 2009). The site is flat in nature, with no trees present and landscaping limited to the adjacent verge, the buildings are fronted by a tarmacked area bound by a circa 1.2m sandstone wall with a double width gated access adjacent to the neighbouring lane. This serves as a secondary access identified as being used informally by Severn Trent Water (STW) and other HGVs that would otherwise have difficulty in turning into the opposite Danford Lane, which serves a number of residences to the south. No. 25 Sambrook sits at the head of the lane, and is positioned approximately 18.5m from Shippon Barn, and No. 24 Sambrook is just over 12.5 metres to the south east of the Cart Shed at the closest point.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning application history relating specifically to the barns subject to this application. The following nonetheless is worthy of note:

Neighbouring land to east: W2006/1318 - Erection of 9no. dwellings and alterations to existing vehicular access and provision of new pedestrian access. Full Granted 06/02/2009

Neighbouring barn to west W93/0966 - Change of Use of Farm Buildings to Residential (Amended Plans Received). Full Granted 08/02/1994 and W87/0354 - Change of Use from Redundant Farm Buildings to Residential Dwelling, with alterations, at barns adjacent. Full Granted 16/07/1987.

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (the NPPF)
- 4.2 Saved Wrekin Local Plan policies
H18: Conversion of Non-Residential Buildings to Residential Use in the Rural Area
UD2: Design Criteria

T22: Planning Obligations

- 4.3 LDF Core Strategy policies
CS7: Rural Area
CS12: Natural Environment
CS13: Environmental Resources
CS14: Cultural, Historic & Built Environment
CS15: Urban Design
- 4.4 Submission Version Telford & Wrekin Local Plan
SP3: Rural Area
HO10: Residential Development in the rural area
NE1: Biodiversity and geodiversity
BE1: Design criteria

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Chetwynd Parish Council: Object
With reference to the consultation for four units, the Parish Council objected to the scheme considering:
- Poor access - narrow village road with a blind corner junction, danger of additional vehicle movements
 - Loss of privacy – potential direct overlooking from new openings to the north side to the existing private garden to Hall Barns
 - Lack of progress adjacent site - applicant had permission for 9 new builds on the adjacent yard for upwards of 10 years, no progress made if and when those are built in addition there would seem to be inadequate parking, turning and loading arrangements and an effect on highway safety.
 - Request for application to be dealt with at Planning Committee following public meeting with 73 attendees – not formally made.
- 5.2 Built Heritage Conservation: Support subject to conditions
Originally objected to the scheme for four units, raising concern as to:
- Significant level of changes required internally
 - Extent of rooflight usage
 - Inappropriate design of the window in the upper floor gable end.
- Comments on the amended scheme for two units:
- Most design constraints referred to previously addressed to some degree
 - Internal layout reflects more of the original
 - Removal of the later lean-to welcomed as is the more traditional elevation treatment that results
 - Rooflights still significant in number but visually this is an improvement, should be traditional conservation style rooflights, low profile metal, velux style rooflights not appropriate

- Request conditions for all external joinery, conservation rooflights, details of all exterior services, samples of brick and tile with associated sample panel, cill and header details for new openings, and a schedule of works for remedial repairs and making good.

5.3 Highways: Support subject to conditions

Condition requested for delivery of the parking, loading, unloading and turning arrangement prior to the development being brought into first use, together with a Section 106 contribution of £3,000 towards changing the priority of the junction to the immediate left of the main access located at the western side of the site, being required in order to gain the necessary visibility splay being substandard at present, and in turn to improve motorist's safety at the junction.

5.4 Ecology: Support subject to conditions

Ecology report concludes that a summer transitory roost of a low number of common bat species is present in one of the barns. A number of recommendations are made in the Ecology Report to address this such that works to convert the barns can occur without a European Protected Species Licence. It is also advised that lighting on the site will need to be sensitively designed to avoid lighting the bat roost in barn 1 and the bat roosts which ERV Ecology identified within the already converted adjacent barns. Works in accordance with the protected species survey is duly requested through condition, erection of artificial nesting/roosting boxes for bats and birds, provision of a lighting plan; together with informatives reference bats and nesting wild birds.

Comments on amended scheme

The proposed changes to the conversion scheme for this site do not directly affect the areas constrained by the need to mitigate for the presence of a bat roost and will not impact upon the working methods etc. specified in the bat survey which allow the works to occur without the need for a European Protected Species Mitigation Licence. Previous conditions and informatives still apply.

5.5 Drainage: Support subject to conditions

Request a condition for submission of foul drainage scheme.

5.6 Shropshire Fire Service: Comment

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".

Neighbour consultation representations

5.7 12 objections on original consultation for four dwellings summarised as follows:-:

- Density of development – further 4 'families' with associated vehicles using tight road access, not aware of a property in Sambrook without some sort of garden and therefore not in keeping with the rest of the village

- Loss of privacy and overlooking from windows including complete glazing on front opening of the Cart Shed (also raised as not in keeping), parking and bin store
- Lack of amenity space
- Highways impact – narrow lane already a hazard, large number of vehicles including from neighbouring site with planning permission for 9 houses, lack of parking, danger to pedestrians especially given proximity to a care home, turning area of unit 4 currently used by Tibberton School bus with further danger to children due to compact areas for vehicles to pass and pull out, 2nd access needs to be kept clear and unpadlocked at all times / replaced with removable bollards if it is to be an emergency exit
- Nature of village – significant number of new residents with this and the neighbouring site in a confined area of the village with few amenities, does not have a shop as described (one referred to on the A41 0.8 miles outside of village and very limited range of products), insufficient drainage and broadband infrastructure
- Development will not serve agricultural workforce – barn conversions will not be low cost housing
- Deficiencies of marketing
- Inaccuracies of plans – windows not shown or in final places
- Cart shed already in use as garage by Hall Barns, Granary Barn utilised and rented out for chemical storage, and not disused as stated
- Cart shed unsuitable for conversion and unsafe as a domestic dwelling – large vehicles regularly collide with the building due to their size the narrow road and bend in the road
- Shippon barn not capable of conversion without major reconstruction to the roof and walls
- Means of escape in event of fire questioned for unit 1, only through bedroom 1 / 2 windows
- Insufficient consultation
- Development does not enhance or maintain the vitality of Sambrook's rural community, one or two barns refurbished will achieve enhancement is refurbishment is a major consideration referred to in para. 55 of the NPPF.

5.8 Summarised issues on amended scheme for two dwellings:

1 letter of support subject to conditions:

- No objection to Cart shed being used as a garage and store, request remove permitted development rights ordinarily enabling conversion of a garage to a dwelling in the future
- No objection to conversion of Shippon and Granary Barns as outlined in amended plans

1 letter of comment:

- Change of priority at road junction by the Cart Shed would just move the blind spot and affect traffic approaching from the Church end of the village as the way that vehicles from the approved development of new houses adjacent will approach the village being the direct route to the A41

- Blocking of gateway opposite Danford Lane would prevent Severn Trent Water tanker from accessing the pumping station at the far end of Danford Lane, and for large vehicles such as fire engines due to restricted access to the lane.

6. PLANNING CONSIDERATIONS

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

- Principle of conversion to residential
- Highways
- Impact on the living conditions of neighbours
- Impact on the character and appearance of the area
- Ecology
- Drainage
- Other matters

Principle of conversion to residential

6.2 The site is located outside of the Built up area of Telford and Newport as defined by the Telford & Wrekin Local Plan Proposals Map. As such, for planning policy purposes the site is located in the Rural Area. The application material defines the buildings as disused; neighbour representations suggest that this is not the case with nearby resident parking usage of the Cart Shed and latter chemical storage within the Granary Barn. Notwithstanding this, the relevant policy consideration is principally contained within Policy H18 *Conversion of Non-residential Buildings to Residential Uses in the Rural Area*, noting the Cart Shed had not been subject to a planning application for the use identified by neighbour representations.

6.3 Historically Sambrook has been identified as a suitable settlement for the purpose of policy H9 of the Wrekin Local Plan. Whilst this forms part of the development plan it is not presently relied upon. Policy CS7 focusses development in the rural area to the settlements of High Ercall, Tibberton and Waters Upton, and outside of these settlements development will be limited. However, saved policy H18 permits conversion to residential use outside of the CS7 named settlements where a proposal satisfies one of the scenarios identified. In this instance, Officers consider that the barns hold architectural merit and are a notable traditional feature in the streetscape of the village, thus sufficient to warrant retention to satisfy this component of the policy.

6.4 Saved Policy H18 references a requirement for the applicant to make every reasonable attempt to secure suitable business re-use related to policy E12. This policy is not saved but appreciating the emphasis of economic rural development in the NPPF, it is felt that justification in this respect remains relevant. The application is duly supported by a Marketing Report. This identifies the marketing undertaken for the barns as comprising a To Let board, website advertising and newspaper advertisements collectively affording just over 12 month marketing of the site.

- 6.5 It is detailed that there was one request to view the barns, but ultimately they were not viewed and the party subsequently advised they were no longer interested. No other request for letting particulars or offers to rent were made. In this respect, Officers note the neighbour concern that the Cart Shed was excluded from the marketing exercise, and acknowledge that the sales particulars are not wholly apparent in this respect. But the inclusion of the Shippon and Granary Barns as the more substantial component of the site overrides this concern and is unlikely to have altered the outcome of the marketing.
- 6.6 The supporting documentation also sets out why the buildings are unviable for agricultural use in the future, including being unsuitable for use with large modern mechanical equipment, the internal layout as impractical for the housing of livestock being sub-divided into small areas and the low ceilings having a lack of air flow as not suitable for housing livestock. Officers further note that given that the building is in such close proximity to the residential property of Hall Barns adjoining to the west, together with residences opposite, any business use would have to be low intensity in order to preserve residential amenity. Furthermore, the traditional construction of the building with low ceiling heights is not particularly conducive to a wide range of business uses. Bearing in mind the approach undertaken and context, Officers are satisfied that a sufficient case applies for business re-use not being achieved in this instance.
- 6.7 In respect of the other requirements, the building is of a permanent and substantial construction, and the removal of the lean to extension element reduces the scale of redevelopment required. In addition, the use will not lead to the dispersal of activity on such a scale as to prejudice town or village vitality, and the design is in keeping with the surroundings, especially the adjoining barn conversion. Accordingly, the proposal is considered to be in overall compliance with policy H18. Policy HO10 of the Submission Version Local Plan establishes a series of criteria where applications will be supported - heritage assets are identified but specifically being a listed building, conservation area or buildings of local interest. Whilst the proposal does not fit within these scenarios identified, limited weight is afforded to the emerging plan. The amended scheme, with the reduction in the number of units, will provide a scheme recognising the architectural merit of the buildings and affords a future use for the barns bearing in mind the agricultural context of the site has changed and the case made with regard to business reuse. On balance the scheme is considered to hold merit through adopted policy.

Highways

- 6.8 The existing access from the northern lane is proposed to be utilised to serve the new residential development. A number of representations raised concern during the first consultation (four units) with regard to highways - the narrowness of the local road network, the position of the access, a lack of parking (particularly for visitors) and of a cramped form.

- 6.9 The concerns raised are acknowledged. However, the reduction in the number of units has in the opinion of Officers overcome the majority of concerns raised, with less resultant vehicular movement, and particularly taking note that the site could generate traffic without the need for planning permission through an agricultural context. Notably no objections have been made with reference to the second consultation (two units). Further, the amended scheme results in a less cramped form of parking arrangement, and the provision of the Cart Shed for partial garage use affords an additional level of parking for residents and visitors, which can be controlled for the benefit of future occupants.
- 6.10 The nature of the junction related to the intensification of domestic traffic is key to the application. Whilst the reduction of the number of units is of benefit, it remains that the residential development would generate vehicular trips at peak hours at a substandard junction in terms of visibility - being blind looking left when pulling out. Highways have therefore requested a S106 contribution towards changing the priority of the junction to the left of the main access when leaving the site. Through the second consultation, a comment has been made referencing that the amended priority will move the blind spot and affect traffic approaching from the east. The Local Highways Authority have confirmed that the proposed new junction arrangements and changing the priority at the junction, such that the Give Way lining sits opposite the Residential Care Home, is achievable and would provide the requisite visibility in all directions (left, right and forward).
- 6.11 Officers therefore confirm that the proposed access arrangement is satisfactory; and in turn, the terms of the legal agreement being consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the amendment governing 'pooling' of contributions. The provision of the highways contribution is necessary and consistent with Core Strategy Policy CS15, Local Plan Policies T22 and UD2 and section 4 of the NPPF.
- 6.12 Neighbour concern as to closing off of the secondary access off Danford Lane is appreciated affording incidental STW / HGV / emergency vehicle access to properties along the lane. A condition to control the use of this access is considered appropriate to ensure this incidental nature is maintained.

Impact on the living conditions of neighbours

- 6.13 The position of the barns in relation to neighbouring Hall Barns and its rear garden requires careful consideration to ensure that an appropriate level of privacy is maintained, together with properties on the opposite side of the lane to the south. The original provision of four units necessitated the insertion of a significant number of rooflights and glazed elements to the linked barns, together with the Cart Shed. The rear elevation of the Shippon and Granary Barns as existing comprises a series of blocked and bricked up former openings. Through the original proposal, a window was indicated within the two storey element of the north elevation of the Granary Barn, the upper levels of which was evident on the elevation, the remainder of former openings shown remaining as existing. Through the amended proposal for two units, this window has been removed and the rear amenity of Hall Barns duly respected.

- 6.14 At the front of the barns, the buildings look towards No's 24 and 25 Sambrook. The original arrangement for the Shippon Barn (part of Unit 1), in rebuilding and formalising the lean-to extension, comprised provision of a living area with full height glazing positioned approximately 14m distance from No. 25. This distance is considered somewhat low. The removal of this extension has set back the development to approximately 19m, which is similar in nature between Halls Barns at the eastern end and No. 24. The extension area has been replaced by an amenity area/patio which will be landscaped at the boundary. These changes, together with the use of amended cottage proportioned windows rather than the original full glazed windows, are now considered acceptable.
- 6.15 The hall serving Unit 1 is positioned in the region of 14m distance from the single storey extension of No. 25 Sambrook which fronts the lane and comprises two modest cottage windows. Bearing in mind the retention of the existing wall bounding the site, together with proposed landscaping fronting Unit 1, this arrangement is considered acceptable to avoid any significant overlooking and loss of privacy. The two storey Granary Barn faces towards the edge of the side garden of No. 25 Sambrook and the landscaped area fronting the Village Hall. At the first floor, the full height glazing within the existing opening serving bedroom 1 is set in the region of 18m distance from the nearest cottage proportion windows of No. 25. It is considered that in this instance the separation distance coupled with the orientation of properties and gardens means that the overall residential amenity is duly protected here.
- 6.16 Conversion of the Cart Shed to a dwelling entailed the provision of a number of openings on the northern side facing towards Hall Barns (with a series of habitable windows present), including three rooflights at the upper level. The separation distance would have been in the region of 10.5m from the new living room opening and the neighbouring barn. Such distances can often result in a loss of privacy, as raised within neighbour representations, and overdevelopment and would not be acceptable. With reference to the proximity to No.24 Sambrook, the east elevation entailed a significant proportion of the gable end being glazed to serve the living room. Whilst not at a direct angle, the separation distance was in the region of 13.5m and would have resulted in loss of privacy. The amended scheme to use the Cart Shed as a garage and store instead of a dwelling, which can be controlled through condition, now suitably addresses the concerns raised.

