



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

PLANNING COMMITTEE

Date	Wednesday, 8 June 2016	Time	6.00pm
Venue	Walker Room, Meeting Point House, Southwater Square, Telford TF3 4HS		

Enquiries Regarding this Agenda:

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Committee Membership: Councillors J C Minor (**Chairman**), C R Turley (**Vice Chairman**), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, L A Murray 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 18 May 2016.
4. **Deferred/Withdrawn Applications**
5. **Site Visits**
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.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 18 May 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), I T W Fletcher, R T Kiernan (as substitute for Councillor N A Dugmore) J Loveridge N C Lowery, P J Scott, M J Smith and C R Turley.

PC-109 Apologies for Absence

Councillor N A Dugmore

PC-110 Minutes

RESOLVED – that the minutes of the meeting of the Planning Committee held on 27 April 2016 be confirmed and signed by the Chairman.

PC-111 Declarations of Interest

In respect of planning applications TWC/2015/0862, TWC/2015/0863 and TWC/2015/0864 Councillor C R Turley advised that he was a member of Hollinswood and Randlay Parish Council but had not been involved in any discussions on these applications.

In respect of minute number PC-115 Cllr P J Scott advised that he was a member of Newport Town Council but had not been involved in any discussion on planning applications TWC/2015/1003 and TWC/2015/1024.

In respect of minute number PC-115 Councillor I T W Fletcher declared an interest due to his wife owning shares in Redrow and withdrew from the meeting during determination thereof.

PC-112 Deferred/Withdrawn Applications

None.

PC-113 Site Visits

None recommended.

PC-114 Planning Applications for Determination

Prior to consideration of this item, the Development Management Service Delivery Manager updated Members on the current position with regards to certain High Court challenges. The Council intended to challenge the Planning Inspector's decision in relation to planning application TWC/2013/1003 Haygate. The Inspector's decision in respect of the larger planning application at Muxton Lane had

been successfully challenged by the applicants and was likely to be re-heard as a single Public Inquiry along with the smaller application on the same site.

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2015/0359 and TWC/2016/0147

(a) TWC/2011/0575 – Land to the South of St Michaels Church, Waters Upton, Shropshire TF6 6NP

This application was for an amendment to the existing S106 Agreement which had been approved during the outline application in March 2013 for the erection of 8 no dwellings with associated access and amenity space and the provision of 40% affordable housing, the provision of community car parking facilities and the contribution of £5,000 towards a Traffic Regulation Order.

A reserved matters application had now come forward and following a viability assessment it was considered that the proposed scheme would be undeliverable and negotiations had taken place which had led to the proposed Deed of Variation which was comprehensively detailed in the report.

Councillor S Bentley, Ward Councillor for Edgmond and Ercall Magna spoke in support of the application on behalf of the Parish Council and the wider community, who recognised the effort that had been made to achieve the agreement on this application.

During the ensuing debate Members recognised that the negotiations had gone a long way to protect the sandstone wall, to secure £45,000 towards the maintenance of the car park and to protect the £5,000 allocated for the Traffic Regulation Order.

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

RESOLVED – that with respect to planning application TWC/2011/0575 delegated authority be granted to the Development Management Service Delivery Manager to vary the S106 agreement signed by the parties on 12th August 2013, to:

- a. remove the requirement to provide affordable housing; and
- b. pay £45,000 to the Parish Council on the transfer of land for the maintenance of the community car park, associated pathways, walls and verge

NB for the avoidance of doubt the clause for the provision of £5000 towards the Traffic Regulation Order remains unaltered; and indexation for point (b) above is taken from the date of this resolution.

(b) TWC/2015/0359 – Angel Centre, Osbaston, Telford, Shropshire
TF6 6RB

This application was for change of use from a residential training facility (use class C2) to land and buildings for the storage and distribution of vehicles (use class 8) prior to their onward sale and had been through three rounds of consultation. The development would be undertaken on a phased basis and this application, which was part retrospective, related to Phase 1 to establish storage and distribution focussed on the western and southern areas of the site. The Planning Officer drew particular attention to aspect of the report relating to on site facilities, highways and hours of operation.

A site visit had taken place in the afternoon prior to the meeting and had considered the roads, the routes to the south and north, Walton bend, issues and arrangements regarding the size of the road and the width of the verges and the information contained in the S106 Agreement.

An update report was tabled at the meeting which set out further consultation responses and the representations received regarding a deferment of the application, the highway infrastructure and the hours of operation

Councillor R Wickson spoke on behalf of Ercall Magna Parish Council on the grounds that whilst the Parish Council encouraged business and recognised the site as brownfield, this development would be detrimental to the area and the environment in its present form. He raised concerns regarding traffic movements, hours of operation, pinch point along the access routes, passing places and the lack of maintenance of the roads.

Councillor S Bentley spoke as Ward Councillor for Edgmond and Ercall Magna. Whilst he accepted the historic use of the site and noted the negotiations which had taken, he remained concerned about the traffic management plan, highways, loss of hedgerow and the protection of the natural habitat.

Mrs E Bates spoke on behalf of the Local Residents who were concerned about the cumulative impact on the community particularly regarding access, ecology, employment, the S106 Agreement and planning conditions. She considered that there was insufficient information before the Committee for them to make a decision.

Mr S Buckley, the Applicant's Agent, informed Members that the Company had outgrown its current provision and had insufficient storage space which was impacting on growth. A limited amount of cars were being stored on site which had been brought in individually. The site had been previously developed the proposals were compliant with the NPPF. A new access had been agreed with Highway Officers. He concluded that the application would create new local jobs and support a successful business.

The Planning Officer referred Members to aspects of the report including consultation responses, site and surroundings, principle of change of use, highways and impact of infrastructure, air quality, drainage and impact on the character and appearance of the area.

During the debate some Members suggested a deferment of the application to allow further consideration to be given to concerns raised regarding hours of operation, the route through Longdon on Tern, the number of vehicle journeys within Phase 1 and Phase 2, speed of traffic, width of passing points, hedgerows, flood risk, the structural integrity of the listed bridge and general highway maintenance, access and safety concerns. Other Members supported the re-development of a brownfield site as the site needed to be used.

In response to some Members' comments the Group Manager, Development Team advised Members regarding the structural integrity of the bridge and confirmed that regular inspections were undertaken. The Engineer was satisfied that the bridge was more than adequate as a public highway and was currently used by agricultural vehicles and the maintenance of public highways was a statutory duty. Financial contributions from the S106 Agreement would be used to improve the current signage.

The Development Management Service Delivery Manager agreed to speak to colleagues and ask them to consider a further inspection of the bridge.

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

RESOLVED – that with respect to planning application TWC/2015/0359 delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the applicant entering into a Section 106 Agreement with the local planning authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:

a) (i) A Routing Agreement:

The routing of all vehicle transporters associated with the movement of cars to and from the site shall be in accordance with those routes indicated on submitted drawing number M14074-C-025 Rev A [please note plan no. revision from Planning Committee Report, in line with latest information cited elsewhere in the report]; in that no transporters are permitted to travel through the Walton Bend on the B5063 and therefore all transporters may only turn left out of Crabtree Lane onto the B5063 and right into Crabtree Lane from the B5063.

(ii) £5,000 towards the monitoring of this routing agreement.

(iii) Measures for the provision of the sum of £100,000 to be called upon to install shuttle operation traffic signals on the Walton Bend if there are three proven instances of transporters defaulting on the routing agreement within a 6 month period. Upon any installation of traffic signals on the bend the routing agreement from the junction of Crabtree Lane/B5063 shall become null and void.

(iv) Control of existing access for usage by office staff and as a welcome

type facility for visitors only.

- (v) £7,500 towards signing and lining improvements on the B5062 Cotwall Lane at New Cottages bend (Grid Ref. 361106, 317721) and the stone bridge 240 metres to the west of the A442 (Grid Ref. 362821, 318019)**
- (vi) £10,000 towards a speed review on the B5063 between High Ercall and Walton with a view to reduce the speed limit from 60mph to 40mph. Works will include all associated lining, signing and legal orders**

NB. Any indexation shall be taken from the date of this resolution.

- b) The conditions and informatives set out in the report and the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**
- (c) TWC/2015/0836 – Land between Arleston Lane & Dawley Road, Arleston, Telford, Shropshire**

This was a reserved matters application for layout, scale, appearance and landscaping for the erection of an Extra Care Facility containing 50no self-contained flats and associated communal/public facilities including a shop, restaurant, café, hair & beauty salon and hobbies/meeting room and for the erection of 95 no residential dwellings. Consideration of the application had been deferred by the Committee at the meeting on the 27 April 2016 to enable further negotiation to take place with the applicant in relation to a number of concerns as set out in the report.

The application had been referred to Planning Committee for determination by the local Ward Member, Councillor A McClements, who spoke against the application. Whilst she welcomed the deferral on the 27th April and subsequent negotiations, she remained concerned regarding parking for the facilities and accommodation, the continued over-development on the western boundary, the impact of the design on the unique character of the village, the impact of the Extra Care Facility on the skyline and the location of the LEAP.

Mr G Devey, local resident raised concerns regarding lack of consultation, the outline permission which had been granted prior to the Council having a 5 year housing land supply, the ridge level of the dormer towers, the bright colours of the Extra Care Facility and the housing layout, the extra traffic, car parking and space for deliveries, the LEAP situated next to the M54 the rights of way and that this application did not fit within the setting of the village.

Mr M Sitch, the Applicant's Agent, informed Members that they had responded positively to the concerns raised and worked hard with Officers in order to produce an acceptable scheme.

The Planning Officer reminded Members that they were considering the reserved matters application. Outline permission had already been approved for the three

storey Extra Care Facility, the LEAP, pre-commencement conditions and the number of units.

During the ensuing discussion some Members had concerns regarding the lack of parking, the position of the LEAP, the application not being in keeping with the residential area, overdevelopment, the roofline and the space standards. Other Members considered that at the outline planning stage Members had asked the applicant to re-consider aspects of the development and there was no reason to refuse the application.