Impact on the character and appearance of the area

- 6.17 The buildings are traditional and characterful in nature, with consideration necessary of how the proposals accord with Core Strategy Policies CS14 and CS15, saved Local Plan Policy UD2, and section 12 of the National Planning Policy Framework (NPPF). Through the original scheme for four units, concern was raised by the Conservation Officer with reference to the degree of removal of internal walls to create open plan living areas, in turn loosing something of the internal characteristics of the site. In addition, the extent of the use of rooflights was considered excessive for a barn conversion and the design of the window in the upper floor gable end was not stylistically appropriate.

- 6.18 Through the amendments, a more sympathetic scheme is proposed, with the internal layout reflecting more of the original fabric of the building. The removal of the later lean-to enables a more traditional elevation treatment, with a reduction in the number of rooflights to provide a sufficient improvement. These are principally set behind the two storey gables, with the emphasis being on the southern elevation so as to avoid the rear northern elevation due to privacy issues. The final detail of the rooflights can be controlled through condition to ensure a fully sympathetic provision.
- 6.19 Openings otherwise are limited to a window insertion at the western end being proportionate in scale and position with the existing window opening along this stretch, together with two at the eastern end of the Shippon Barn which will sit in the area where the lean-to is removed, which represents betterment in this respect. Existing door openings will be used to provide a mix of windows and doors, and is considered to represent a balanced approach to allowing natural light in with the use of traditional materials for windows and doors. The existing roof will be re-roofed whilst utilising the existing tiles. Subject to conditions, including details of external services to ensure an approach sympathetic to the traditional nature of the barns, it is considered that the proposed works to facilitate the conversion of the buildings will be in keeping with the fabric of the building, the neighbouring conversion and the village character of the site and that the amended proposal complies with the policies listed above.
- 6.20 In terms of landscaping, the amended scheme proposes the introduction of a patio area and enclosing areas of amenity at the frontage and side to serve the two units. The final detail can be controlled through condition to ensure a high quality finish, which would also include the bin enclosure. The provision of more extensive amenity areas secured through the reduction in the number of units is considered to address the concern raised through neighbour representations and that of the LPA and will help soften the appearance of the building in the streetscene.

Ecology

- 6.21 The application has been submitted with a bat and barn owl survey and review. The evidence establishes that a summer transitory roost of a low number of a common bat species is present. This sits under the ridge tiles of the apex of the roof at the western end of the barn, with no evidence of bats and two old birds' nests.
- 6.22 A series of steps are recommended by the ecology review, including the timing of works commencing in winter months, and timely provision of a raised ridge tile with traditional lining to provide an artificial bat roost. On the basis of the mitigation proposed, in conjunction with a condition securing the provision of a number of bat and bird boxes and a lighting plan and associated informatives, the scheme is supported by the Council's Ecology Officer in accordance with the requirements of Core Strategy Policy CS13 and Submission Version Plan policy NE1.

Drainage

- 6.23 The application proposes to drain surface water to a sustainable drainage system, and foul to mains sewer with a connection shown to the north east of the site. The

development entails drainage of existing buildings and the courtyard in respect of surface water. The provision of soft landscaping should improve the drainage arrangement. Proposed domestication of the site entails a change to the foul arrangement. Provision to mains is supported by the Council's Drainage Officer subject to a condition for the detail of a scheme to be set out. On this basis, it is considered that the scheme will not increase the risk of flooding in accordance with policies CS13 and the emphasis of Submission Version Plan policy ER11 - including the separate drainage of sewerage and surface water.

Other matters

- 6.24 The reference to means of escape in the event of a fire is questioned for unit 1 through a representation of the first consultation, as being only through the windows of bedroom 1 and 2. This scenario would remain the case for the amended scheme. No objection has been raised from the Fire Service, the windows are not suggested to be of a fixed form, and means of escape would be further addressed through the Building Regulations stage. Due process has been followed for the consultation of the application and statutory requirements met. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

7. CONCLUSIONS

- 7.1 Whilst the buildings are not located in the three identified settlements in policy CS7, they are of a permanent and substantial construction, located within a settlement and considered to be of sufficient architectural merit to warrant retention, with marketing of the site for business re-use not having led to an economic future for the buildings, under Policy H18. The conversion to two dwellings following a reduction from four will not lead to the dispersal of activity on such a scale as to prejudice town or village vitality and the design of the amended external alternations will preserve the character of the area and the amenity of the neighbouring property Halls Barns and residences on the opposite side of the lane to the south. Accordingly the proposal is considered to be in overall compliance with local and national planning policy.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:
- A.) The applicant/landowners 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) Highways – contribution of £3,000 towards changing the priority of the junction to the immediate left of the main access located at the western side of the site, being required in order to gain the necessary visibility splay being substandard at present, and in turn to improve motorist's safety at the

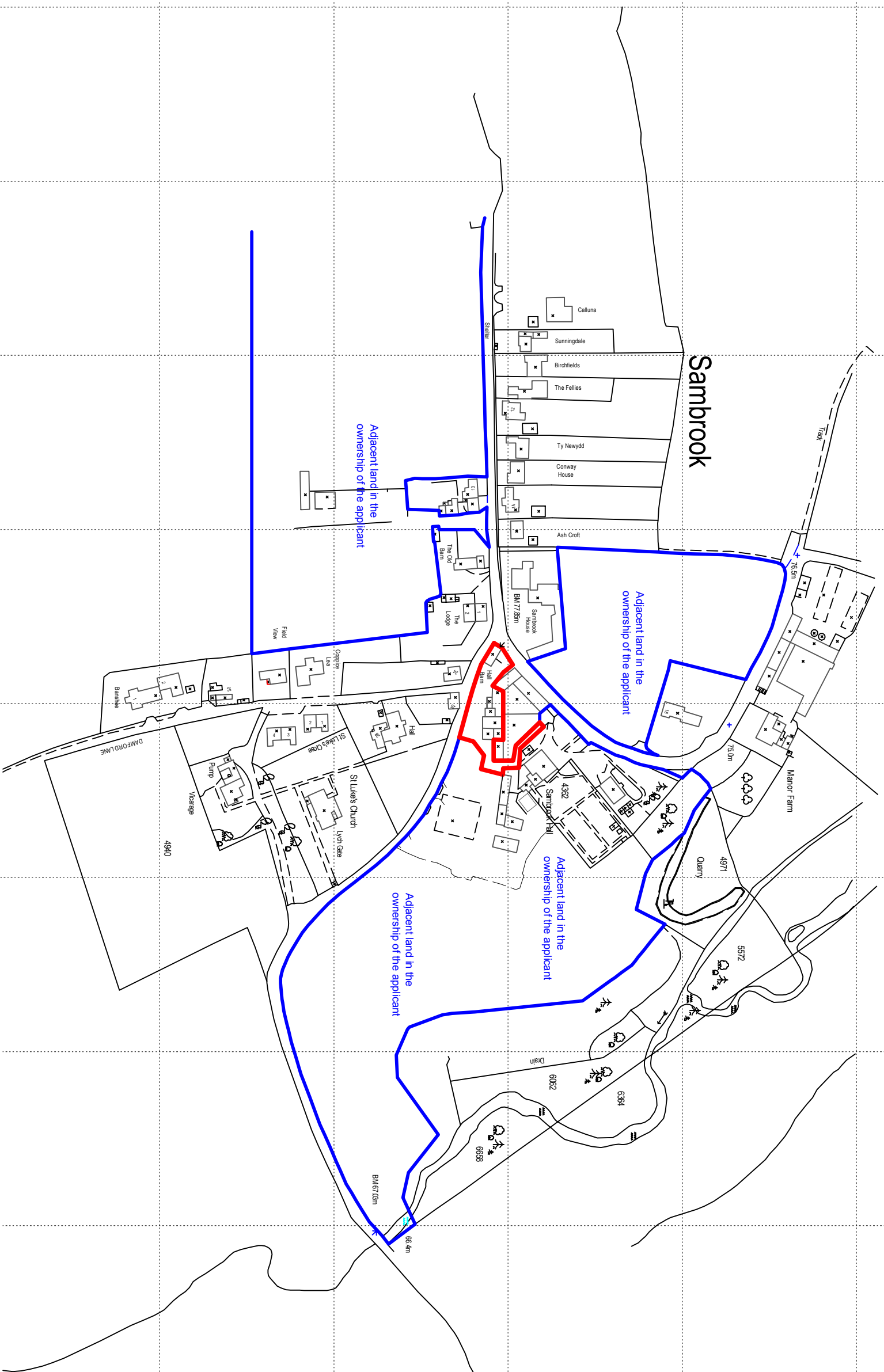
junction.

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

1. A04 Time Limit – Full with no Reserved Matters
2. B011 Samples of brick for new window arches and cills, hard surfacing
3. B019 Details of windows and doors (excluding rooflights)
4. B100 Rooflights
5. B079 Foul drainage scheme
6. B092 Details of Services: Exterior
7. B095 Details of heads and cills
8. B119 Schedule of works for remedial repairs and making good to the structure including details of any re-pointing including mortar and method
9. B121 Landscaping Design
10. B149 Lighting Plan (Bats)
11. C13 Parking, loading, unloading and turning
12. C020 Southern access emergency vehicle / ancillary HGV usage for Danford Lane only
13. C091 Works in accordance with ecological survey
14. C100 Erection of artificial bird nest boxes
15. C38 Development in accordance with deposited plans
16. D01 Removal of all permitted development rights
17. DCustom Cart Shed to serve garage / storage facility for units 1 and / or 2 subject to this application only

Informatives:

1. I23 Protection of bats
2. I25a Nesting wild birds
3. I32 Fire Authority
4. I40 Conditions
5. I41 Reasons for Grant of Planning Permission
6. RANPPF1 Approval - National Planning Policy Framework



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HASTON REYNOLDS
 CHARTERED SURVEYORS

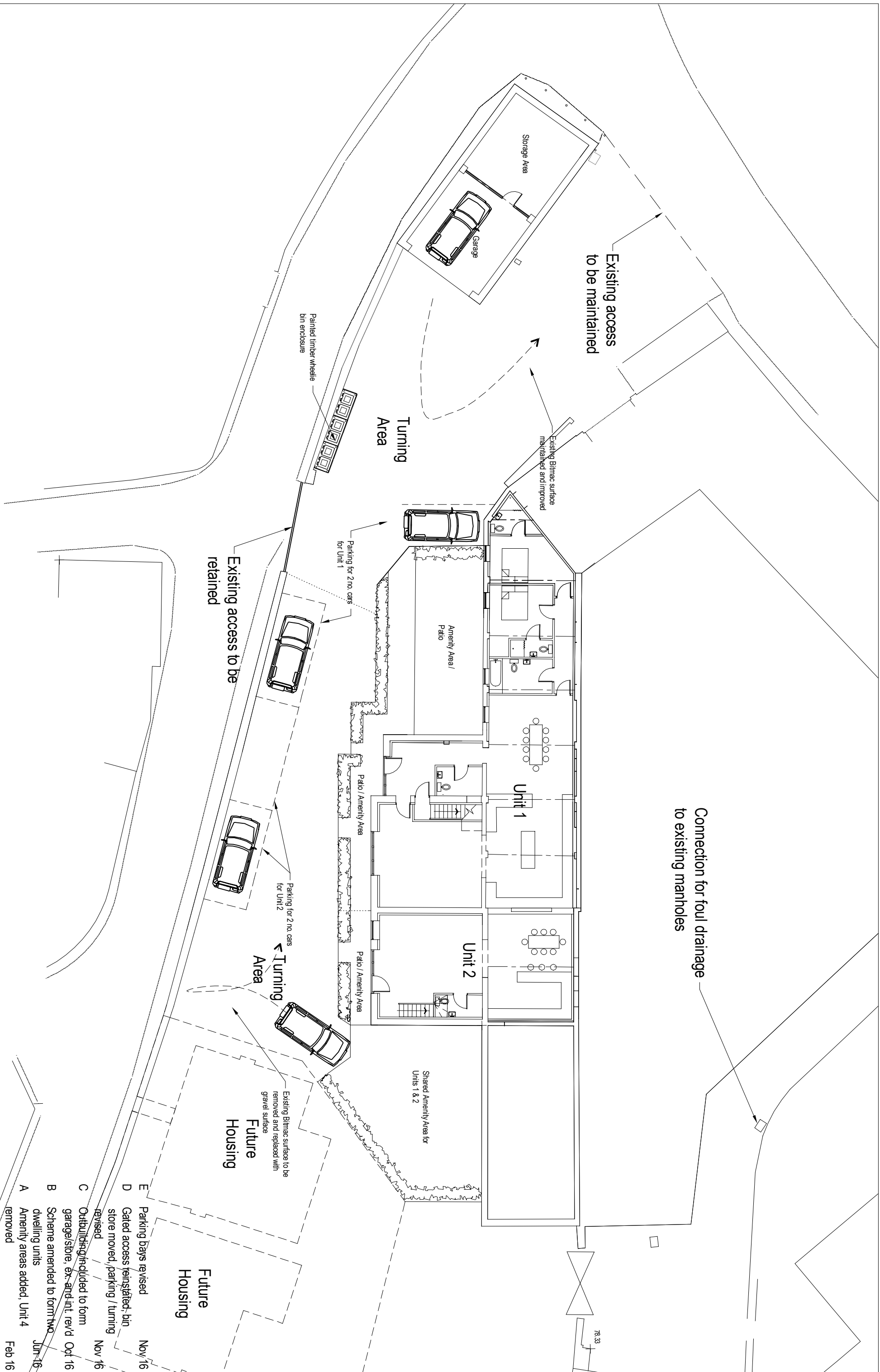
RICS

+44 (0) 1902 84 05 48
 ian@hastonreynolds.co.uk

DATE	Nov 2015	SCALE	1/2500@A3
ORIGIN	ISR	VERIFIED	ISR
FILE NAME	SambrookBarrPropP1b		
ISSUE			