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

RESOLVED – that with respect to planning application TWC/2015/0836 delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

(d) TWC/2015/0862 – Plot 2, T54, The Naird, Telford, Shropshire

Following a unanimous decision by the Committee, this application was considered in conjunction with planning applications TWC/2015/0862, TWC/2015/0863 and TWC/2015/0864 due to them being on the same site and being similar in nature. Each application was voted on separately.

These full applications were for the erection of three industrial buildings with use class B1, B2 and B8 and associated parking, access and landscaping on Plots 2, 3 and 5, Telford 54, Nedge Hill, Telford and were before Members as a Section 106 Agreement was required on each application. The Planning Officer referred Members to aspects of the reports which set out the proposals in full, detailed the site and surroundings and highlighted the Ecological Impact Assessment.

During the ensuing debate, a question was raised with regard to Condition A3, monies to be indexed, and when this would start. The Legal Officer confirmed this would begin on the date of payment. Members welcomed the applications and hoped these Units would be in use as soon as possible.

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

RESOLVED - that with respect to planning application TWC/2015/0862 planning permission be granted subject to:

A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:

- (i) A financial contribution of £87,880 towards improvements to the local highway network in the vicinity of the application site, and**
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be**

paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly.

- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years from the date(s) of payment refunded to the applicant.

B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

- (e) TWC/2015/0863 – Plot 3, Telford 54, Nedge Hill, Telford, Shropshire

As set out at (d) above this application was heard in conjunction with planning applications TWC/2015/0862 and TWC/2015/0864.

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

RESOLVED – That with respect to planning application TWC/2015/0863 that planning permission be granted subject to:

A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:

- (i) A financial contribution of £27,200 towards improvements to the local highway network in the vicinity of the application site;
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly.
- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years from the date(s) of payment refunded to the applicant.

B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

- (f) TWC/2015/0864 – Plot 5, Telford 54, Nedge Hill, Telford, Shropshire

As set out at (d) above this application was heard in conjunction with planning applications TWC/2015/0862 and TWC/2015/0863.

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

RESOLVED – that with respect to planning application TWC/2015/0864 planning permission be granted subject to:

A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:

- (i) A financial contribution of £43,520 towards improvements to the local highway network in the vicinity of the application site;**
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly; and**
- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years refunded to the applicant.**

B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

(g) TWC/2015/0928 – Land East of 21A St Michaels Close, Madeley, Telford

This was an outline application for the erection of 1 no dwelling with associated double garage and access with all matters reserved and sought the creation of vehicular access off St Michaels Close. Councillor J Jones had requested that this application be determined at Planning Committee.

The Planning Officer drew Members' attention to the background to this application set out in the report and recent grant of planning application TWC/2014/0178 on appeal. The Planning Officer referred to the lower density of this application in comparison with TWC/2014/0178 and commented on the sustainable location employment opportunity, Policy compliance and the established principle of development.

During the ensuing debate, some Members felt that this application sent a negative message, conflicted with policy and had an impact on its surroundings due to being visible from Coalport Road. However, it was considered that it was difficult to refuse in light of the decision of the Planning Inspector.

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

RESOLVED – that with respect to planning application TWC/2015/0928 that planning permission be granted subject to the conditions and informatives set out in the report.

(h) TWC/2016/0147 – Land North of Grove Road, Overdale, Telford, Shropshire

This application was an outline application for a residential development with associated access and all other matters reserved. An indicative layout plan demonstrated that the site could achieve 80 units.

An update report was tabled at the meeting which set out further consultation responses and representations received regarding noise, drainage and crime during the building phase with regard to site offices, storage areas and plant and machinery.

Councillor J Greenaway spoke against the application on behalf of Lawley & Overdale Parish Council on the grounds of the lack of playing facilities, the increase of traffic and the use of short cuts by cars and HGVs, highway safety, the public rights of way, the stability of the embankment, opencast mines, the viability of the scheme and the acoustic barrier for 45 new dwellings close to the M54.

Councillor M Boylan, Ward Councillor, opposed the application on the grounds that he considered further investigation was needed on the mine shafts, the acoustic barrier and viability issues, the location and the loss of open space, the impact on the highway, limited amenities, the application would be detrimental to the area and along the M54 corridor and the lack of affordable housing which was contrary to Council Policy.

Ms H Barker, local resident, also raised concerns regarding the increase of traffic and highway safety, the short cuts by taxis and HGVs and the speed of traffic and the need for traffic calming measures and the safety of the proposed living conditions.

Mr P Harris, Applicant's Agent, addressed Members that the viability of the site had been difficult due to the high technical issues that ran along the embankment of the M54 but the revised S106 agreement now made the site viable with an acceptable layout and density as shown on the illustrative plan. He considered that the open space and green network was in private land so did not affect the application and hoped that a reserved matters application would come forward shortly.

The Planning Officer reminded Members that the principle of the development had already been accepted and that this application was subject to the S106 which had lapsed and consideration needed to be given to the application being within the green network but had no defensible boundary, the layout, noise, air quality, stability and the viability issues which were set out in the report and update report.

During the ensuing debate, some Members raised concerns regarding suitability of the site, the stability of the development, noise and air pollution. Other Members considered that if the application was refused, it would be difficult to defend at appeal and could see no material reasons to refuse the application.

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

RESOLVED - that with respect to planning application TWC/2016/0147 that planning permission be granted subject to:

- a) **The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Development Management Service Delivery Manager) that includes the provision of:**

- i. **£62,000 towards primary education facilities, towards the expansion of Old Park;**
- ii. **£24,000 towards offsite Leisure and recreation facilities, to be spent in the nearby play area sites – Overdale Playing Field and Riding Close:**
- iii. **£10,000 towards offsite highway works, to fund rights of way improvements from Grove Road to Waterloo Road**

NB. Indexation shall be taken from the date of the resolution to grant

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

- (i) TWC/2016/0263 – Ketley Community Recycling Centre (CRC), Whitchurch Drive, Telford, Shropshire TF1 5AB

This application was for a change of use of the existing recycling centre to a gypsy and travellers site and provision of 1 no toilet block following the closure of the CRC after the completion of the new purpose built facility at Hortonwood and improvements to the Halesfield had been undertaken.

This application had been brought before the Planning Committee following requests from Councillors Mark Boylan and Joy Francis and a site visit had taken place prior to the meeting.

The Planning Officer referred Members to the report with regard to the principle of development, the loss of the existing recycling facility, the design and layout of the scheme, the impact on neighbours and the highway infrastructure.

Councillor J Francis, Ward Councillor, spoke against the application and raised concerns from local residents regarding fly tipping, the lack of consultation, the site which was elevated and not effectively screened and which backed onto gardens off Western Rise, how the conditions would be regulated and policed and why the site had not been considered for small business units or bungalows.

The Service Delivery Manager, Cohesion, who managed Traveller Liaison advised Members regarding the Council's legal obligations to provide suitable accommodation for travellers and the current need for further transient sites. He commented on the site layout, proposed management by the Gypsy/Traveller Officer from within the Community Cohesion Team and the terms of occupation.

During the ensuing debate some Members felt that putting this development in what they believed was an elevated and insufficiently screened site in the middle of the town and close to nearby houses was not an acceptable use and suggested that other uses for the site were explored. Other Members felt that this was an excellent use of the former CRC, there would be less traffic and it would not impact on the nearby houses due to the 130m separation distance, it gave good access to the M54

and the maximum stay was for 28 days and they could see no reason to refuse the application.

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

RESOLVED - that with respect to planning application TWC/2016/0263 that planning permission be granted subject to the conditions and the informatives set out in the report.

PC-115 Planning Applications for Consideration

Following a unanimous decision by the Committee, applications for consideration, TWC/2015/1003 and TWC/2015/1024 would be heard together due to them being on similar in nature. Each application was voted on separately.

Councillor I Fletcher took no part in this item and left the room.

The Planning Officer informed Members that the purpose of the reports was for Members to decide on a position for the Council to maintain at appeal in relation to an application by Redrow Homes for outline planning permission for the sites for 110 homes to the North end of Newport and a new access for Forton Road and a further 170 homes to the South of Newport on Kestrel Close which would involve demolishing 2 no 4 bedroomed homes within Kestrel Close. Full details of the applications could be found in the report which were tabled at the meeting and raised concerns with regard to the loss of green network, trees and hedgerows, drainage, noise, impact on the highways, parks and opens spaces, education, ecology, urban design, planning policy and affordable housing.

During the ensuing debate Members raised concerns regarding the loss of green space and the effect on the local wildlife, the large amount of houses that were already being built or due to come forward, knocking down of 2 x 4 bedroomed houses to accommodate the highway, Forton Road not suitable for extra traffic and concerns regarding the right turn at the junction of the A41 and the lack of public transport. Members considered the reason for refusal set out in each report and decided that both of these applications should be refused for the reasons stated.

- a) TWC/2015/1003 – Land east of Kestrel Close/Beechfields Way, Newport, Shropshire

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

RESOLVED - that had an appeal against non-determination not been submitted that PLANNING PERMISSION would have been REFUSED for the following reasons:

- 1. The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The**

Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policies OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).

- 2. The proposal would result in the likely loss of two protected veteran oak trees that have a high ecological and amenity value. In addition the proposals do not accord with paragraph 99 of ODPM Circular 06/2005, or Standing Advice from Natural England nor do they provide necessary survey information relating to bats. The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the use or otherwise of the dwellings to be demolished as bat roosts has not been established nor the extent to which any bat population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford & Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.**
- 3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 170 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary to the NPPF and saved Wrekin Local Plan Policy UD2.**
- 4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.**
- 5. Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.**
- 6. In order to give officers flexibility during the progress of this appeal, that the Development Manager: Development , Business and Employment (or any other officer authorised by him), be authorised**

to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations

- b) TWC/2015/1024 – Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire

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

RESOLVED - that had an appeal against non-determination not been submitted that **PLANNING PERMISSION** would have been **REFUSED** for the following reasons:

1. The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policy OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).
2. Insufficient information has been provided to demonstrate that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act 1992. As such the development proposal is contrary to the NPPF and Core Strategy Policy CS12.
3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 110 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary the NPPF and saved Wrekin Local Plan Policy UD2.
4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.
5. Insufficient information has been submitted to establish the principle of surface water drainage for the site. As such the development is contrary to the NPPF and to Core Strategy Policy CS13.