JOB TITLE	Mr D Briggs
	Sambrook Hall Farm
	Sambrook

DRAWING TITLE	Location Plan
DWG NO	H0013-03-A3-PL-01



Connection for foul drainage to existing manholes

Existing access to be maintained

Turning Area

Existing access to be retained

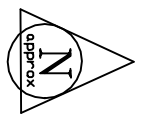
Turning Area

Future Housing

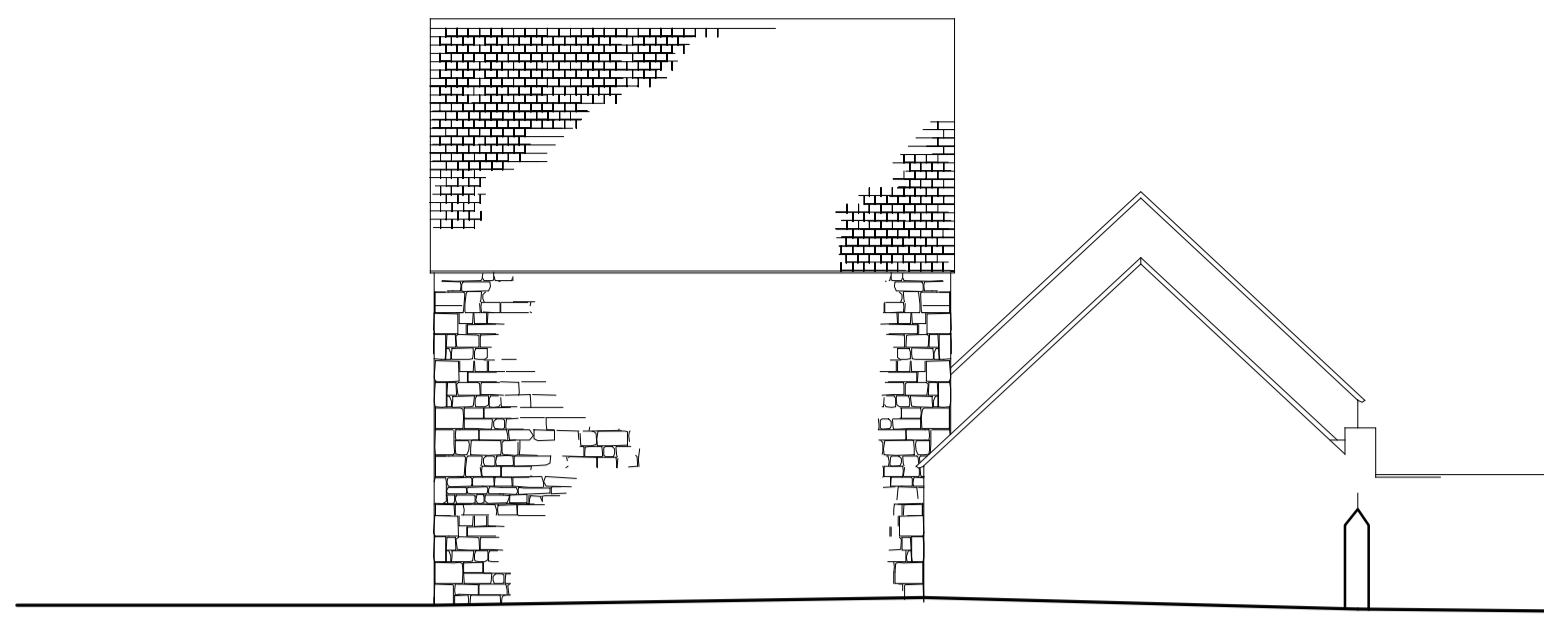
Future Housing

- E Parking bays revised Nov 16
- D Gated access reinstated, bin store moved, parking / turning revised Nov 16
- C Outbuilding included to form garage/store, ~~exc~~ and int rev'd Oct 16
- B Scheme amended to form two dwelling units Jun 16
- A Amenity areas added, Unit 4 removed Feb 16

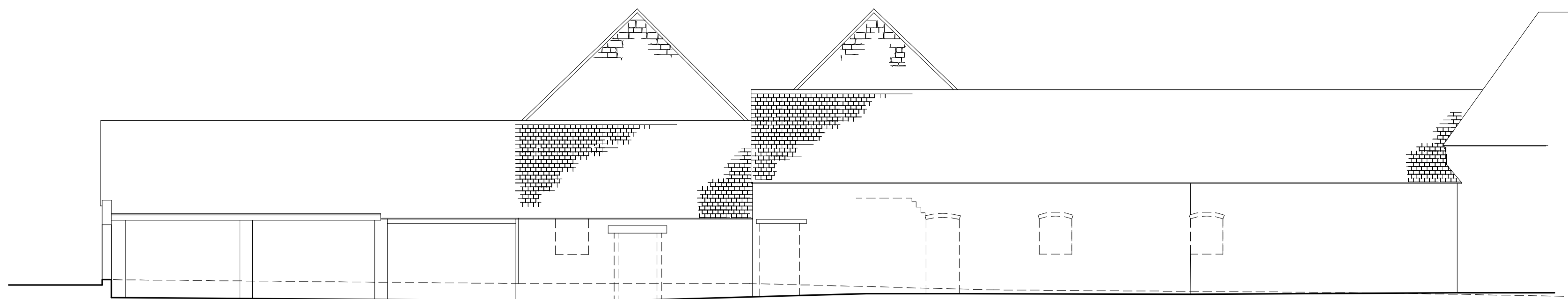
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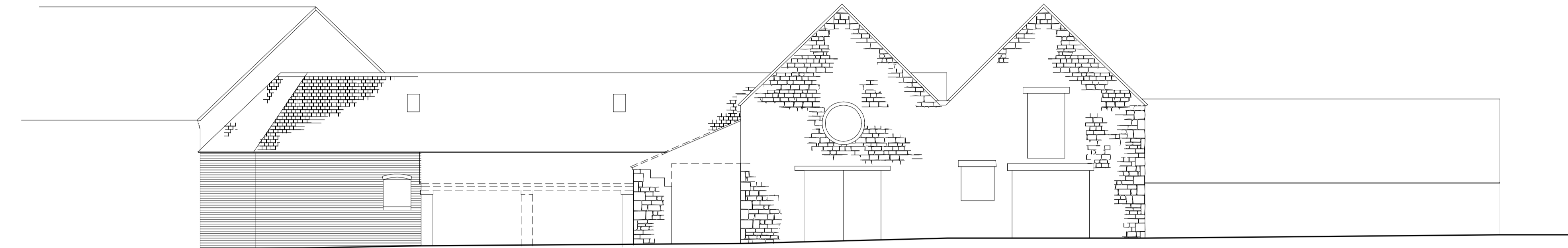
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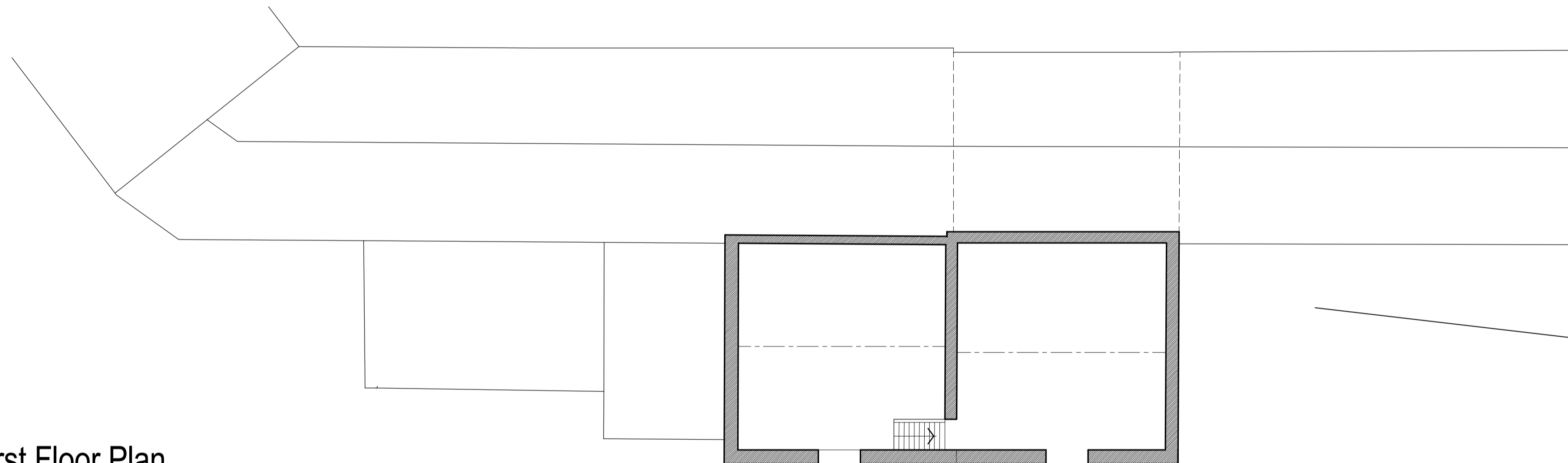
East Elevation



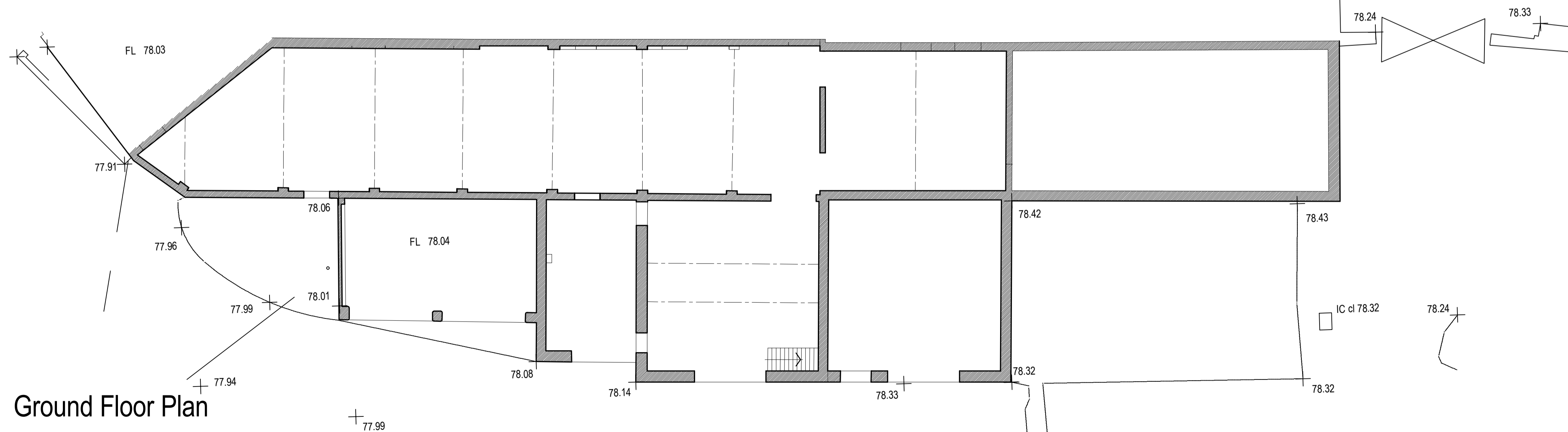
North Elevation



South Elevation



First Floor Plan



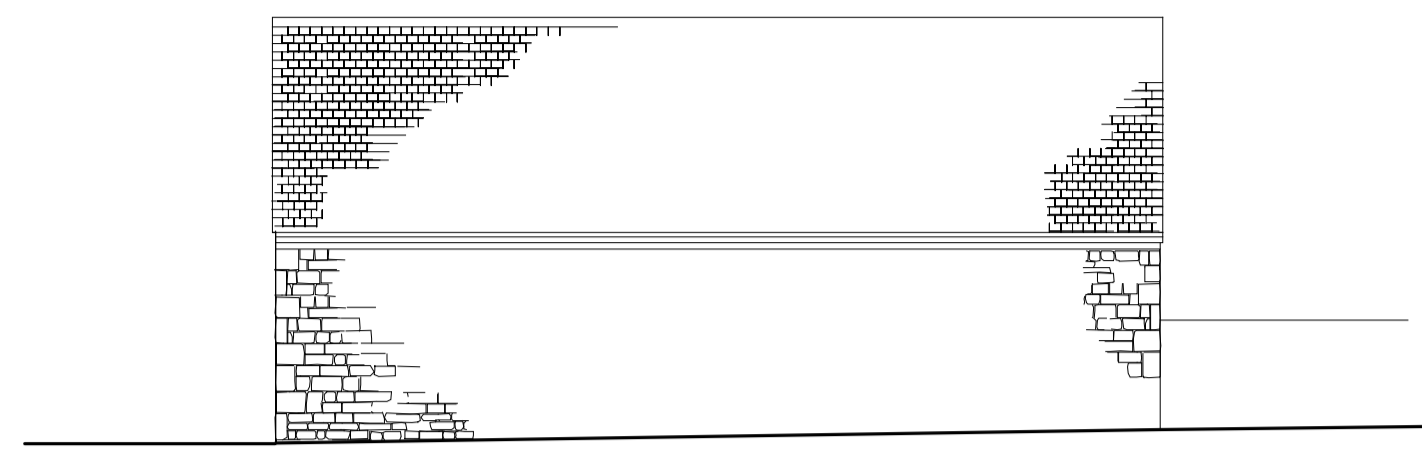
Ground Floor Plan



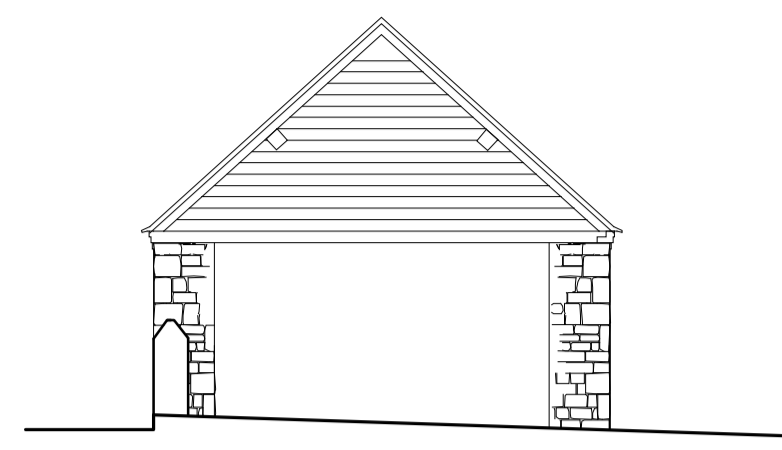
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ORIGIN	Cdsll	VERIFIED	ISR
FILE NAME			
ISSUE	Preliminary	A1 Drawing	

JOB TITLE	Sambrook Hall Farm Sambrook
CLIENT	Mr D Briggs

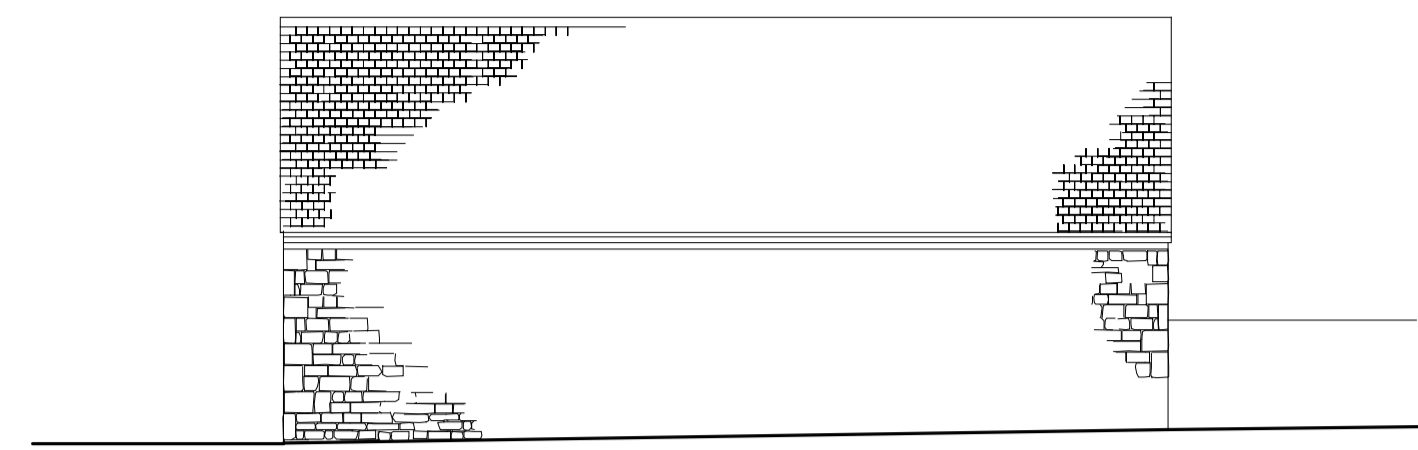
No.	Revision
DRAWING TITLE	
Existing General Arrangement Plans and Elevations	
DRAWING No.	REV.
H0013-03-A1-PL-04	