6. **Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.**
- 7 **In order to give officers flexibility during the progress of this appeal, that the Development Manager: Development , Business and Employment (or any other officer authorised by him), be authorised to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations.**

PC-116 Endorsement of an Article 4 Direction (non-immediate) to remove permitted development rights for the conversion of offices, storage and distribution centres to residential in the Borough's primary employment areas namely Central Park/Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale as identified on the plan and edged red.

The Planning Officer presented the report of the Assistant Director Business, Development and Employment, which set out the resolution by Cabinet to seek an Article 4 Direction and the Committee were asked to endorse this approach.

The proposed Article 4 Direction prevented the change of use of an office building and land within its curtilage or storage or distribution centres from being converted to residential units without planning consent within Central Park/Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale, in order to retain the integrity of existing large employment areas and encourage jobs and businesses into the Borough, whilst safeguarding the living conditions of residential occupiers due to the lack of community facilities, issues with highways and drainage and through contamination of land within these employment sites.

The report proposed that an application be made to the Secretary of State for a Non-Immediate Article 4 Direction which would then be subject to a six week consultation. Following consultation, if the Non-Immediate Article 4 Direction was adopted, permitted development rights would be removed without compensation being payable, but it would take one year and eight weeks to come into effect.

Members questioned whether Newport could be added to the list of sites within the Article 4 Direction and the Planning Officer explained that the employment site within Newport did not have suitable credentials to be submitted to the Secretary of State and was unlikely to be approved.

Upon being put to the vote, it was unanimously:

RESOLVED - that:

1. **Following the resolution by Cabinet to delegate authority to Assistant Director: Business Development and Employment to make a Non-Immediate Direction with immediate effect under Article 4 (1) of the Town and Country Planning (General Permitted Development Order)**

2015 to remove permitted development rights under Schedule 2 Part 3 Class (O) changes of use from offices to dwellinghouses and Schedule 2 Part 3 Class (P) changes of use from storage or distribution centre to dwellinghouses from the employment areas of Central Park/Town Centre, Halesfield, Hortonwood , Stafford Park and Tweedale as identified on the attached local plans; and

- 2. that Cabinet further resolved to delegate authority to Assistant Director: Business Development and Employment in consultation with the Lead Cabinet Member to exercise all the powers conferred on the Council regarding the making, processing and confirmation of the Direction referred to in paragraph 1.**

The meeting ended at 8.46pm

Chairman:

Date:

PLANNING COMMITTEE

8th June 2016

Schedule 1 - Planning applications for determination by Planning Committee
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TWC/2016/0121 Site of, Tessant House, Dark Lane, Church Aston, Newport, Shropshire Erection of 1no. dormer bungalow with a detached double garage.. **20**

TWC/2016/0124 Land at Tessant House, Dark Lane, Church Aston, Newport, Shropshire Outline application for the erection of 1no. detached dwelling to include access with all other matters reserved..... **35**

TWC/2016/0125 Land at junction of, Moss Road/Rookery Road, Wrockwardine Wood, Telford, Shropshire Erection of 21no. apartments and 3no. dwellings... **49**

TWC/2016/0232 Reviive, Wellington Road, Donnington, Telford, Shropshire, TF2 8AA Retention of 3 storage containers for use for storage in connection with the authorised use of the site for the sale, storage and refurbishment of furniture (Retrospective)..... **75**

TWC/2016/0249 Land adjacent Grangefields, Hay Street, Tibberton, Newport, Shropshire Reserved matters application for the erection of 1no. detached dwelling with integral garage to include access, appearance, layout, scale and landscaping (pursuant to outline TWC/2015/0309) *****AMENDED PLANS RECIEIVED***** **86**

TWC/2016/0284 Land rear of 10 - 21 Frome Way, Donnington, Telford, Shropshire Variation of condition 14 of outline planning permission W2008/0705 to remove the requirement for the provision of a footpath to St. Georges Road . **101**

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/2016/0121

Site of Tessant House, Dark Lane, Church Aston, Newport, Shropshire
Erection of 1no. dormer bungalow with a detached double garage

APPLICANT

Mr Longstaff

RECEIVED

09/02/2016

PARISH

Church Aston

WARD

Church Aston and Lilleshall

OFFICER Matthew Thomas

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 27TH APRIL 2016 FOLLOWING THE PUBLICATION OF THE MUXTON LANE AND HAYGATE ROAD APPEAL DECISIONS. THE APPLICATION HAS NOW BEEN RETURNED TO COMMITTEE WITHOUT CHANGE TO THE RECOMMENDATION.

Policy Update to Members

- i) Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.
- ii) Paragraph 47 of the NPPF requires local planning authorities to 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. Paragraph 49 advises that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.
- iii) The Council published a five year housing land supply statement in October 2015 that covers the period from 2015 to 2020 and is based on the full Objectively Assessed Need for the borough. This concludes that the Council has a 10.9 year supply of housing land. This matter has been considered in detail at a number of appeals including, most recently, two Public Inquiries relating to housing development within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane and APP/C3240/W/15/3025042 – Land at Haygate Road, Wellington).
- iv) A number of matters that are relevant to this proposal were considered in detail at those Public Inquiries and the Planning Inspectors came to different conclusions on some of those issues despite considering very similar evidence. The appellant in the Muxton Lane Inquiry, Gladman Developments

Ltd, has lodged a legal challenge against the Inspector's decision and this application will be re-heard at a Public Inquiry at a future date. The LPA has lodged a legal challenge against the Inspector's decision for the Haygate Road appeal decision and further updates will be given to Members as that challenge progresses.

- v) Whilst these appeal decisions are material planning considerations in the determination of this proposal it is considered that the LPA can continue to regard the Borough as having a greater than 5 year housing supply and give weight to its Housing Supply policies. This position may change in the future e.g. if Court cases require it should.
- vi) Until a change in approach is required the LPA will continue to determine planning applications in accordance with the provisions of the adopted development plan. The LPA considers that the Council can demonstrate it has in excess of 5 years of housing land supply based on an evidenced Objectively Assessed Need (OAN) and give weight to its relevant housing policies, in accordance with para 49 of the NPPF. As such its rural housing policy CS7 is NPPF compliant and therefore up to date. Further, because it has a number of relevant and up to date housing supply policies, the NPPF paragraph 14 presumption in favour of granting planning permission is not engaged.

*****ORIGINAL REPORT BELOW*****

CLLR ANDREW EADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes (a single letter of objection subject to conditions has been received by a local resident)

1.0 THE PROPOSAL

1.1 This full planning application seeks permission for the erection of an energy-efficient dormer style bungalow with detached garaging and associated landscaping within the grounds of 'Tessant House' which is situated to the far south western corner of the village of Church Aston. The application site measures approximately 0.28ha and is located to the south side of the existing dwelling and is currently used as private garden land. The proposed dwelling will be sited centrally within the plot created as shown on the submitted drawings.

1.2 The proposed dwelling will be traditional in character and appearance and has been purposely designed in largely open-plan form to meet the applicants' specific existing and future requirements with living and sleeping

accommodation being provided at ground floor level and two further bedrooms in the roof space. The proposed timber frame building will be finished in red brick facings and the hipped roof will be covered in either low-profile concrete or slate-effect tiles with final materials to be agreed by condition.

- 1.3 As part of the proposed development it is envisaged that the existing access from the adopted lane will be widened to provide a new private driveway to serve the bungalow where a detached garage will be provided together with on-site car parking and turning. Light landscaping of the site is included in the proposals whilst making use of existing established boundary treatments.
- 1.4 The applicants have also submitted a separate outline planning application (with all matters except for means of access reserved) for a detached house and garaging to the north side of 'Tessant House', with the intention of using the proceeds of a future sale of that plot to help fund the construction of the bungalow for their own needs, ahead of the eventual sale of 'Tessant House', which is now too large for the applicants' requirements. This application is supported by a Planning Statement, an Arboricultural Report and a Phase 1 Habitat Survey.
- 1.5 The applicant has previously received pre-application advice in January 2015 where it was advised that the Council would be likely to be supportive of a proposal for two dwellings within the grounds of 'Tessant House'. At the time of responding the Council could not demonstrate a five year housing land supply. Accordingly housing applications in the rural area were being considered more favourably, in line with paragraph 49 of the National Planning Policy Framework (NPPF). Since then, in March 2015, the Council has confirmed it has in excess of 10 years' worth of housing land supply and as such is a notable change in policy position.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site lies to the south-west corner of Church Aston on the outskirts of Newport and comprises a large post-war detached dwelling set in the centre of extensive landscaped grounds known as 'Tessant House'. A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished so the site cannot be regarded as a brownfield or previously developed land.
- 2.2 Access to the site is via a narrow lane which branches off from the main spinal route through Church Aston. There is an existing private driveway that leads to the main dwelling which itself is heavily screened by existing boundary vegetation. Boundary treatments are well established and comprise conifer hedging, mature trees and post and rail fencing.
- 2.3 To the south of the site is 'Manor Court', a modern bungalow which is set within a large and well screened curtilage. Beyond this dwelling the lane becomes a green bridleway/footpath that extends in to the fields to the south. To the north of the site is a modern detached dwelling constructed in the

1980's to a pseudo-Georgian design. To the north-east is an on-going development of 26 detached houses following the granting of planning permission in December 2014.