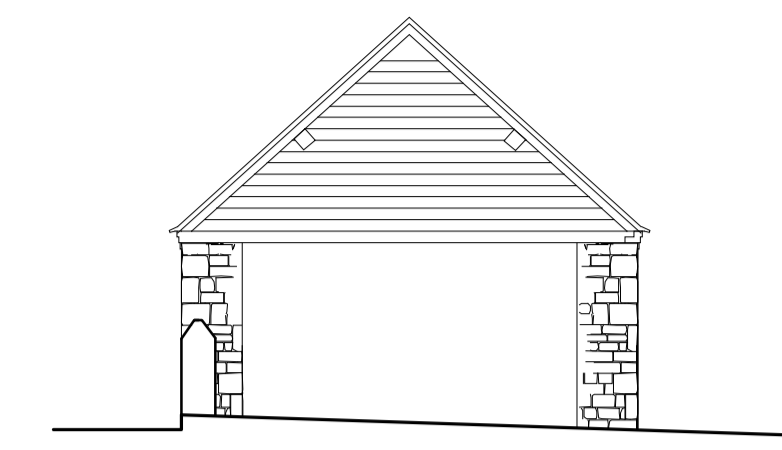
Existing South Elevation



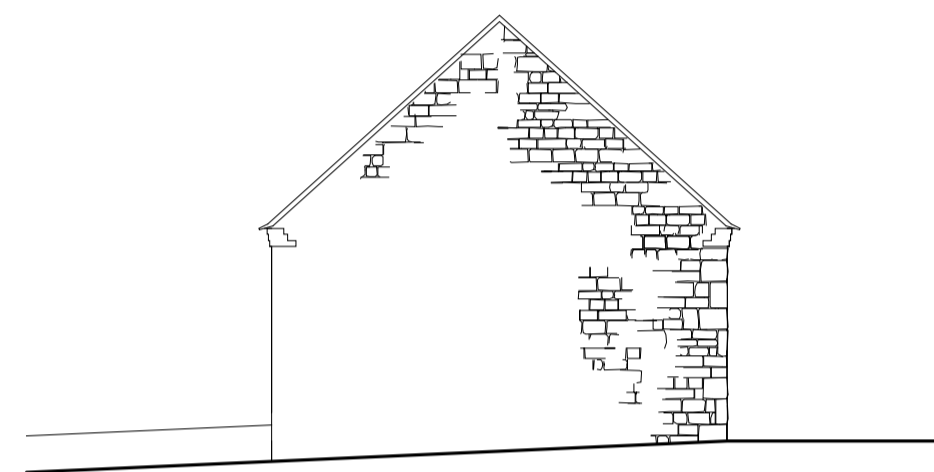
Existing East Elevation



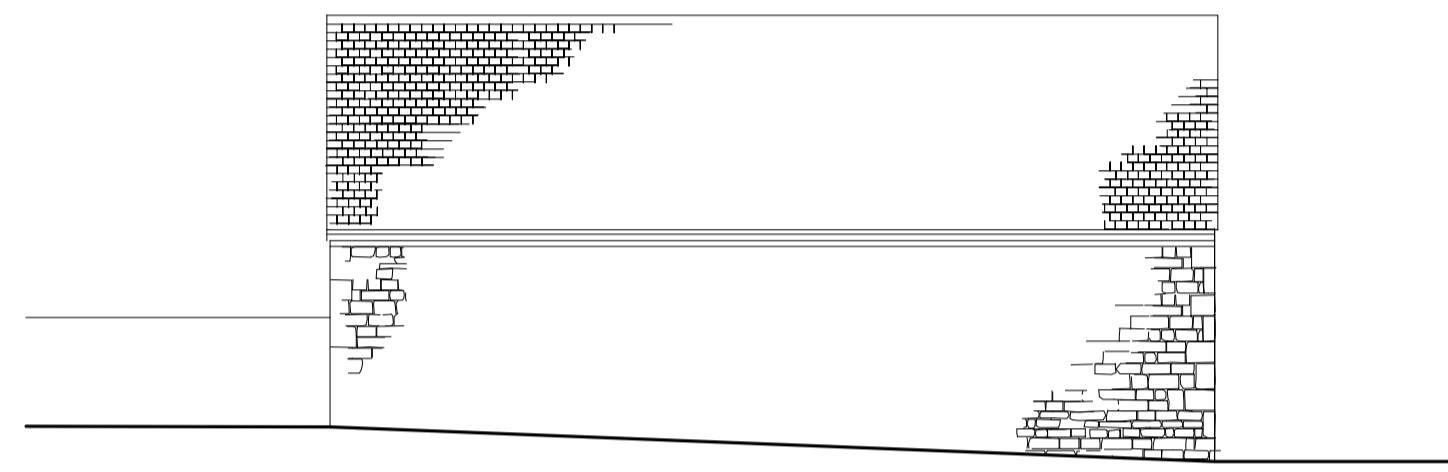
Proposed South Elevation



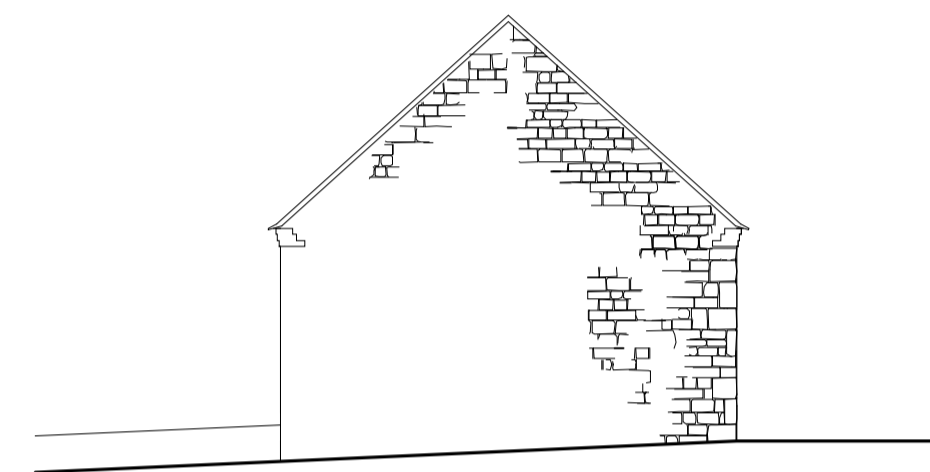
Proposed East Elevation



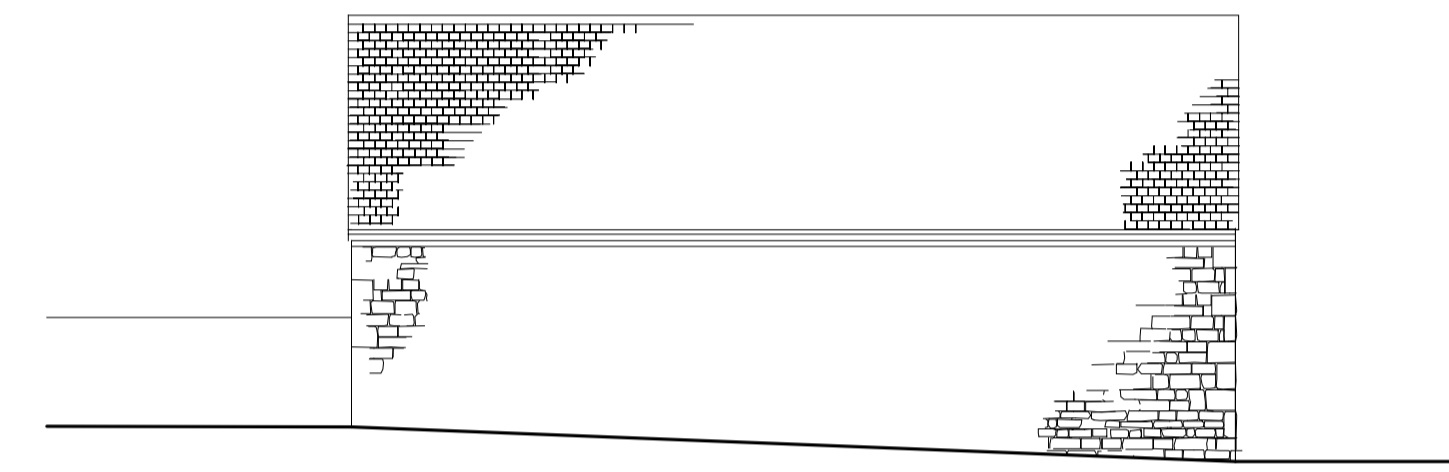
Existing West Elevation



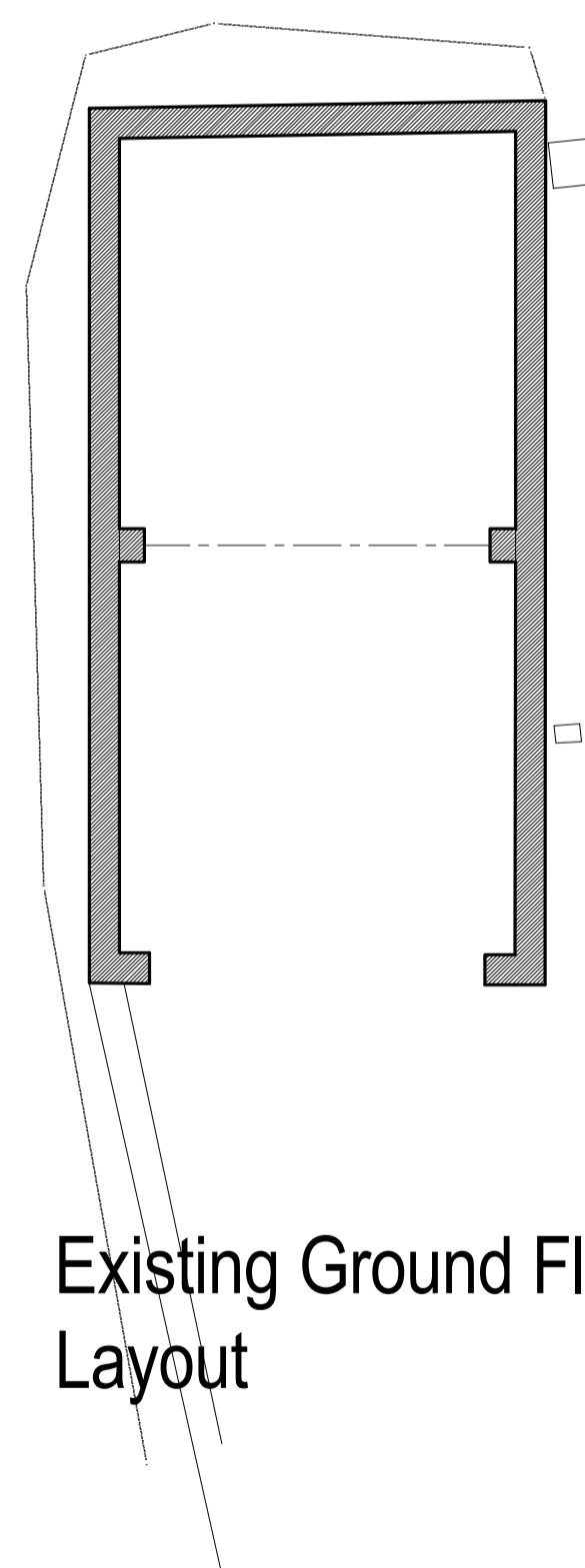
Existing North Elevation



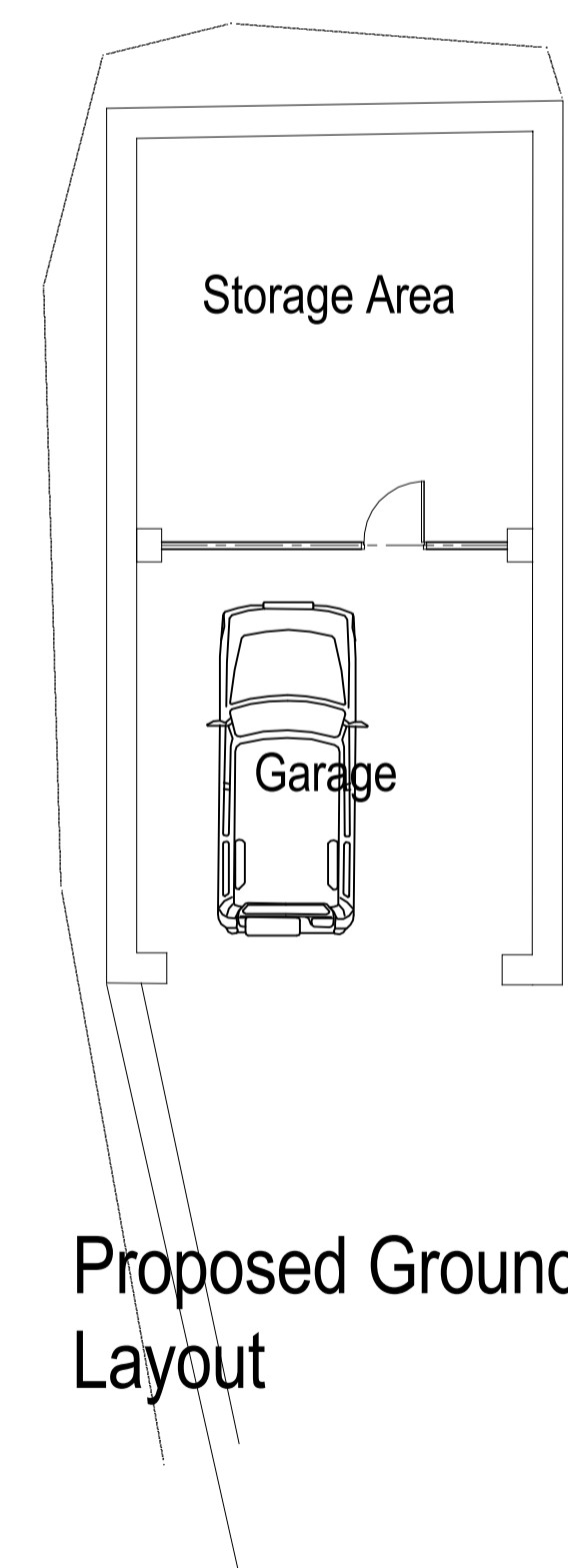
Proposed West Elevation



Proposed North Elevation



Existing Ground Floor Layout



Proposed Ground Floor Layout

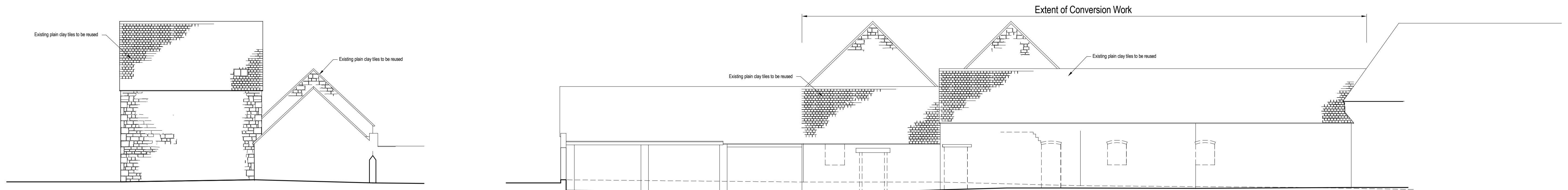
No.	A	Building revisions to form garaging and store	Revision	Oct 16
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DATE	Nov 2015	SCALE	1 : 100@A1
ORIGIN	Cdsll	VERIFIED	ISR
FILE NAME			
ISSUE	Planning	A1 Drawing	

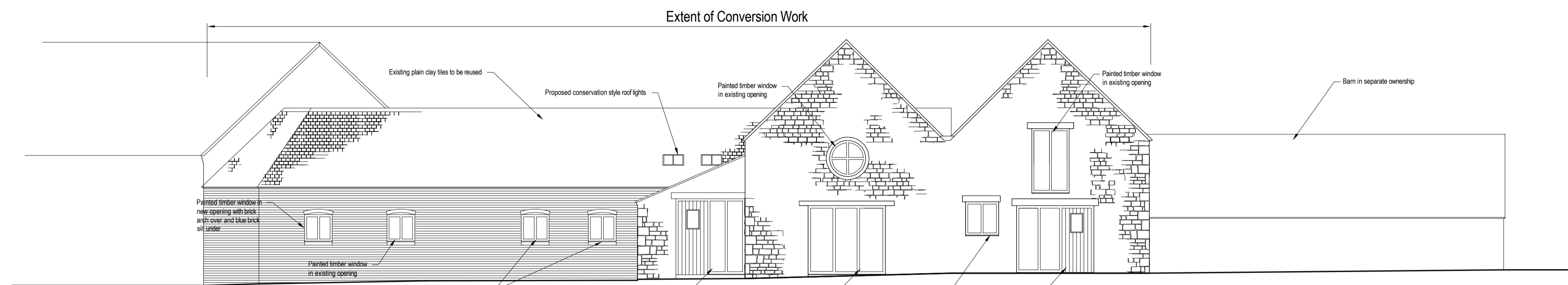
JOB TITLE	Sambrook Hall Farm Sambrook
CLIENT	Mr D Briggs

DRAWING TITLE	Existing and Proposed General Arrangement Plans and Elevations
DRAWING No.	H0013-03-A1-PL-06
REV.	A

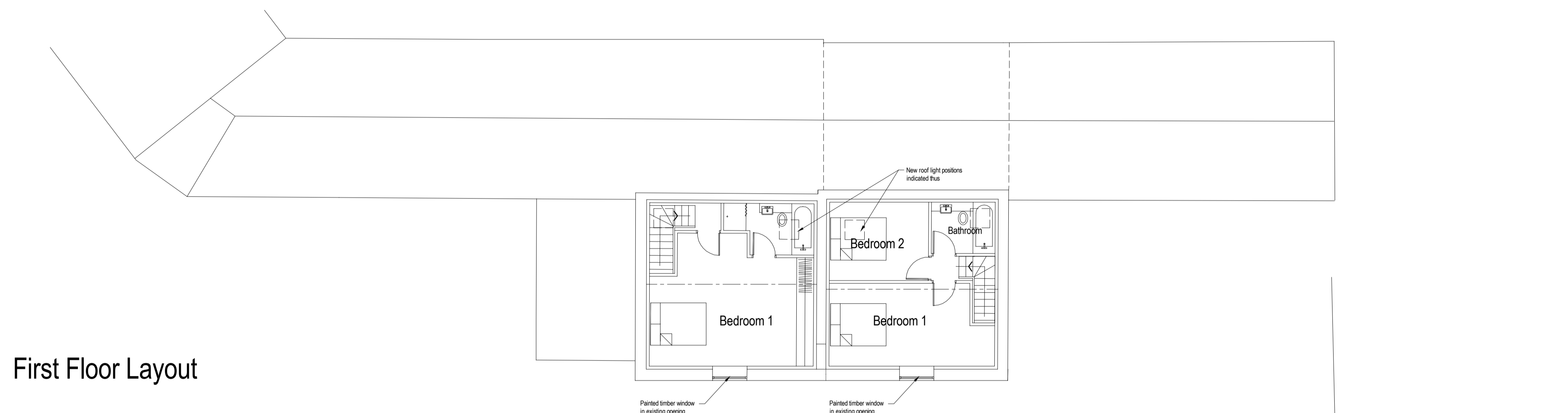


East Elevation

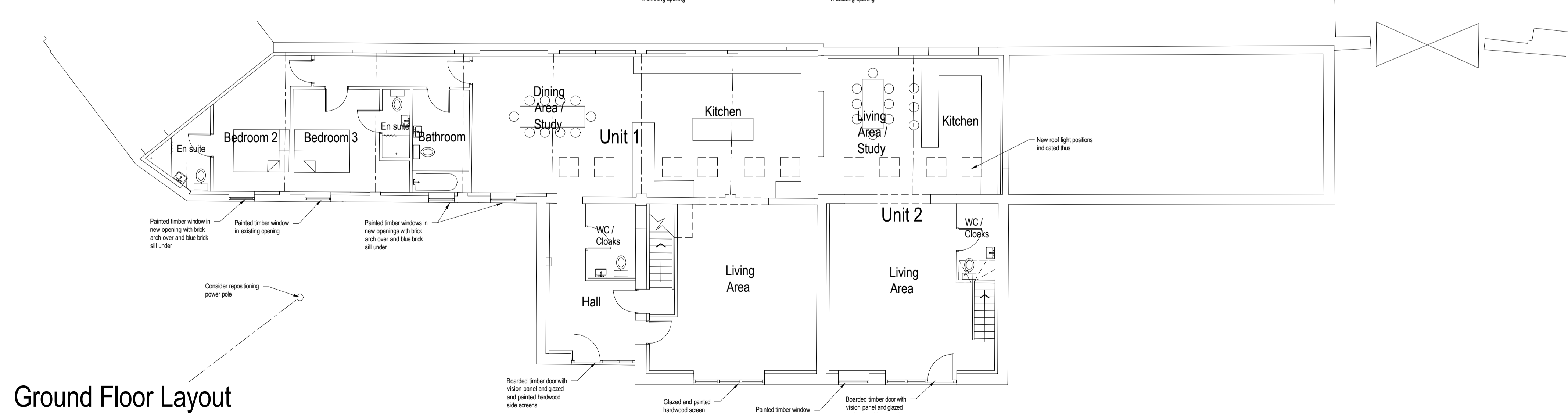
North Elevation



South Elevation



First Floor Layout



Ground Floor Layout

C	Outbuilding included as garage/store external and internal revisions	Oct 16
B	Scheme revised to form two dwelling units	Jun 16
A	Lean-to canopy, two windows and two rooflights removed	Feb 16
No.	Revision	



DATE	Nov 2015	SCALE	1 : 100@A1
ORIGIN	Cdsll	VERIFIED	ISR
FILE NAME			
ISSUE	Planning	A1 Drawing	

JOB TITLE	Sambrook Hall Farm Sambrook
CLIENT	Mr D Briggs

DRAWING TITLE	Proposed General Arrangement Plans and Elevations
DRAWING No.	H0013-03-A1-PL-05
REV.	C

TWC/2016/0785

Land East & South East of Shelldar Bungalow/Covings/The Old Stables, Back Lane, Tibberton, Newport, Shropshire

Outline application for residential development of up to 14no. dwellings, associated infrastructure and access, with all other matters reserved

APPLICANT

The DMA Trust,

RECEIVED

18/08/2016

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER Matthew Thomas

TIBBERTON & CHERRINGTON PARISH COUNCIL HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 THE PROPOSAL

- 1.1 This outline planning application seeks permission for the erection of up to 14no. dwellings with associated infrastructure on a piece of land situated off Back Lane in the village of Tibberton. The application site comprises a single 0.83ha grassed field which is not currently in active agricultural use. This application seeks permission for the principle of residential development together with access with all other matters - layout, appearance, scale and landscaping -reserved for later approval.
- 1.2 Whilst the application seeks outline permission only, an indicative proposed site plan has been submitted to illustrate how 14 dwellings could be accommodated on site. The indicative plan proposes a mix of 2, 3 and 4 bed two storey dwellings and 3 bed bungalows. Each unit would be provided with on-plot parking, garaging and private amenity space to the rear. A communal area of open space is also shown to the west of the site close to the proposed entrance together with soft landscaping however landscaping is a matter which would be dealt with at a later stage.
- 1.3 This application is supported by the following documents:
- Planning Statement (including addendum)
 - Design & Access Statement
 - Ecological Appraisal
 - Arboricultural Assessment
 - Flood Risk and Drainage Statement
 - Transport Statement
 - Noise Assessment
 - Utilities Report
 - Statement of Community Consultation
- 1.4 The supporting information also sets out the planning obligations to be provided as part of this application, which includes financial contributions towards local education facilities, recreation, highway improvements and a fixed level of on-site affordable housing provision.

2.0 SITE AND SURROUNDINGS

- 2.1 Tibberton is located around 5 miles west of the town of Newport. The village has a limited amount of infrastructure including a church, a Primary School, a Pub and a local shop run by the community. There are some open spaces and a bus service that connects Newport with Shrewsbury.
- 2.2 The application site extends to approximately 0.83ha and is set back from the Back Lane in the rural village of Tibberton. The site comprises a single grassed field which is not currently in active agricultural use and has not been so for circa 30 years. There is an existing vehicular access via a predominantly surfaced private lane leading between the site and the Back Lane. The site is not publicly accessible and does not contain any existing rights of way.
- 2.3 The site is positioned close to the core of the village and between residential developments to the north and south, fronting Back Lane. The land is set back from the highway where grass verges form the boundaries to the front. The site has little landscape features and is bounded by intact hedgerows on most sides. There are a number of scattered trees around the edges, one of which is protected by a Tree Preservation Order which would be retained.
- 2.4 There is a mix of development along Back Lane including traditional cottages, post war detached and semi-detached dwellings and more recent development that reflects the character of this village.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W80/0737 – Use of land for residential development – Outline Refused (10/09/1980)
- 3.2 W88/0582 – Erection of three detached dwellings – Outline Refused (05/08/1988)
- 3.3 W96/0082 – Erection of two dwelling houses and formation of vehicular/pedestrian access – Outline Refused (25/04/1996)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Telford and Wrekin Core Strategy:
CS1 Homes
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS12 Natural Environment
CS15 Urban Design
- 4.3 Saved Wrekin Local Plan:
H9 Location of New Housing
H10 Scale of Development
UD2 Design Criteria
T22 Planning Obligations
- 4.4 Telford and Wrekin Local Plan (Submission Version):
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Tibberton Parish Council: Object

- Access driveway is referred to as a 'lane' though in reality it is a private driveway designed to serve 2 bungalows ('Covings' & 'Sheldar') with a gated access at the end to an agricultural field. Grass verges either side with various services including a gas service to 'Sheldar'
- Proposed new access will require the removal of a section of a grassed strip, placing it closer to 'Hoffentlich'. No pedestrian access thus no prospect of the road being adopted by the Local Authority in future
- Previous planning applications seeking to utilise the same access but with fewer dwellings were refused primarily for access reasons
- If proposed access is not adopted the responsibility for its maintenance will fall on existing and future residents – unsuitable especially for affordables
- As a private driveway the refuse collection services would require future occupants to take their bins to the Back Lane junction – impracticable and would be an eyesore. If refuse collection vehicles did enter the site through the narrow access, it would pose safety concerns
- Proposed numbers relating to vehicle movement at peak times is considered to be a gross underestimate and inaccuracies regarding the noise levels from the access driveway adjacent to 'Hoffentlich'
- Additional traffic would create serious issues of safety, pollution, physical damage and noise in addition from construction vehicles
- Inadequate public transport available – bus stop is around 540m away
- Back Lane is prone to flooding during autumn, winter and spring seasons
- Applicant has not provided evidence indicating need for this scale of high density in Tibberton – making no reference to the affordable housing need survey carried out in 2011
- Proposal fails to satisfy the criteria set out within SP3 of the TWLP: fails to establish need for development of high density housing which will remove class 3 agricultural land from use and ignores poor infrastructure
- Concerns relating to impact upon existing drainage infrastructure especially with other approvals/applications not yet having been built – risk to public health arising from foul flooding. Surface water drainage also of concern - successful infiltration from the attenuation pond is the only possible drainage solution for this site
- No Land Classification survey/report has been commissioned by the developer – suggested that the site is likely to fall in to Grade 2/3A
- Concerns that development will occur in close proximity to Tibberton playing fields which have been used for 100 years

5.2 Highways: Support subject to conditions

- Visibility splays of 2m x 43m can be provided at the proposed access onto Back Lane which is acceptable in highway terms. Proposed access route off Back Lane is sufficient in width for 2 vehicles to pass for the majority however does propose a 22m length of single lane carriageway however as forward visibility is good at this location and vehicle movements and speeds are low, this is not envisaged as being a highway safety concern
- Include conditions requiring full construction detail and designs of new roads and footpaths, details for parking, turning, loading and unloading of vehicles, provision

of visibility splays, provision of on-site construction management plan and details of footpath link between the site and fields