- 2.4 Church Aston is encompassed within the boundary of Newport as defined within the Wrekin Local Plan proposals map and the Telford and Wrekin Local Plan and comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance. Within Church Aston are the Infants School, St. Andrew's Church and the Village Hall. The application site falls just outside of the local plan boundary with Newport and is therefore situated in the countryside and rural area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W76/0145 – Erection of cattery/reception room and store/grooming room (as extension to existing kennels) – Approved (01/07/1976)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
H9 Location of New Housing
UD2 Design Criteria
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS6 Newport
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources
CS15 Urban Design
- 4.4 Telford and Wrekin Local Plan (Publication Version):
SP2 Newport
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria
NE 1 Biodiversity and Geodiversity

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Church Aston Parish Council: No Objection
- 5.2 Highways: Support subject to conditions

- Parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation
- 5.3 Drainage: Support subject to conditions
- Scheme for foul and surface water drainage to be submitted to the LPA prior to commencement of development
 - Soakaway tests and details of proposed locations to be carried out and submitted to the LPA prior to commencement of development
- 5.4 Arboricultural: Support subject to conditions
- Scheme for landscaping to include tree replacements to be submitted
 - Protective tree fencing to be installed as per submitted plans
- 5.5 Ecology: Support subject to conditions
- Erection of artificial nesting/roosting boxes
 - External lighting plan to be submitted
 - Informative – nesting wild birds
- 5.6 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

- 5.7 Following neighbour consultation a single letter of objection subject to conditions was received and the issues raised have been summarised below:
- Concerns over potential damage to Dark Lane (tarmacadam and grass verges) from heavy goods vehicles
 - Conditions – no access for HGV's before 8am, no parking up of HGV's along Dark Lane, any damage to be ratified and no reversing of HGV's

6.0 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 development
 - Impact on the character and appearance of the area
 - Impact on the living conditions of neighbouring properties
 - Access and highway safety
 - Trees and ecology

Principle of development

- 6.2 Telford and Wrekin Council published a five year housing land supply statement in October 2015 that cover the period from 2015 to 2020 and is based on the full objectively assessed need for the borough. This concludes that the Council has a 10.9 year supply of housing land. This matter was considered in detail at a recent Public Inquiry relating to a housing proposal

within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane). The Inspector concluded that the Council has a housing land supply in excess of five years and that paragraph 49 of the National Planning Policy Framework (NPPF) was not applicable to that proposal.

- 6.3 The question of whether the local plan is out-of-date or not was also considered at the Public Inquiry referred to above and in dismissing the appeal the Inspector concluded that the age of the development plan alone does not make it out of date and that policy CS7 of the Core Strategy (CS) is up to date and is in accordance with the NPPF. As such the section of paragraph 14 of the NPPF that refers to plans being absent, silent or out-of-date does not apply to this proposal.
- 6.4 Policy CS7 of the CS seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The appeal site is not focussed upon any of the settlements named under policy CS7. Given the significant supply of housing land available elsewhere in the borough, and within Newport, 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 Newport into a greenfield agricultural land within the rural area. The principle of the proposal is contrary to policy CS7 of the CS and the proposal should therefore be refused on this along unless there are material considerations that indicate otherwise. Whilst the applicant has advised that this is previously developed land, having been used in the past as a cattery/kennels, this use has long ceased and the associated buildings demolished and therefore the NPPF would no longer consider this site to be previously developed land. The Local Planning Authority has taken in to consideration the applicant's supporting statement including the explanation provided behind the need for a purpose built dwelling due to Mrs Longstaff's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration.
- 6.5 In February 2016 the Council published the Telford and Wrekin Local Plan (TWLP). 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. This is therefore a material consideration. Policy HO10 relating to residential development within the rural area adds two additional settlements to the three identified by policy CS7, namely Edmond and Lilleshall. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled. As the application site lies just outside of Newport, consideration must be given to policy SP2 (Newport) of the TWLP which states that the plan supports the delivery of approximately 1200 net new homes in Newport up to 2031. Additional housing development over and above that already committed or identified in the Local Plan will be prioritised on previously developed sites within the town. A large amount of Newport's housing needs has been met through a number of developments that have

already been approved and it is considered that the proposed development for additional housing would be contrary to this policy.

6.6 Paragraph 49 of the NPPF requires that proposals 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 considerations of the application against each of these are as follows:

- An economic role
The development is of a small scale and therefore will not have a significant value to the economy within the area to outweigh the principle objection.
- A social role
Whilst the application site is situated on the outskirts of Newport where there are public transport connections and every day services and facilities, officers must reach a balanced decision and in this instance it is considered that the additional of one dwelling would have a negligible impact on keeping the vitality of these facilities alive.
- An environmental role
A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished and the land restored to private garden. Whilst the application describes the proposed dwelling to be 'energy-efficient', little detail has been provided to support this and there is no indication of any innovative measures to reduce the carbon footprint of the dwelling to advocate the application in this respect. Furthermore, existing garden land to a new residential garden will have no net environmental gain.

6.7 Policy SP4 of the TWLP similarly relates to a presumption in favour of sustainable development. In this case it is not considered that the proposal would meet any of the requirements of sustainable development as defined in this policy nor the guidance of the NPPF. For the reasons provided above, the proposed development in this location would be contrary to the guidance provided within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.

Impact on the character and appearance of the area

6.8 Policy UD2 of the WLP provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed developments in relation to their scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. CS policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. This is further endorsed by policy BE1 of the TWLP that advises that the Council will support development which will respect and respond positively to its context, demonstrating an integrated design approach

and respecting its landscape setting. In addition, national guidance contained in the NPPF asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

- 6.9 The design of the proposed dwelling has evolved through meeting the applicants' existing and future requirements for ground floor open-plan living accommodation together with ensuring the property is respectful to the character of the local area. The proposed timber framed dwelling will be constructed beneath hipped roofs with a chimney and will be covered in either low-profile concrete or slate-effect roof tiles. Further detailing will be provided above and beneath the windows as well as corbelling to the gable ends of the dwelling. Samples of materials would need to be agreed by condition. Church Aston comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance including detached two storey dwellings, dormer style bungalows, semi-detached properties and barn conversions. The application site is currently very well screened and it is proposed to retain and enhance these levels of privacy. Whilst the dwelling will not be readily visible within the street scene, its aesthetically pleasing design would allow the property to blend in well with the character of this established residential area.
- 6.10 In addition, officers are satisfied that appropriate levels of on-site car parking, turning and garden land would be provided. Whilst a cattery/kennels used to operate from this site, its use has long since ceased and the associated buildings have been demolished. Over time the site has been restored to private garden land. The site is not considered to be open land and therefore there would be no issues in principle with its loss. Accordingly, with regards to policies UD2 of the WLP, CS15 of the CS and BE1 of the TWLP the application is considered acceptable.

Impact on the living conditions of neighbouring properties

- 6.11 Due to the private setting of the application site; the proposed dwelling would not affect the living conditions of any neighbouring property and this is reflected in the lack of any significant objections to the proposals. The closest relationship will be between the proposed dwelling and 'Tessant House' itself where there will be a separation distance of approximately 22m between the rear elevation of the bungalow and the rear elevation of the existing dwelling. The submitted drawings indicate proposals for enhanced tree planting and the provision of boundary treatments between the two properties to ensure adequate levels of privacy. Whilst no details have been submitted, officers are satisfied that this could be addressed through the inclusion of conditions to ensure mutual privacy would be retained.
- 6.12 The only other nearby neighbouring dwelling that could potentially be affected is 'Manor Court', a modern bungalow situated to the east of the application site. The proposed dwelling would be sited some 40m away from this neighbouring boundary and in excess of 70m wall-to-wall and accordingly there will be no loss of privacy. Whilst the driveway of the proposed bungalow would be in relative close proximity to the boundary of 'Manor Court', the

occupants of this dwelling would be used to the comings and goings of vehicles at 'Tessant House' and given the scale of development proposed there will be no adverse impacts from noise disruption or light spillage. As open countryside surrounds the remainder of the site, there are no other neighbouring dwellings which could be adversely affected by this development.

- 6.13 A single letter of 'objection subject to conditions' was received by a local resident following neighbour consultation. No objections were raised to the principle of residential development at this site but concerns were raised with regards to disruption from HGV's during the construction of the proposed dwelling. Officers are satisfied that these concerns could be addressed through conditions. Therefore, when considering the above, the application satisfies the requirements local planning policies in that it will not have adverse impact on the local environment, especially in its relationship to adjacent land uses and is considered acceptable in this regard.

Access and highway safety

- 6.14 Access to the proposed dwelling would be via the existing private driveway which branches off from one of the main spinal routes through the village. It is proposed that the existing access from the adopted lane will be widened to provide a new private driveway to serve the bungalow where a detached garage will be provided together with on-site car parking and turning.
- 6.15 Whilst a local resident has raised concerns over disruption from HGV's during construction officers consider this could be satisfactorily addressed through the inclusion of conditions. The Local Highways Authority has been consulted on the proposals and has raised no objections subject to the inclusion of a condition requiring the parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation. On this basis it is considered that the proposed development would not adversely prejudice the safety and free flow of highway users in accordance with the requirements of policy H6 of the WLP for the adequate provision of on-site car parking and a safe means of access.

Trees and ecology

- 6.16 An Arboricultural Report (BSS 5837 survey) accompanies this application. The report acknowledges that the majority of trees on site occur along the boundaries to the garden where they have either been planted as individual specimens or as groups and those which have been planted as groups have formed deep thickets along the boundaries which screen the site from neighbouring properties. The report also identifies trees which are likely to be affected by the development proposals and will require removal. Measures are also set out for root protection for the trees to be retained as part of the development and how this would be achieved. The report concludes that the on-site trees will be no constraint to development and that the proposal affects only a few trees with the majority being retained.

- 6.17 The Council's Arboriculture Officer has assessed the report and has raised no objections to the application subject to conditions requiring a landscaping scheme to be submitted for approval and for the recommended protective tree fencing to be installed during the construction of the development as shown on the submitted plans.
- 6.18 An Extended Phase One Habitat Survey has also been submitted in support of the application. A preliminary assessment of the site and its immediate surroundings indicated that the following protected species could potentially be affected: badgers, bats, breeding birds and great crested newts. The Ecologist confirms that the site is of 'low botanical value therefore the ecological impact of the development is judged to be minor'. The Ecologist recommends a pre-commencement survey be carried out, should any work be carried out during the breeding season. No obvious signs of bat roosting habitat, potential for great crested newts or any badger activity was found within the area surveyed.
- 6.19 The Council's own Ecologist has assessed the survey submitted and has raised no objection to the application subject to the inclusion of conditions requiring the erection of artificial nesting/roosting boxes and for an external light plan to be submitted to an approved by the Local Planning Authority. The application therefore meets the requirements of policy NE 1 of the TWLP.

7.0 CONCLUSIONS

- 7.1 It is considered that the principle of the development would be contrary to policy; being located within the countryside outside of Newport and not located in any of the identified settlements within policy H9 of the WLP, policy CS7 of the CS and policy HO10 of the TWLP. It would also fail to meet the three sustainability tests of the NPPF, meaning the proposal would not be a sustainable form of development that would meet the current and future needs of the occupants. The application site has not been included within the boundary of Newport on the TWLP proposals map as the expansion of the town has already been accommodated for elsewhere. No material considerations have been submitted to the Local Planning Authority to warrant a recommendation for approval. Officers have considered the applicants' supporting statement including the explanation provided behind the need for a purpose built dwelling due to his wife's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration. Accordingly, the proposed development would be contrary to guidance within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.
- 7.2 Notwithstanding the objection in principle to the application, officers are satisfied that the appropriately designed dwelling would not to adversely impact the character and appearance of the surrounding area. In addition, given the existing private nature of the site, there would be no significant impact on the living conditions of any nearby neighbouring property and existing and proposed boundary treatments would ensure mutual privacy. There is no objection to access or highway safety and matters relating to

trees, ecology and drainage are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. In these respects the development would be in accordance with policy UD2 of the WLP, policy CS15 of the CS, policies BE1 and NE1 of the TWLP and national policy guidance.

8.0 RECOMMENDATION

8.1 Based on the conclusions above it is recommended that the Committee **REFUSE PLANNING PERMISSION** for the following reason:

1. The application site lies in countryside outside of the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focussed. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. In addition, the proposal also fails to address the three tests of sustainable development as set out in national policy. As such, the development proposal is contrary to the National Planning Policy Framework, policies CS7 of the Core Strategy and policies SP2, SP3, SP4 and HO10 of the Telford and Wrekin Local Plan.



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Rev	Amendment	Date	Dm	Chk
Revisions:				

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telephone : 01902 728866
w : whiteridgearchitecture.co.uk
e : info@whiteridgearchitecture.co.uk

Client:
Mr Longstaff

Site:
**Proposed Residential Development at Land adjacent
Tessant House, Church Aston, Shropshire**

Title:
Location Plan

Scale:
1:1250 @ A2

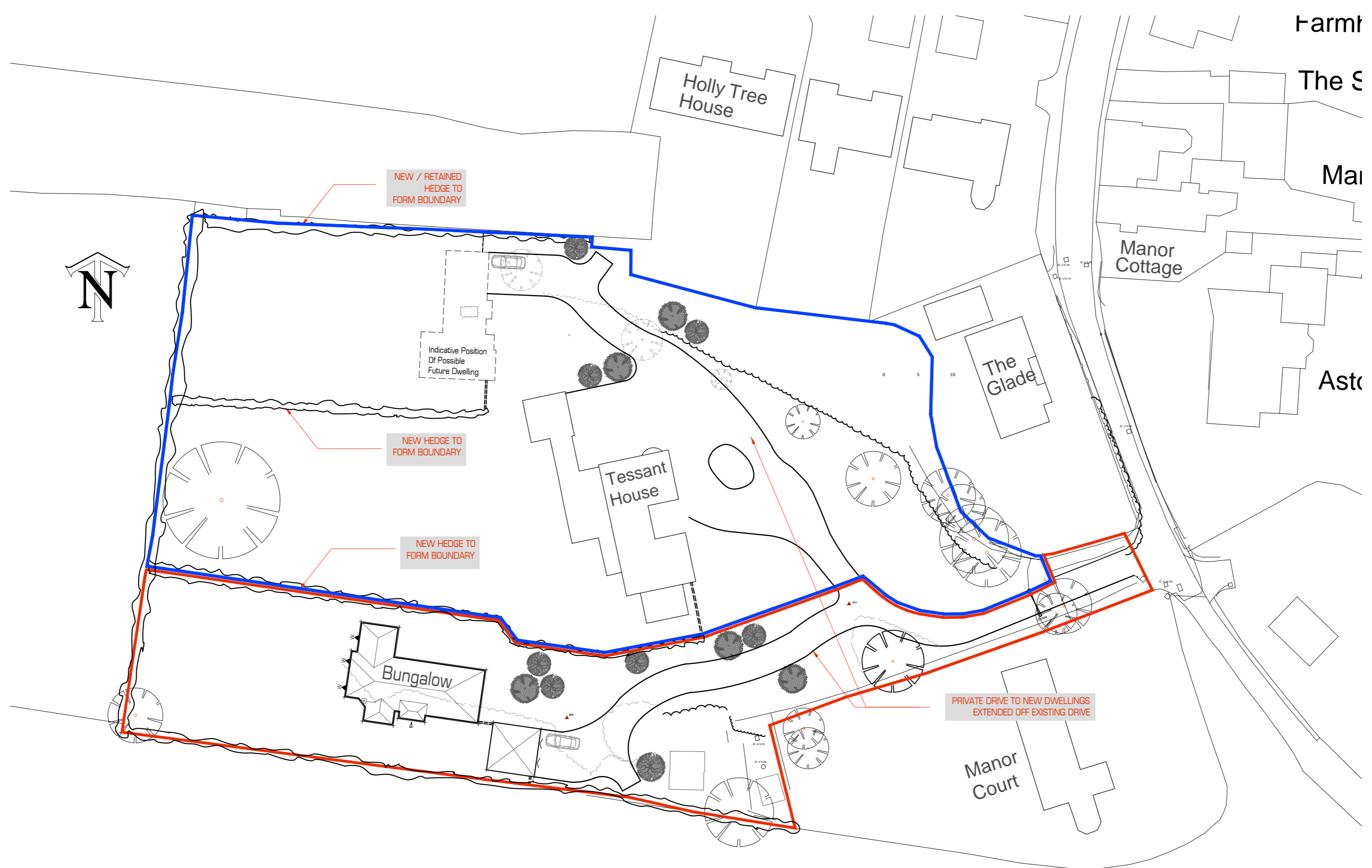
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08/09/15


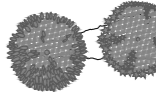
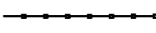


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Written dimensions to be taken only. Do not scale from drawing.
Minor inaccuracies may occur due to printing processes.





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-  INDICATES EXISTING TREES / SHRUBS TO BE REMOVED
-  PROPOSED INDICATIVE TREE PLANTING SUBJECT TO DETAILED LANDSCAPING DESIGN
-  INDICATES 1.8m HIGH LARCH LAP FENCE
-  INDICATES 1.8m HIGH CLOSE BOARDED FENCE
-  INDICATES 1.8m HIGH CLOSE BOARDED FENCE

Rev	Amendment	Date	Dm	Chk
Revisions:				



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Client:
Mr Longstaff

Site:
Proposed Residential Development at Land adjacent
Tessant House, Church Aston, Shropshire

Title:
Proposed Site Layout

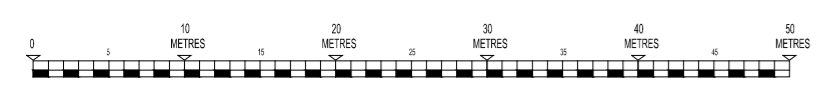
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Date:
08/09/15