- S106 contributions of £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field

5.3 Drainage: Support subject to conditions

- Scheme of foul and surface water drainage to be submitted and agreed

5.4 Severn Trent Water: No comments received

5.5 Ecology: Support subject to conditions

- Erection of artificial nesting/roosting boxes
- External Lighting Plan
- Landscaping Design
- Informatives – nesting wild birds, hedgehogs, Great crested newts & trenches & pipework

5.6 Arboricultural: Comment

- Oak tree (T10) is subject to a TPO – garage for plot 13 to be moved from within root protection area – site is large enough to accommodate this. This is also applicable to plot 1 where the garage encroaches into the rpa of T25. Tree protection plan required

5.7 Education: Comment

- S106 contribution of £70,249 required (£36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School)

5.8 Parks & Open Spaces: Comment

- The application will contribute towards generating a need for children's play and recreation in the area – a contribution of £600 per dwelling should be sought to go towards improving play and recreation facilities in the nearby Tibberton playing field
- Landscape management plan required

5.9 Affordable Housing: Comment

- This application will deliver 36% provision of affordable housing (5 dwellings). Local lettings plan also required

5.10 West Mercia Police: Comment

- Condition Secure by Design (SBD)

5.11 Shropshire Fire Service: No comment

Neighbour consultation responses

5.12 Following neighbour consultation, 6 letters of objection were received and the issues raised are summarised below:

- Planning permission has already been granted for 2 significant developments in Back Lane (land at Orchard House and land at Back Lane/Plantation Road) with several others under consideration – all of these developments will lead to a significant increase in the amount of traffic in Back Lane - a busy road, most

narrow 'single track' used by people commuting to and from work as well as dog walkers

- Traffic noise during peak periods will adversely affect the amenity of existing properties in addition to general garden noise
- If the road is not adopted the refuse bins for 14 additional properties would need to be put out along Back Lane – impractical solution
- If the road is to be adopted there would be significant risk of a collision with vehicles exiting existing dwellings as well as pedestrians
- Concerns regarding storm and foul drainage and existing infrastructure capacities – lack of investigative works to establish existing infrastructure
- Access is not fit for purpose and too narrow – highway safety concerns – larger vehicles will be unable to navigate
- Anticipated increase in traffic usage for the driveway is considered to be massively underestimated
- Existing infrastructure in Tibberton will be tested to its limit
- Proposals are not in keeping with the emerging Local Plan
- Requirement for affordable homes has not been demonstrated
- Back Lane has a 30mph speed limit – which is unenforceable and many vehicles exceed this limit – existing traffic problems during peak hours and several accidents recorded within the immediate area
- Potential loss of privacy/overlooking to neighbouring properties and compromise in safety
- There is a deep and active water well to the left of the gate to the proposed site – construction of an attenuation tank is therefore questioned
- Little geological work appears to have been prepared in support of the proposed development
- Proposed density is not in keeping with the character of the village
- Inaccuracies with regards to land ownership statements
- Application ignores the cumulative effect of proposed building in Back Lane. Tibberton does not have the adequate infrastructure to cope with a 93% increase in size with each application being looked at in isolation
- Concerns regarding the local school being able to accommodate the increasing number of children

6.0 PLANNING CONSIDERATIONS

6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Development Plan comprises the “saved” policies of the Wrekin Local Plan (WLP) and the Telford and Wrekin Core Strategy (CS). The National Planning Policy Framework (NPPF) is a material planning consideration and advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

- Principle of residential development
- Assessment of Sustainable Development
- Impact on the character and appearance of the village
- Impact upon the living conditions of neighbouring properties

- Access and highway safety
- Ecology & Trees
- Drainage
- Affordable Housing & Developer Contributions

Principle of residential development

- 6.3 In June 2016 Telford and Wrekin Council issued a statement (Telford and Wrekin Five Year Housing Land Supply Statement 2016-2021) indicating that the Council has 12.9 years' worth of housing land supply. This figure is based on a revised borough-wide housing requirement for the five year period (2016-21) using the Telford and Wrekin Objectively Assessed Need Report (OAN) as an up to date evidence base. The report presents an up to date assessment of housing need and also considers important factors such as the potential for past under-supply. As a result of this work, the position on housing land supply for the rural area has changed and the housing supply policy CS7 (Rural Area) is currently considered to be up to date. The development plan, which includes the housing supply policies, is the starting point for any decision-making and any development proposals need to be considered against national policy and the NPPF's "golden thread" of sustainable development which requires LPAs to 'boost significantly the supply of housing' and approve development proposals that accord with the development plan without delay.
- 6.4 Relevant to the determination of this planning application therefore is the Development Plan consisting of the Wrekin Local Plan (WLP) and Core Strategy (CS) together with the guidance of the NPPF. The Telford and Wrekin Local Plan (TWLP) is now also a material consideration. In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as it has been written to be consistent with the NPPF and is in an advanced stage of publication. WLP Policy H9 focusses small scale rural housing on some thirteen settlements, and elsewhere in the rural area development will be resisted unless there are exceptional circumstances such as rural exception accommodation for agricultural or forestry workers. Whilst Policy H9 is still part of the development plan, the LPA acknowledges that H9 will not be relied upon as it is older, less strategic and therefore more subservient to the more recent CS policy CS7. Policy H10 seeks to ensure development is appropriate for its location and in part a) also limits housing to one or two infill plots in Tibberton. Policy H10(a) is older, less strategic and taking into account Inspector's decisions it is no longer relied upon.
- 6.5 Policy CS7 of the CS states that within the rural area residential development will be focussed on the three settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited and within the countryside will be strictly controlled. Directing development to these three rural settlements, that offer rural residents a number of key local services and facilities, should help sustain rural communities. By focussing housing, employment, and service and facility development within these settlements, a pattern of development should be created that maximises the accessibility of services and facilities to rural residents, whilst reducing the need to travel by car and enhancing local identity and character.
- 6.6 In June 2016 the Council submitted the Telford and Wrekin Local Plan (TWLP) for independent examination with the Examination in Public scheduled for November 2016 - however this has been delayed due to the Inspector being taken ill. In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as it has been written to be consistent with the NPPF and is in an

advanced stage of publication. Policy HO10 of the TWLP relates to residential development within the rural area and this too identifies Tibberton as a suitable settlement to accommodate new development. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled.

Assessment of Sustainable Development

6.7 Notwithstanding the above, paragraph 49 of the NPPF requires that housing applications are considered within the context of the presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development; an economic role, a social role and an environmental role. The consideration of the application against each of these is as follows:

- Economic role
In terms of the economic dimension of sustainable development, there will be limited economic activity associated with the building of this development. Once occupied the residents of the new housing would use services, support the local primary school and shop locally which would also contribute towards and boost economic activity in the area and Tibberton. This in turn helps meet the economic aim of sustainable development to a degree. There is the potential for loss of economic activity relating to the use of this field for agricultural purposes however this is a small, land-locked field which has not been used for any agricultural activities for over 30 years and is given limited weight in the balance.
- Social role
The proposed development would deliver a range of social benefits including the provision of up to nine open market dwellings with a mix of types to meet market trends and the needs of different groups in the community together with up to five affordable dwellings, all of which are to be made available for social rent. Financial contributions will be provided towards local education facilities, recreation and highway improvement works to include contributions towards a Traffic Management Scheme and a new footpath to be situated between the site and Maslan Crescent via the Council owned playing field, all of which will be of benefit to existing and future residents of the village.
- Environmental role
Whilst there will be loss of 0.83ha of Grade 2/3 agricultural land, in terms of the environmental dimension of sustainable development the scheme will provide opportunity to increase biodiversity through the inclusion of bat and bird boxes, which the Council's Ecologist has requested to be conditioned as part of any approval together with further landscaping of the site. The application site is not a protected landscape or wildlife habitat and there are no protected species following submission of the appropriate ecology reports.

It is reasonable to say that this site lies close to the village core in Tibberton with surrounding housing development forming the village quadrangle with a definitive boundary; this limits the extent of development and helps to prevent encroachment into the countryside. Although submitted in outline, the proposed dwellings appear to provide a spacious development (approximately 17 dwellings per hectare) in keeping with the rural character of Tibberton. The boundaries could be supplemented by additional planting, which would further help integrate the development into the village confines. From a visual point of view, this site forms part of the village and its development would therefore not adversely affect

rural character or lead to an incursion into the open countryside that would be detrimental to visual amenity.

- 6.8 Policy SP4 of the TWLP also relates to a presumption in favour of sustainable development. The application site is located between existing built developments within the primary quadrangle of development within the village and is within close walking distance to the village core where there is a Primary School, Church, Public House, Village Shop and access to public transportation links. Policy CS7 of Core Strategy does not limit the numbers of new dwellings within this rural village, and whilst the number of commitments in Tibberton is noted these are likely to be delivered at different times and at different build-out rates. The Local Planning Authority is also of the opinion that it is unlikely that the addition of up to 14 dwellings on this particular site would put any unacceptable stress on the existing services and there the schemes will be beneficial, providing a choice and mix of housing whilst supporting rural services. Therefore, on this basis, the principle of development is acceptable subject to the other usual planning considerations.

Impact on the character and appearance of the village

- 6.9 The supporting Design & Access Statement confirms that the land subject to this application has not been used for agricultural purposes for over 30 years. The land is under private ownership and has been managed during this time but for no purposes related with agriculture. There are no public right of ways across the site and the site is secured by locked gates. Set at the end of the private road, which is also under the applicant's ownership, the site has little visual presence from the Back Lane. The site is seen from the adjacent playing field, however as it is under private ownership and there is little, if no, community use benefit.
- 6.10 The detailed design of the dwellings would be considered at the later reserved matters stage although the indicative layout submitted demonstrates how 14 dwellings can be accommodated on site. The density of the proposed development is relatively low at 17 dwellings per hectare and the applicant has confirmed that the new dwellings would be restricted to a maximum of two-storeys. Although only illustrative at this stage, the site layout plan envisages that the 5 affordable dwellings would be located to the north of the site with each dwelling being allocated on-plot parking and private garden areas. Plots 6-11 together with plot 14 will be a mixture of 2, 3 and 4 bedroom two storey dwellings whilst plots 12 and 13 to the south of the site are to be 3 bedroom bungalows. The proposed dwellings would all be served by an extension to the existing private access road off the Back Lane where adequate visibility splays will be provided together with on-plot parking and suitably sized rear gardens. The existing boundary treatments around the site, in particularly the established hedgerows and the TPO'd Oak tree are to be retained and there will be opportunities for further landscaping of the site, whilst retaining a soft, green frontage to the Back Lane.
- 6.11 The application site lies within the main quadrangle of the village, amongst land that is currently being developed or where there are existing planning permissions. The application site forms part of this band of in-fill development and therefore there will be no encroachment in to the open countryside. The land is a mix of Grade 2 and Grade 3 agricultural land however it has not been used for agricultural purposes for some significant time. There is a mix of development along the Back Lane including traditional cottages, post war detached and semi-detached dwellings and more recent development that reflects the character of Tibberton. With layout, appearance, scale and landscaping reserved for later approval, officers are satisfied that, in principle, the site can adequately accommodate the proposed number of

dwellings. The proposals allow for appropriate levels of parking and garden land and thus would be acceptable within the context of the mixed character of the surrounding area and would not detract from the character or appearance of the village. Accordingly, the current proposal accords with policies UD2 of the WLP, CS15 of the Core Strategy and BE1 of the TWLP.

Impact upon the living conditions of neighbouring properties

- 6.12 The indicative layout plan anticipates that the proposed dwellings will be positioned away from the rear boundaries of neighbouring properties to the west with the majority of dwellings situated adjacent to the boundaries to the north and east. This allows for relief in the density of the proposed dwellings when considering the location of existing developments. The public open space and infiltration basin is also proposed to the west of the site, close to the existing access point. The development will, in large, be set away from the majority of the existing nearby neighbouring properties however the two closest dwellings will be 'Sheldar' and 'The Covings' positioned either side of the existing access. Plot 1 will be constructed some 20m from 'Sheldar' and separated by the proposed garage and garden space. 'The Covings' and the property to the south will be well separated from the proposed new dwellings, especially as the area of public open space is to be positioned to their rear boundaries. Whilst the proposed development will see a rise in the number of vehicles using the existing access road and these will pass 'Sheldar' and 'The Covings', these bungalows are set back from the access road and as existing boundary treatments will remain unaffected, the overall impact on the living conditions of the occupants of these bungalows will not be affected so detrimentally as to recommend the application be refused in the interests of their amenity. Although only in indicative form at this stage, officers are satisfied that these separation distances are acceptable to avoid any significant adverse impact on the living conditions of these existing neighbouring properties and the positioning of window openings and landscaping of the site can be dealt with at a reserved matters stage to ensure mutual privacy.
- 6.13 The indicative layout allows for good sized front and rear gardens as well as on-plot parking by way of private driveway and/or garages. The position of openings for all dwellings could be controlled at the reserved matters stage, specifically to ensure there is no direct overlooking between the closest section of the proposal and the windows within the neighbouring property to the west off Back Lane. When considering this together the separation distances proposed, the Local Planning Authority is satisfied that the living conditions of neighbouring properties would not be unduly harmed as a result of any significant loss of privacy, light or any overbearing impact.
- 6.14 Officers have considered the issues raised in the letters of objection received by neighbouring properties. Many of these issues relate primarily to the principle of the development, the impact it would have on the village, increase in vehicular movements, the loss of agricultural land and potential additional pressures on local facilities and infrastructure. The principle of residential development on this piece of land has been considered above and has been deemed to be acceptable and compliant with local planning policy and guidance contained within the National Planning Policy Framework. Whilst some residents are concerned with the potential impact the development may have on their living conditions together with impact on existing landscaping and wildlife, officers consider that matters relating to layout, appearance, scale, access and landscaping are all reserved for later approval and will be dealt with via a separate planning application to ensure that the overall impact on neighbouring properties will be minimal.

Access and highway safety

- 6.15 Approval is being sought for access through this application. The proposed development will be accessed via the existing access lane between the site and the Back Lane. This will be designed as a shared surface for vehicles and pedestrians. The site access design will take the following form: a 4.1m wide carriageway would be provided for a length of 47.5m to the point where the site access narrows. This arrangement is the minimum carriageway width that allows two cars to pass each other. A 3m wide carriageway width would be provided from the point at which the site access lane narrows. The concept of narrowing to a single lane in lightly trafficked streets is supported in Manual for Streets. The bell mouth of the junction between the site access lane and the Back Lane would be formalised and the junction would be provided with 6m kerb radii, which would allow for an 11.6m refuse vehicle to negotiate the junction, avoiding the need for residents to leave their bins on the highway verge as feared by existing residents. In respect of their concern regarding refuse vehicles accessing the site, this has been assessed by the Council's Highways Engineers who have no objection due to the provision of adequate visibility. The illustrative layout also includes the potential for a new pedestrian connection to be included between the site and the adjacent recreation area to provide opportunity to maximise the pedestrian permeability through the site for new and existing residents.
- 6.16 The Local Highways Authority (LHA) has been consulted on this application and has raised no objections in principle subject to conditions relating to the provision of suitable visibility splays, detail of road designs to be submitted and approved as well as the provision of adequate parking and turning. Separately the LHA has requested financial contributions of £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field. These contributions have been agreed with the applicant and will be dealt with by way of a S106 agreement.