Dwg No.:
03-01-SITE LAYOUT

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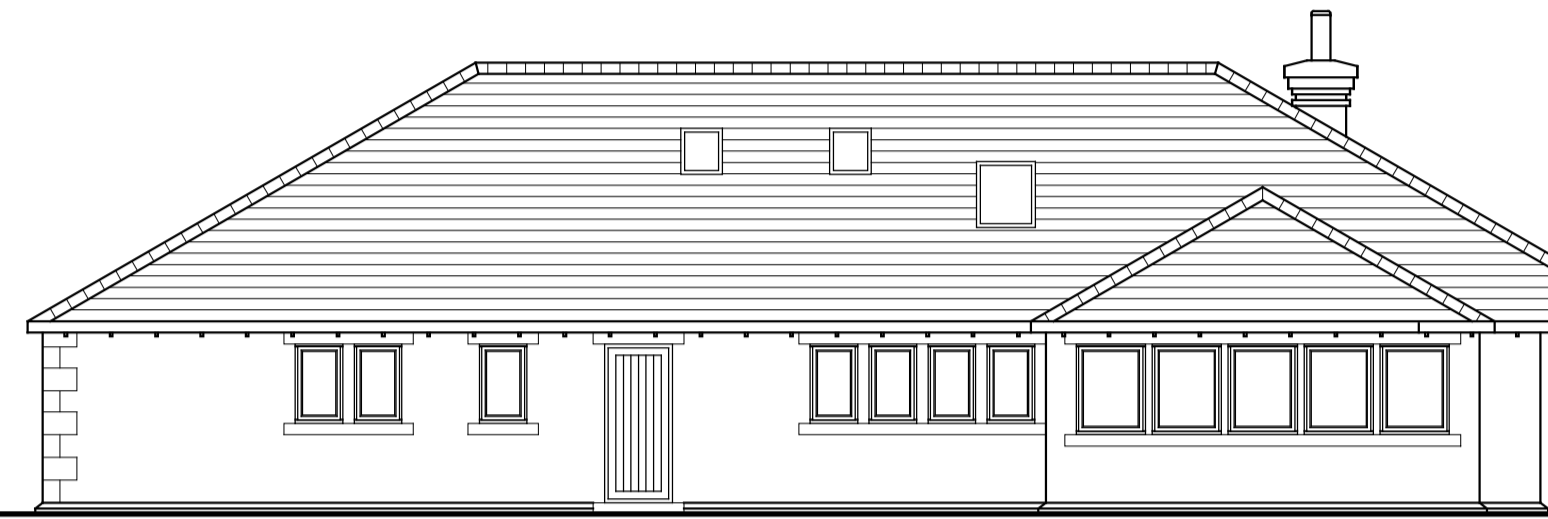
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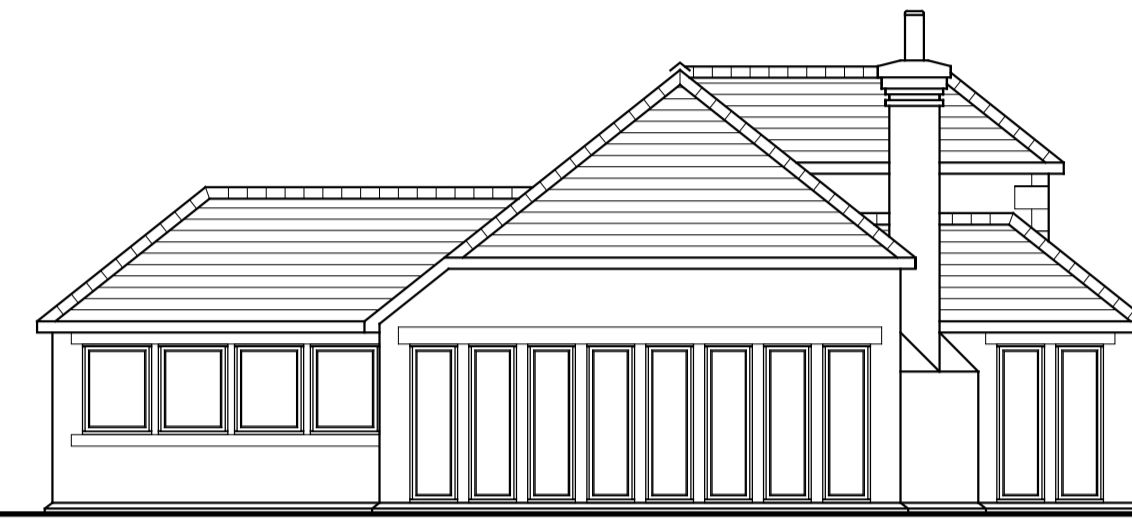
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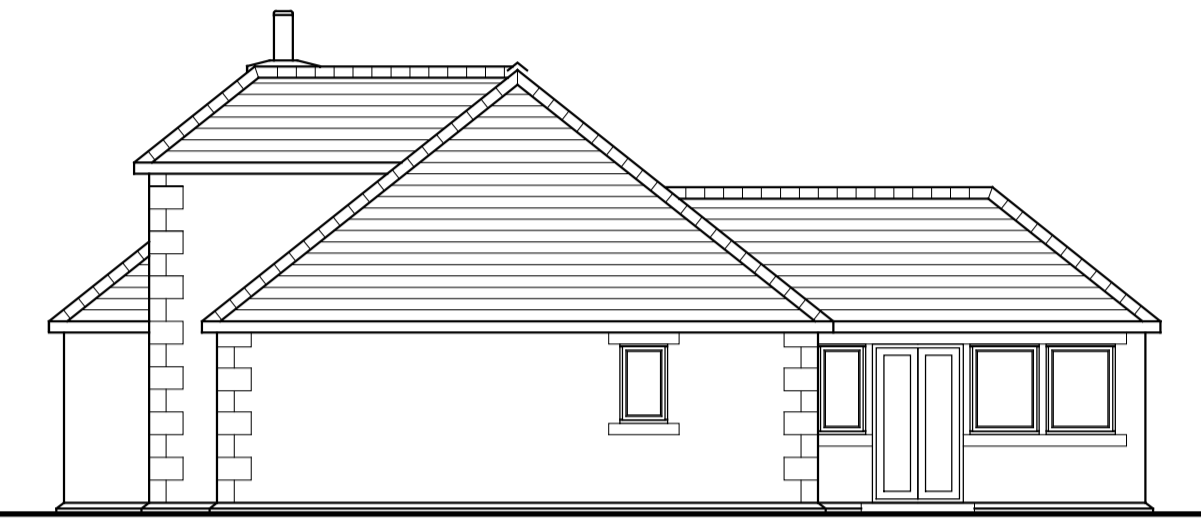
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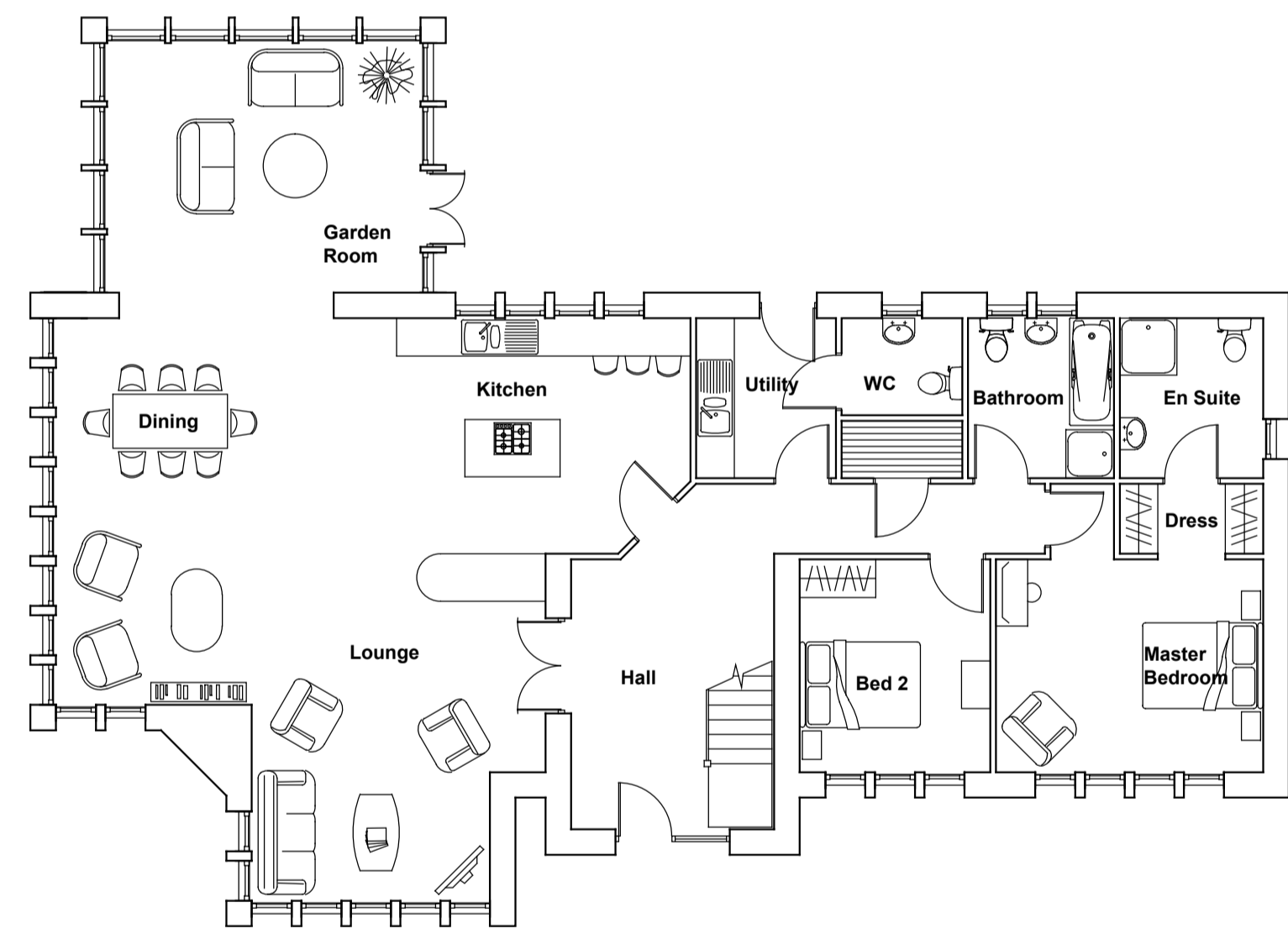
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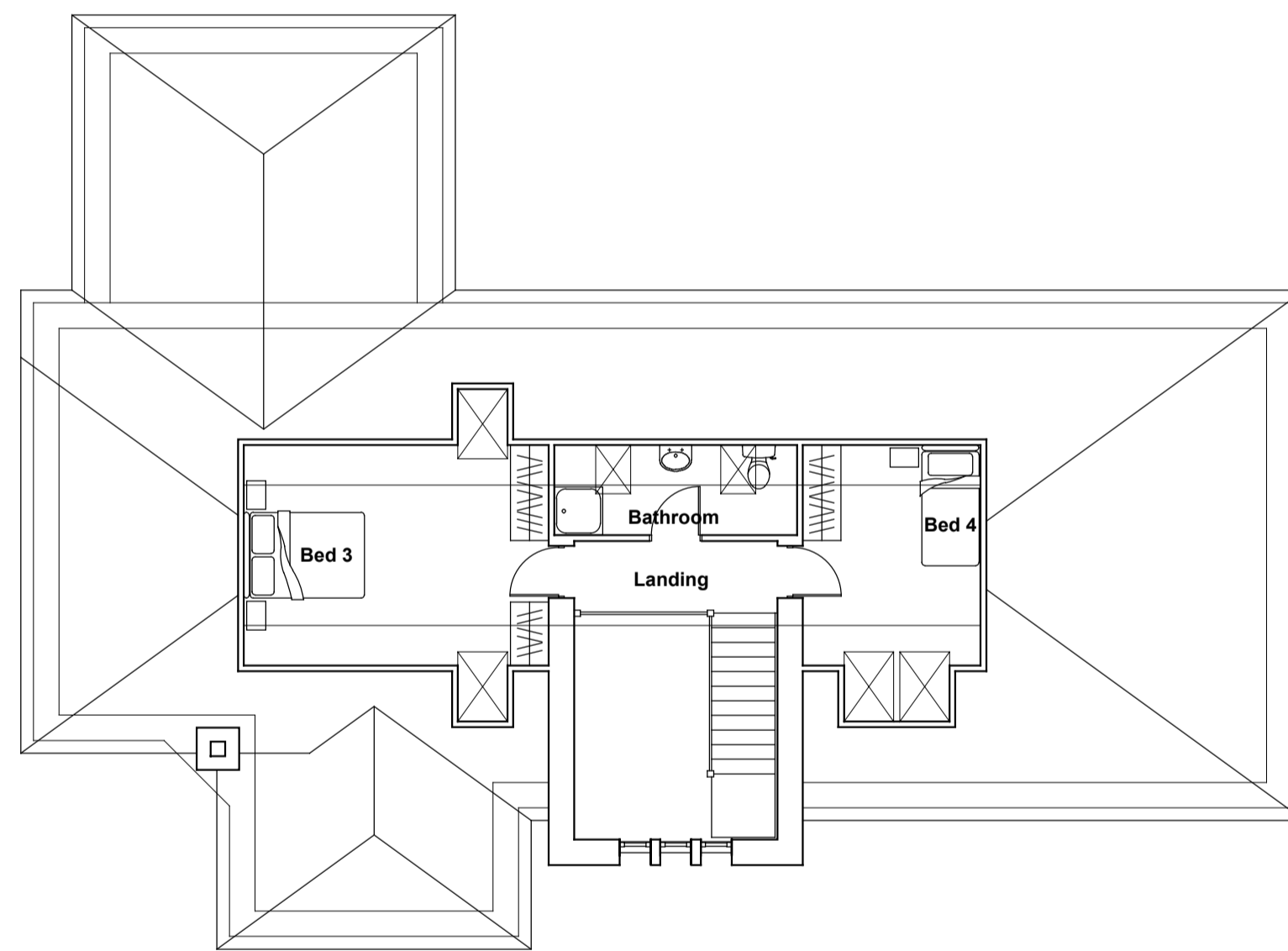
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SIDE ELEVATION