Ecology & Trees

- 6.17 An 'Ecological Appraisal' (prepared by EDP Ltd) accompanies this application to inspect the land for evidence of the presence of and potential to support protected species, including Bats, Great Crested Newts, Badgers and Nesting Birds. The report concludes that 'the habitats and species present within and around the application site do not pose an in principle constraints to the proposed development'.
- 6.18 The Council's Ecologist has assessed the report and has raised no objections in principle subject to the inclusion of conditions relating to the submission of an ecological mitigation strategy and reasonable avoidance measures method statement for the protection of great crested newts and bats, the erection of a variety of artificial nesting/roosting bird boxes and the submission of an external lighting plan to ensure that any disturbance to bats is minimised.
- 6.19 An 'Arboricultural Assessment' (prepared by EDP Ltd) also accompanies the application and identifies 27 trees with the site area. One category 'A' and fifteen category 'B' items were recorded and their retention is required due to the quality and value they present. The assessment confirms that the trees are retainable and sympathetic construction methodologies will need to be adopted within the root protection areas of two trees. The Council's Arboriculture Officer has confirmed this and has requested that minor amendments be made to the positioning of plots 1 and

13 in the interest of tree protection. This issue can be dealt with at Reserved Matters stage when the layout will be under consideration.

Drainage

- 6.20 The consultation process has raised some concerns from neighbours regarding the strain the development will put upon the sewage system. However, drainage officers support the application subject to conditions relating to a scheme of foul and surface water drainage being submitted to and approved in writing by the Local Planning Authority. No objections were received by Severn Trent Water.

Affordable Housing & Developer Contributions

- 6.21 Paragraph 47 of the NPPF sets out the Government's key housing policy goal, which is to boost significantly the supply of housing. It states further in paragraph 50 that; in order to deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - Where it has been identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 6.22 The Council's Affordable Housing Officer has confirmed that a Parish Housing Needs Survey for Tibberton was carried out in August 2011 and identified a significant unmet need for affordable homes with groups in need including families and older people. This is an application for 14 new dwellings, of which 5 (36%) will be affordable. Policy CS7 requires a 40% provision of affordable housing in Tibberton. In reality this would equate to 5.6 dwellings and therefore officers consider that the provision of the 5 dwellings is acceptable in this instance. In order to meet identified local needs there should be a firm agreement for all 5 dwellings to be made available for social rent. A Local Lettings Plan should also be agreed with the Local Planning Authority.
- 6.23 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits and that the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.24 In addition account has been taken of the changes to the CIL Regulations in April 2015 that now restrict the "pooling" of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the requested contribution towards recreation and education would meet the above tests and the

negotiation of these contributions is also consistent with Local Plan Policy T22. The following contributions are to be provided by the developer:

- Highways: £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field & £1500 towards the provision of 1 passing bay on Back Lane.
- Education: £70,249 (£36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School).
- Recreation: £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field.
- 5 affordable units

7.0 CONCLUSIONS

- 7.1 The application site lies within close proximity to the core of Tibberton village which has consistently been identified as a suitable settlement and a sustainable location for new housing development. It is acknowledged that saved WLP policy H10(a) and emerging T&WLP policy HO10 seek to restrict development to a limited amount of infill housing. However, it is accepted that H10(a) is older, less strategic and no longer relied upon, including in Inspectors' decisions; HO10 is emerging and has not been subject to independent examination so can only be given limited weight. As such, CS7, which identifies Tibberton as a named settlement, must be given more weight alongside the presumption in favour of sustainable development in the Framework.
- 7.2 Economically the development will help sustain the services and facilities in Tibberton and whilst proportionate to the scale will provide benefit during the construction period. The proposal also has some social and environmental benefits. It will boost housing supply and contribute to meeting the significant unmet need for affordable homes and mixed communities and in turn help support local services and facilities. The scheme will also contribute towards local recreational and highways improvements without causing an extension into the open countryside whilst improving the visual appearance of the area.
- 7.3 Whilst the design of the development would be dealt with at the reserved matters stage, the illustrative layout demonstrates that the site is capable of accommodation the proposed number of dwellings. The applicant confirms that the dwellings would be informed by a review of local architectural styles and materials. The Local Planning Authority is satisfied that through comprehensive consideration of the reserved matters at a later stage, the living conditions of neighbouring properties will not be unduly affected.
- 7.4 This application makes provision for affordable housing together with financial contributions towards upgrading to local recreational facilities and highways improvements as well as contributions to local educational facilities. The proposal is considered sustainable when assessed against the three dimensions detailed within the NPPF and the limited harm is outweighed by the benefits. As such, the proposal which is considered compliant with development plan policy CS7 is recommended for approval.

8.0 RECOMMENDATION

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

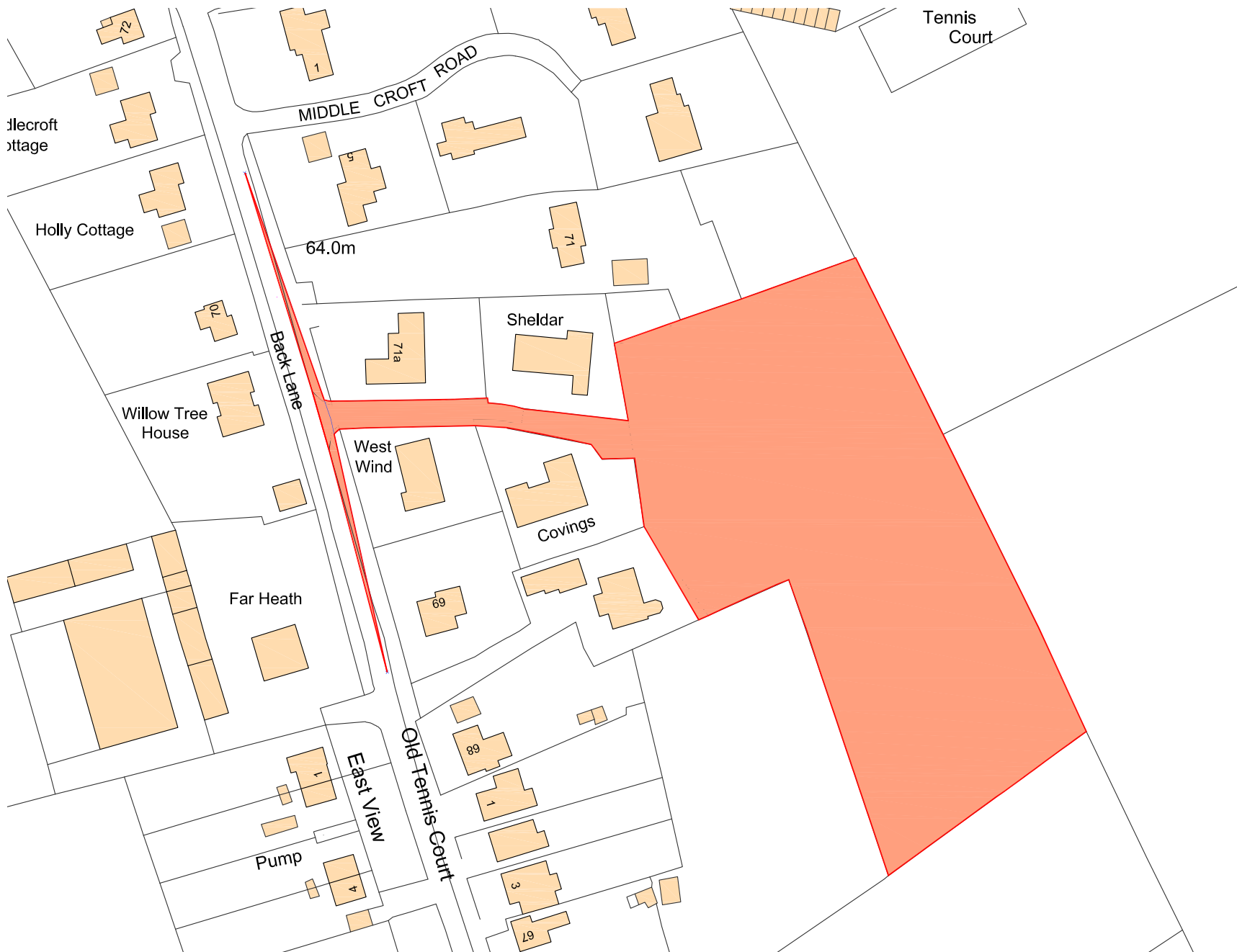
- A) The applicant entering in to a Section 106 Agreement with the Council relating to :
- i. 5 affordable dwellings to be made available for social rent
 - ii. £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field & £1500 towards the provision of 1 passing bay on Back Lane
 - iii. £36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School
 - iv. £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field
 - v. To be indexed linked from date of committee
- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):



Conditions

1. Time limit – Outline
2. Submission of Reserved Matters
3. Standard Outline – All Matters Reserved
4. General Details Required
5. Visibility Splays (2.4m x 43m)
6. Road design detail
7. Parking, Turning, Loading, Unloading
8. Site Environmental Management Plan
9. Foul & surface water drainage scheme
10. Landscaping Design
11. Mitigation Strategy Method Statement
12. Artificial nesting/roosting boxes
13. External Lighting Plan
14. Hedge Protection
15. Tree Protection
16. Development in accordance with plan

Informatives

S106
Highways
Ecology – nesting wild birds, hedgehogs, Great crested newts & trenches & pipework



-  Site boundary 0.83 Ha
-  Visibility splays

LAND OFF BACK LANE, TIBBERTON, SHROPSHIRE

on behalf of DMA Trust

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drawing no. SK01
 rev
 scale 1:1250 @ A4
 drawn by SW
 checked by MB

drawing Site Location Plan
 job no. OXUD361421
 date 08th August 2016





KEY

- Site Boundary
- Existing Vehicular Access
- Existing Trees
- Existing Hedges
- Potential Connection to Adjacent Playing Fields and Primary School
- Proposed Trees
- Proposed Dwelling
- Proposed Garage
- Proposed Fence/gate
- Proposed Hedges
- Shared Surface - 4.5m width (0.5m service strip)
- Continuation
- Screening hedge
- Communal garden space / infiltration basin

SCHEDULE

PL 1	3 bed House	90m ²	969sq ft
PL 2	2 bed House	75m ²	810sq ft
PL 3	2 bed House	75m ²	810sq ft
PL 4	3 bed House	90m ²	969sq ft
PL 5	3 bed House	92m ²	990sq ft
PL 6	2 bed House	75m ²	810sq ft
PL 7	2 bed House	75m ²	810sq ft
PL 8	3 bed House	92m ²	990sq ft
PL 9	3 bed House	84m ²	896sq ft
PL 10	3 bed House	84m ²	896sq ft
PL 11	4 bed House	108m ²	1160sq ft
PL 12	3 bed Bungalow	125m ²	1345sq ft
PL 13	3 bed Bungalow	125m ²	1345sq ft
PL 14	4 bed House	108m ²	1160sq ft
TOTAL	- 14 Units	1298m²	13960sq ft

There are other possible configurations for accommodating up to 14 dwellings on the site

LAND OFF BACK LANE, Tibberton, Shropshire
on behalf of DMA Trust

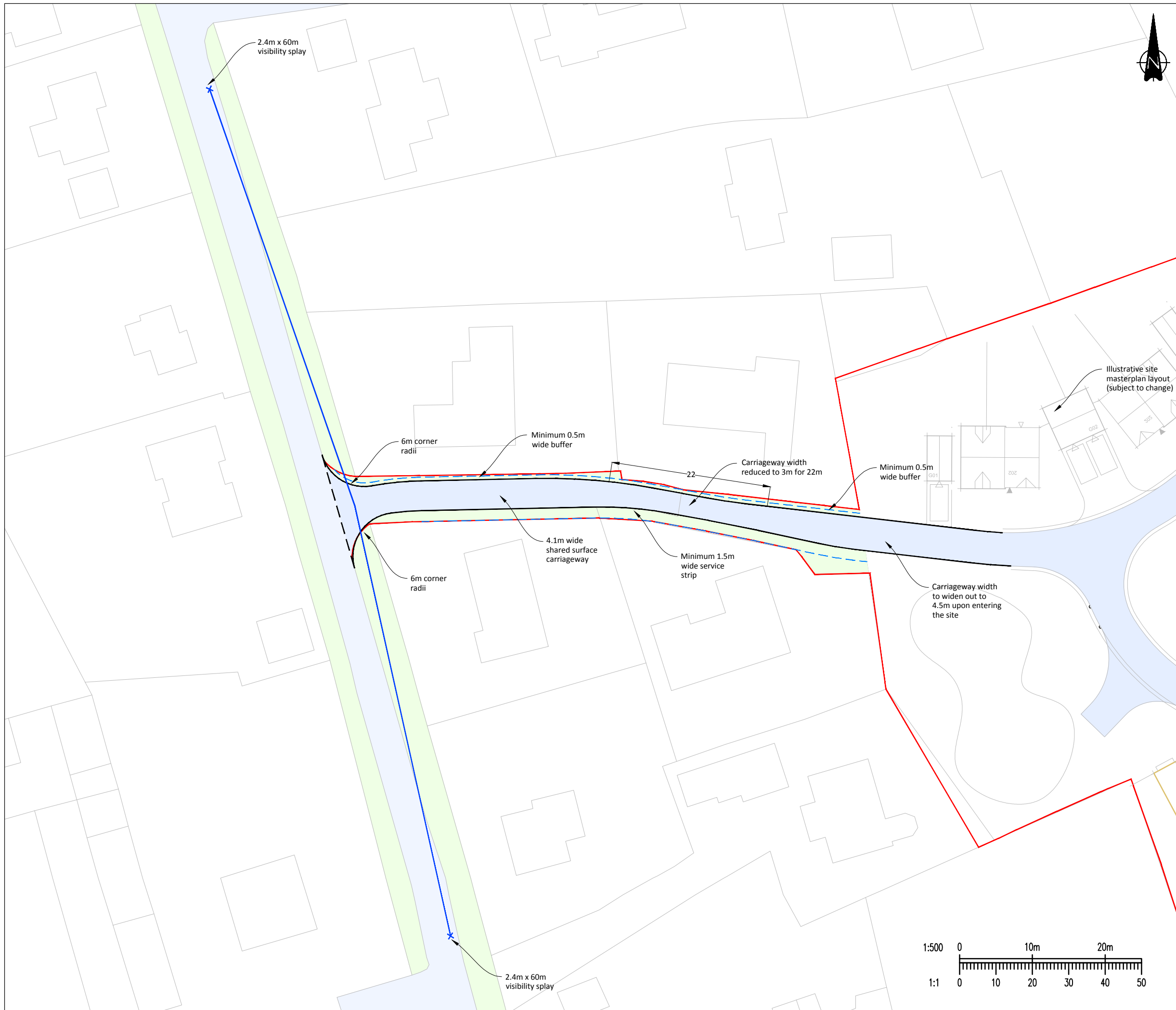
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drawing no. SK10
rev
scale 1:500 :A3
drawn by SW
checked by

drawing Illustrative Layout
job no. OXUD 361421
date 09 August 2016



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- Key**
- Site Boundary
 - Proposed Kerbline
 - - - Proposed White Lining
 - Existing Carriageway
 - Proposed Carriageway
 - Grass Verge
 - 0.5m Buffer to the North
 - 1.5m Buffer to the South
 - 2.4m x 60m Viability Splay

A01	05.08.16	SITE ACCESS DESIGN AMENDED	PJH
Rev	Date	Description	By

Amendments	
Project	BACK LANE, TIBBERTON
Title	SITE ACCESS DESIGN
Client	SAVILLS

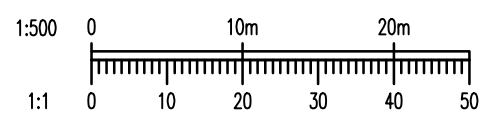


Halifax House Halifax Place Nottingham NG1 1QN
 1 0115 948 2612
 mail@watermangroup.com www.watermangroup.com

Drawing Status **PRELIMINARY**

Designed by	PJH	Checked by	DMW	Project No
Drawn by	PJH	Date	25.05.16	WIE10890
Scales @ A3 work to figured dimensions only				Computer File No
1:500				001_Site Access Design A01.dwg

Publisher	Zone	Category	Number	Revision
WIE	T&W	06	001	A01



TELFORD & WREKIN COUNCIL**PLANNING COMMITTEE – 14th December 2016****TREE PRESERVATION ORDER 2016****REPORT OF THE ASSISTANT DIRECTOR: LEGAL, PROCUREMENT & COMMISSIONING****1.0 PURPOSE**

- 1.1 To inform Members of the making of a provisional Tree Preservation Order (TPO) and to seek its confirmation.