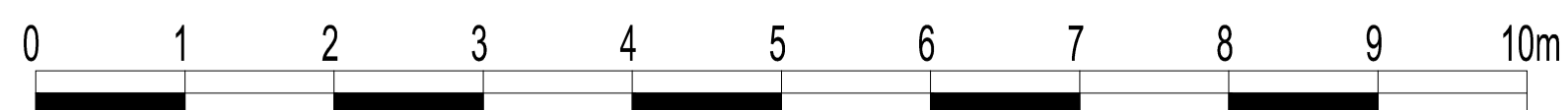


GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES: DO NOT SCALE FROM THE DRAWING - ONLY USE FIGURED DIMENSIONS
 ALL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS
 WHEREVER POSSIBLE USE SITE DIMENSIONS PRIOR TO FABRICATION
 REFER ANY DISCREPANCIES FOUND TO THE ARCHITECT
 WHENEVER SPECIFICALLY STATED OR NOT ALL WORKS ARE TO COMPLY WITH:
 1) THE BUILDING REGULATIONS
 2) THE REQUIREMENTS OF THE M-BC
 3) THE CLIENTS BRIEF WHERE RELEVANT



REV	Amendment	Date	By	CHK

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Client:
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Site:
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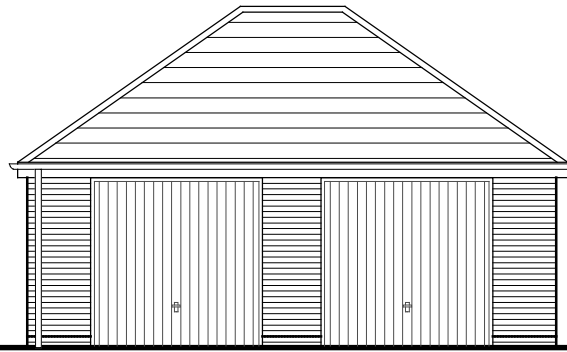
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Scale:
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 DWG File Ref:
 BUNGALOW-01
 DRAWN: BD

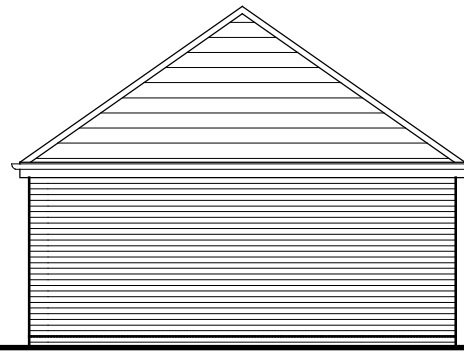
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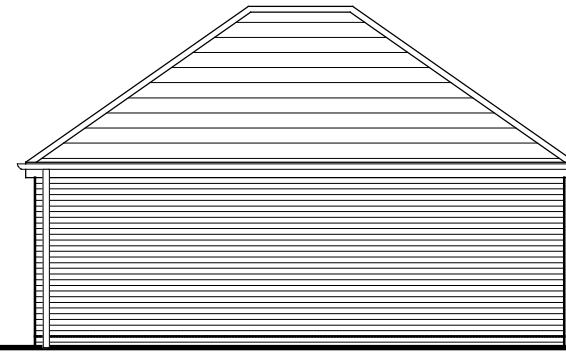
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 ALL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATION(S)
 WHEREVER POSSIBLE USE SITE DIMENSIONS PRIOR TO FABRICATION
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 WHETHER SPECIFICALLY STATED OR NOT ALL WORKS ARE TO COMPLY WITH:
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 ii) THE REQUIREMENTS OF THE NHBC
 iii) THE CLIENTS BRIEF WHERE RELEVANT



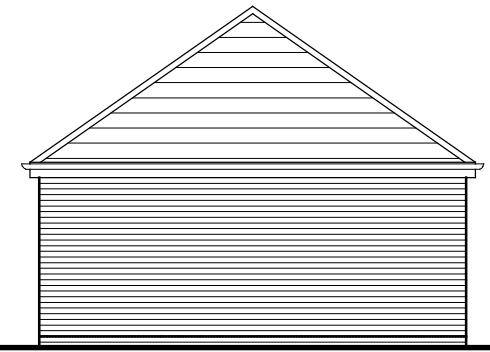
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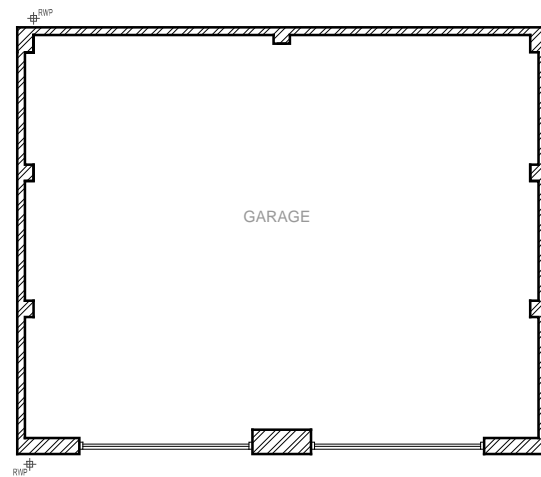
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

REV A	DETAILED REVISION NOTE	00/00/00	000
Rev	Amendment	Date	Drn Chk

Revisions:



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Client:
 Mr Longstaff

Site:
 Proposed Residential Development at Land adjacent
 Tessant House, Church Aston, Shropshire

Title:
 Garage - Floor Plans & Elevations

Scale:
 1:100 @ A3

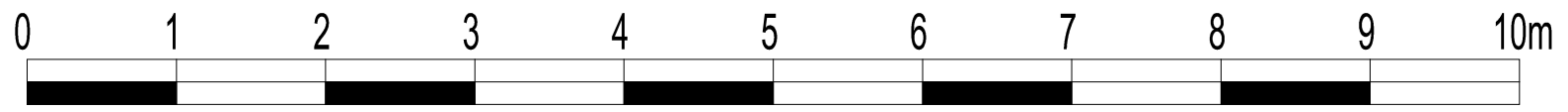
Drw No.:
 GARAGE-01

DWG File Ref:
 DRAWN: BD

Date:
 24/09/15

Rev:
 -

Written dimensions to be taken only. Do not scale from drawing.
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TWC/2016/0124

Land at Tessant House, Dark Lane, Church Aston, Newport, Shropshire
Outline application for the erection of 1no. detached dwelling to include access with
all other matters reserved

APPLICANT

Mr Longstaff

RECEIVED

09/02/2016

PARISH

Church Aston

WARD

Church Aston and Lilleshall

OFFICER Matthew Thomas

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 27TH APRIL 2016 FOLLOWING THE PUBLICATION OF THE MUXTON LANE AND HAYGATE ROAD APPEAL DECISIONS. THE APPLICATION HAS NOW BEEN RETURNED TO COMMITTEE WITHOUT CHANGE TO THE RECOMMENDATION.

Policy Update to Members

- i) Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.
- ii) Paragraph 47 of the NPPF requires local planning authorities to 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. Paragraph 49 advises that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, their relevant policies for the supply of housing should not be considered up-to-date.
- iii) The Council published a five year housing land supply statement in October 2015 that covers the period from 2015 to 2020 and is based on the full Objectively Assessed Need for the borough. This concludes that the Council has a 10.9 year supply of housing land. This matter has been considered in detail at a number of appeals including, most recently, two Public Inquiries relating to housing development within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane and APP/C3240/W/15/3025042 – Land at Haygate Road, Wellington).
- iv) A number of matters that are relevant to this proposal were considered in detail at those Public Inquiries and the Planning Inspectors came to different conclusions on some of those issues despite considering very similar

evidence. The appellant in the Muxton Lane Inquiry, Gladman Developments Ltd, has lodged a legal challenge against the Inspector's decision and this application will be re-heard at a Public Inquiry at a future date. The LPA has lodged a legal challenge against the Inspector's decision for the Haygate Road appeal decision and further updates will be given to Members as that challenge progresses.