2.0 RECOMMENDATIONS

It is recommended that Members resolve to confirm the following Order without modification:-

Borough of Telford & Wrekin (Maple Tree at; 9 and 11, Castle Road, Dawley, Telford, TF4 3EU) Tree Preservation Order 2016

3.0 SUMMARY

- 3.1 On 7 September 2016 a provisional Tree Preservation Order was made in respect of one Maple Tree (identified as **T1** on the appended map – **Appendix 1**) at 9 and 11, Castle Road, Dawley, Telford, TF4 3EU.
- 3.2 On 9 September 2016 and 30 September 2016, an objection to the TPO was received from the occupier of the property, 9 Castle Road, Dawley, Telford, TF4 3EU, in respect of the Maple tree (**T1**).

4.0 PREVIOUS MINUTES

- 4.1 None.

5.0 INFORMATION**5.1 Details of Objection**

Copies of the letters of objection are attached to this report as **Appendix 2**

5.2 Response of Arboricultural Officer

The response of the Arboricultural officer is attached as **Appendix 3**

6.0 EQUALITY & DIVERSITY

- 6.1 Not applicable.

7.0 ENVIRONMENTAL IMPACT

7.1 The amenity value of the trees outweighs any reasons given for their removal.

8.0 LEGAL COMMENT

8.1 A Tree Preservation Order is made under the powers conferred on the Borough of Telford & Wrekin by Sections 198, 201 and 203 of the Town and Country Planning Act 1990. A Local Planning Authority may preserve trees or woodlands if it thinks it is expedient in the interests of amenity to do so.

8.2 The Tree Preservation Order does not preclude necessary lopping or pruning. However, it would be necessary for the Council to consent before any such work was undertaken.

8.3 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

8.4 Before confirming an Order the Council must first consider any objections which have not been withdrawn.

8.5 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

9.0 LINKS WITH CORPORATE PRIORITIES

9.1 The making of Tree Preservation Orders is an important element in the Council's priority of ensuring a sustainable environment.

10.0 FINANCIAL IMPLICATIONS

10.1 There are no financial implications for the Council.

11.0 WARD IMPLICATIONS

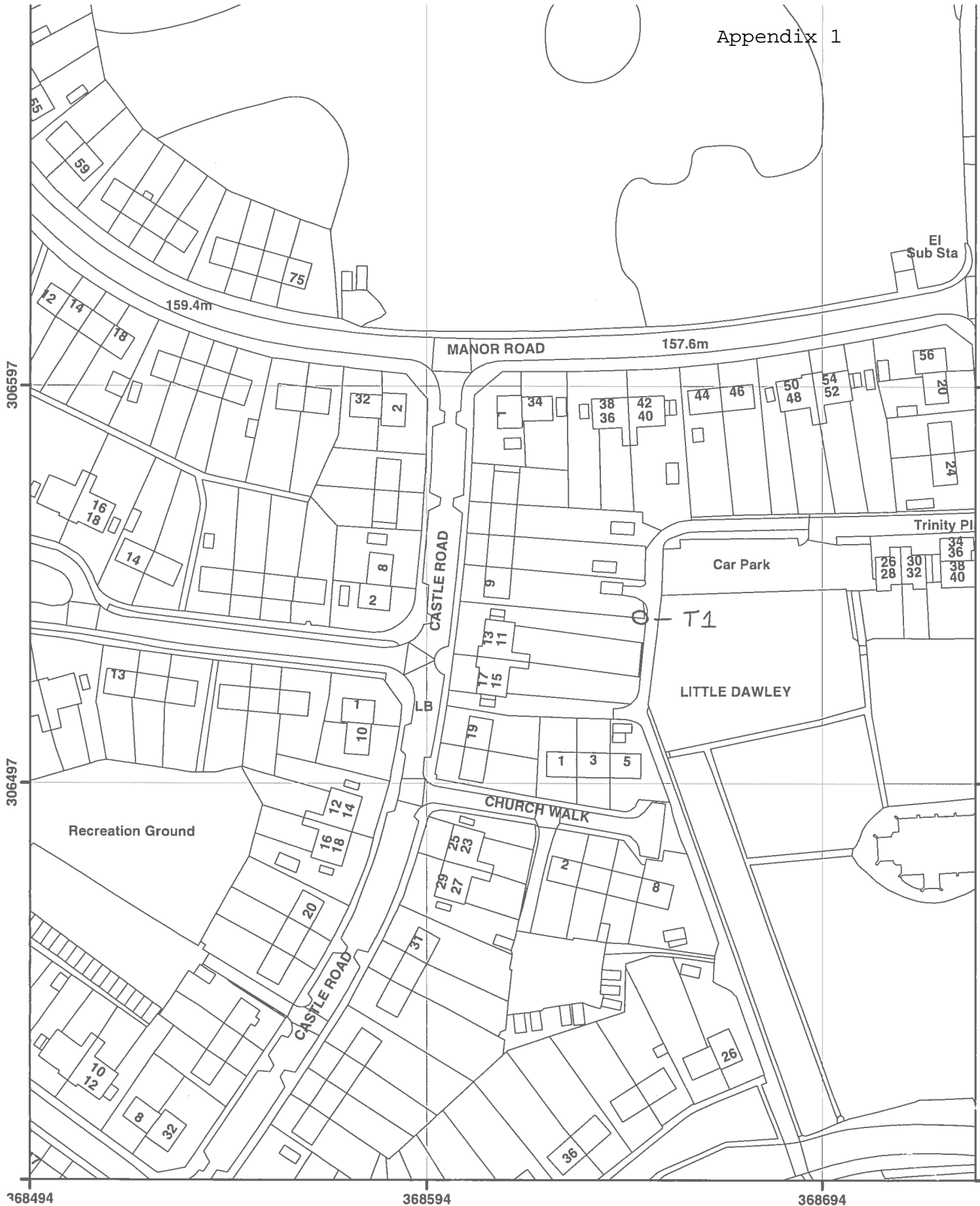
Dawley and Aqueduct


12.0 BACKGROUND PAPERS

12.1 Borough of Telford & Wrekin (9 and 11, Castle Road, Dawley, Telford, TF4 3EU)
Tree Preservation Order 2016

For further information, please contact Ian Ross – (Team Leader Places) or Eileen Griffin – (Solicitor) on 01952 383255.

ian.ross@telford.gov.uk or Eileen.griffin@telford.gov.uk

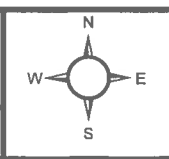



Telford & Wrekin
 COUNCIL
 Environmental Maintenance
 Granville House
 St Georges Road
 Telford
 TF2 7RA

Title: Maple tree at ;
 9 & 11 Castle Road
 Dawley
 Telford
 Shropshire
 TF4 3EU

Scale:
1:1,250

Date:
 06/ 09/ 2016



Drawn By: M. Seabrook

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9th September 2016

Ref: TPO 160

Dear Stacey Worthington:

This letter is in reply to the preservation order that was hand delivered to my address on 7th September 2016.

I feel that I must give the reasons as to why I want to have the tree cut down. The first reason is that the roots are showing near my garage. The second reason is that I am having to keep cutting it back so to avoid vehicles getting damaged when using the lane by the tree, and with working during the day, I find myself getting less and less time to keep cutting the branches back. The third reason is that I am planning to replace the old fence I got there with a new fence to provide better privacy for myself. Therefore I feel that cutting the tree down is the best course of action to be able to do all this.

You will see in the following picture, a tree root showing, the groove in the ground is where the garage door catches the ground where the root is lifting it.



Stacey Worthington
9th September 2016
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Looking at the plan that was submitted between page 2 and 3, I feel that I must correct where you had put the tree. You are nearly right with where you had put the circle but the tree is wholly on my premises and is not on 11 Castle Road premises at all, so this is making me question on if anyone had been out to look at the tree.

As you can see in the following picture, the tree is on my premises and not on 11 Castle Road as you shown on the plan. The picture was taken standing on the lane and you will also see the fence that I am also planning on replacing in order to give myself some privacy.



I feel that I must point out that when 11 Castle Road had the fence put up between us that they came onto my premises to cut quite a few branches off above the fence height without speaking to me about it.

In the following picture, the view of the tree in question is from the bedroom at the rear of my house. I am under the impression that 11 Castle Road doesn't want the tree cutting down because of the shade it offers. Well as you can see in the picture, her garden over the fence by the tree looks like a car scrap yard and as far as I am aware, she doesn't use the bottom half of the garden for anything else so the shade that would be offered by the tree is only in the early morning and that it is unkept.

Stacey Worthington
9th September 2016
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I also feel that I must point out that there is a storm drain or sewer, I am unsure of which it is, running down the lane by the tree and surely the roots would be affecting that and it would be in the best interest to have the tree cut down.

Finally I must inform you that if this order is confirmed then I will tell everyone who wants a repair bill because of the tree to send it to Telford & Wrekin Council as I will not be paying anything due to the fact I wanted to cut the tree down.

Sincerely,





30th September 2016

Ref: TPO 160

Dear Mr Seabrook:

This letter is in reply to the letter from you dated 20th September 2016.

I notice that you did not reply to the point of the fact that I am having to keep cutting the tree back to avoid vehicles getting damaged when using the lane by the tree, and with working during the day, I find myself getting less and less time to keep cutting the branches back.

I have also notice that you did not reply to the point that I am planning to replace the old fence I have got there with a new fence to provide better privacy for myself. I feel that you think I am not allowed to have any privacy on my own property. If you feel that I can not have a fence on the edge of my property then maybe you should reduce my council tax and buy the land around the tree off me so that you can do what you like with the tree.

So yes I wish to maintain my objection. I feel that the tree preservation order is against my human rights to put a reasonable fence up on the edge of my property, that is owned outright and nothing to do with Telford & Wrekin Council, to give myself privacy.

I also maintain that if this order is upheld then I will tell everyone who wants a repair bill because of the tree to send it to Telford & Wrekin Council as I will not be paying anything due to the fact I wanted to cut the tree down.

Sincerely,



Angie Astley Assistant Director of Neighbourhood & Customer Services

Highways & Neighbourhood Management
Darby House
Lawn Central
Telford
TF3 4JA



Contact Name: Matthew Seabrook
Your Ref:

Telephone: 01952 384384
Our Ref: TPO 160

Fax: 01952 384701
Date: 20 September 2016

Dear Mr 

Re: Tree Preservation Order

Thank you for your letter dated 9th September 2016. Within my reply I hope to answer the points you have raised and advise accordingly, if you feel that you then wish to maintain your objection to this TPO, it will then go to Planning Committee for their consideration.

Your first point of objection states that there are roots showing near your garage. Roots observed outside of the canopy edge can be severed cleanly to abate any perceived nuisance.

The general condition of this tree is perceived as good and currently does not require any surgery works. Please find enclosed an application form should you wish to undertake any tree works in the future.

Having undertaken a land search prior to making the tree preservation order, it appears that the boundary fence between yourself and your neighbour does not represent the true perimeters of these properties. I would suggest that the panel fencing currently in situ was erected "around" the tree in order to retain it. As such this tree is considered to be jointly owned between yourself and the neighbouring property.

Your observations regarding the close proximity of a storm water drain are indeed correct. Given that the drain is positioned over a metre below the surface it is not considered to be either threatened or the source of water and nutrients for this tree. This observation is based on the knowledge that tree roots rarely protrude soil over 500 mm in depth as there is little or no oxygen below this depth and roots will not survive.

I hope the aforementioned information has answered the points you have raised regarding your objection to this TPO. Should you wish to maintain your objection, please let me know and the tree preservation order will be allocated time during a planning committee meeting.


Yours sincerely

Matthew Seabrook
Tree & Woodland Officer
email: trees@telford.gov.uk

Appendix 3b

Angie Astley Assistant Director of Neighbourhood &
Customer Services

Highways & Neighbourhood
Management
Darby House
Lawn Central
Telford
TF3 4JA


Contact Name: Matthew Seabrook
Your Ref:

Telephone: 01952 384384
Our Ref: TPO160

Fax: 01952 384701
Date: 5 October 2016

Dear 

Re: TPO 160

Thank you for your letter dated 30th September 2016.

My apologies, I thought I responded to all the points raised within your letter of objection. Further points are addressed below :

- You state that you have to keep cutting the tree back with regard to vehicles using the track to the rear. Correct pruning to specific points should reduce the number of pruning's that need to be undertaken and I would suggest that dialogue with your neighbour to share this responsibility will further reduce this obligation.
- With regard to replacing your fence, measures can be adopted to either avoid the tree or accommodate it within any fencing operations you choose to engage.

Your objection will now go to planning committee for consideration and determination.

Please contact me with any further queries you may have.

Yours sincerely

Matthew Seabrook
Woodland & Trees Officer
email: trees@telford.gov.uk

CC : Stacey Worthington