- v) Whilst these appeal decisions are material planning considerations in the determination of this proposal it is considered that the LPA can continue to regard the Borough as having a greater than 5 year housing supply and give weight to its Housing Supply policies. This position may change in the future e.g. if Court cases require it should.
- vi) Until a change in approach is required the LPA will continue to determine planning applications in accordance with the provisions of the adopted development plan. The LPA considers that the Council can demonstrate it has in excess of 5 years of housing land supply based on an evidenced Objectively Assessed Need (OAN) and give weight to its relevant housing policies, in accordance with para 49 of the NPPF. As such its rural housing policy CS7 is NPPF compliant and therefore up to date. Further, because it has a number of relevant and up to date housing supply policies, the NPPF paragraph 14 presumption in favour of granting planning permission is not engaged.

*****ORIGINAL REPORT BELOW*****

CLLR ANDREW EADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes (a single letter of objection subject to conditions has been received by a local resident)

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of one detached dwelling to the north of 'Tessant House', situated to the far south western corner of the village of Church Aston, with all matters except for means of access reserved for subsequent approval. The application site measures approximately 0.33ha and is located to the north side of the existing dwelling and is currently used as private garden land. The proposed dwelling will be sited centrally within the plot created as shown on the submitted drawings.
- 1.2 The proposal is for a large two storey house with the design, appearance, materials and landscaping of the site to be dealt with at a later stage. As part

of the proposed development it is envisaged that the existing access from the adopted lane will be widened to provide a new private driveway to serve the proposed dwelling where on-site car parking and turning will be provided. Whilst landscaping would be considered at reserved matters stage it is intended to make use of the existing established boundary treatments where possible.

- 1.4 The applicants have also submitted a full planning application for a dormer style bungalow to the south side of 'Tessant House'. It is the applicants' intention to move in to this bungalow and to use the proceeds of a future sale of this plot to help fund the construction of the bungalow for their own needs, ahead of the eventual sale of 'Tessant House', which is now too large for the applicant's requirements. This application is supported by a Planning Statement, an Arboricultural Report and a Phase 1 Habitat Survey.
- 1.5 The applicant has previously received pre-application advice, initially in January 2015 where it was advised that the Council would be likely to be supportive of a proposal for two dwellings within the grounds of 'Tessant House'. At the time of responding the Council could not demonstrate a five year housing land supply. Accordingly housing applications in the rural area were being considered favourably, in line with paragraph 49 of the National Planning Policy Framework (NPPF). Since then, in March 2015 the Council has confirmed it has in excess of 10 years' worth of housing land supply and as such is a notable change in policy position.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site lies to the south-west corner of Church Aston on the outskirts of Newport and comprises a large post-war detached dwelling set in the centre of extensive landscaped grounds known as 'Tessant House'. A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished so the site cannot be regarded as a brownfield or previously developed land.
- 2.2 Access to the site is via a narrow lane which branches off from the main spinal route through Church Aston. There is an existing private driveway that leads to the main dwelling which itself is heavily screened by existing boundary vegetation. Boundary treatments are well established and comprise conifer hedging, mature trees and post and rail fencing.
- 2.3 To the south of the site is 'Manor Court', a modern bungalow which is set within a large and well screened curtilage. Beyond this dwelling the lane becomes a green bridleway/footpath that extends in to the fields to the south. To the north of the site is a modern detached dwelling constructed in the 1980's to a pseudo-Georgian design. To the north-east is an on-going development of 26 detached houses following the granting of planning permission in December 2014.
- 2.4 Church Aston is encompassed within the boundary of Newport as defined within the Wrekin Local Plan proposals map and the Telford and Wrekin Local

Plan and comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance. Within Church Aston are the Infants School, St. Andrew's Church and the Village Hall. The application site falls just outside of the local plan boundary with Newport and is therefore situated in the countryside and rural area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W76/0145 – Erection of cattery/reception room and store/grooming room (as extension to existing kennels) – Approved (01/07/1976)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
H9 Location of New Housing
UD2 Design Criteria
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS6 Newport
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources
CS15 Urban Design
- 4.4 Telford and Wrekin Local Plan (Publication Version):
SP2 Newport
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria
NE 1 Biodiversity and Geodiversity

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Church Aston Parish Council: No Objection
- 5.2 Highways: Support subject to conditions
- Parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation
- 5.3 Drainage: Support subject to conditions
- Scheme for foul and surface water drainage to be submitted to the LPA prior to commencement of development

- Soakaway tests and details of proposed locations to be carried out and submitted to the LPA prior to commencement of development
- 5.4 Arboricultural: Support subject to conditions
- Scheme for landscaping to include tree replacements to be submitted
 - Protective tree fencing to be installed as per submitted plans
- 5.5 Ecology: Support subject to conditions
- Erection of artificial nesting/roosting boxes
 - External lighting plan to be submitted
 - Informative – nesting wild birds
- 5.6 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

- 5.7 Following neighbour consultation a single letter of objection subject to conditions was received and the issues raised have been summarised below:
- Concerns over potential damage to Dark Lane (tarmacadam and grass verges) from heavy goods vehicles
 - Conditions – no access for HGV's before 8am, no parking up of HGV's along Dark Lane, any damage to be ratified and no reversing of HGV's

6.0 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 development
 - Impact on the character and appearance of the area
 - Impact on the living conditions of neighbouring properties
 - Access and highway safety
 - Trees and ecology

Principle of development

- 6.2 Telford and Wrekin Council published a five year housing land supply statement in October 2015 that cover the period from 2015 to 2020 and is based on the full objectively assessed need for the borough. This concludes that the Council has a 10.9 year supply of housing land. This matter was considered in detail at a recent Public Inquiry relating to a housing proposal within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane). The Inspector concluded that the Council has a housing land supply in excess of five years and that paragraph 49 of the National Planning Policy Framework (NPPF) was not applicable to that proposal.

- 6.3 The question of whether the local plan is out-of-date or not was also considered at the Public Inquiry referred to above and in dismissing the appeal the Inspector concluded that the age of the development plan alone does not make it out of date and that policy CS7 of the Core Strategy (CS) is up to date and is in accordance with the NPPF. As such the section of paragraph 14 of the NPPF that refers to plans being absent, silent or out-of-date does not apply to this proposal.
- 6.4 Policy CS7 of the CS seeks to focus any new housing development proposed in the rural area into three named settlements where development should meet local needs; elsewhere in the rural area development is to be limited, and strictly controlled in open countryside. The appeal site is not focussed upon any of the settlements named under policy CS7. Given the significant supply of housing land available elsewhere in the borough, and within Newport, 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 Newport into a greenfield agricultural land within the rural area. The principle of the proposal is contrary to policy CS7 of the CS and the proposal should therefore be refused on this along unless there are material considerations that indicate otherwise. Whilst the applicant has advised that this is previously developed land, having been used in the past as a cattery/kennels, this use has long ceased and the associated buildings demolished and therefore the NPPF would no longer consider this site to be previously developed land. The Local Planning Authority has taken in to consideration the applicant's supporting statement including the explanation provided behind the need for a purpose built dwelling due to Mrs Longstaff's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration.
- 6.5 In February 2016 the Council published the Telford and Wrekin Local Plan (TWLP). 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. This is therefore a material consideration. Policy HO10 relating to residential development within the rural area adds two additional settlements to the three identified by policy CS7, namely Edgmond and Lilleshall. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled. As the application site lies just outside of Newport, consideration must be given to policy SP2 (Newport) of the TWLP which states that the plan supports the delivery of approximately 1200 net new homes in Newport up to 2031. Additional housing development over and above that already committed or identified in the Local Plan will be prioritised on previously developed sites within the town. A large amount of Newport's housing needs has been met through a number of developments that have already been approved and it is considered that the proposed development for additional housing would be contrary to this policy.
- 6.6 Paragraph 49 of the NPPF requires that proposals 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 considerations of the application against each of these are as follows:

- An economic role
The development is of a small scale and therefore will not have a significant value to the economy within the area to outweigh the principle objection.
- A social role
Whilst the application site is situated on the outskirts of Newport where there are public transport connections and every day services and facilities, officers must reach a balanced decision and in this instance it is considered that the additional of one dwelling would have a negligible impact on keeping the vitality of these facilities alive.
- An environmental role
A cattery/kennels used to operate from this site but the use has long ceased and the associated buildings have now been demolished and the land restored to private garden. Whilst the application describes the proposed dwelling to be 'energy-efficient', little detail has been provided to support this and there is no indication of any innovative measures to reduce the carbon footprint of the dwelling to advocate the application in this respect. Furthermore, existing garden land to a new residential garden will have no net environmental gain.

6.7 Policy SP4 of the TWLP similarly relates to a presumption in favour of sustainable development. In this case it is not considered that the proposal would meet any of the requirements of sustainable development as defined in this policy nor the guidance of the NPPF. For the reasons provided above, the proposed development in this location would be contrary to the guidance provided within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.

Impact on the character and appearance of the area

6.8 Policy UD2 of the WLP provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed developments in relation to their scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. CS policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. This is further endorsed by policy BE1 of the TWLP that advises that the Council will support development which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting. In addition, national guidance contained in the NPPF asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

6.9 The detailed design of the proposed dwelling would be considered at the later reserved matters stage although the indicative layout submitted demonstrates

the position of an individually designed unit with a private garden to the rear and on-site car parking to the front. No further detail has been provided at this stage.

- 6.10 Church Aston comprises a mix of traditional and more recently constructed dwellings of varying design, character and appearance including detached two storey dwellings, dormer style bungalows, semi-detached properties and barn conversions. The application site is currently very well screened and it is proposed to retain and enhance these levels of privacy. Whilst the dwelling will not be readily visible within the street scene, on the basis that it would have an aesthetically pleasing design this would allow the property to blend in well with the character of this well established residential area.
- 6.11 Whilst a cattery/kennels used to operate from this site, its use has long since ceased and the associated buildings have been demolished. Over time the site has been restored to private garden land. The site is not considered to be open land and therefore there would be no issues in principle with its loss. Officers are therefore satisfied that an appropriately designed dwelling could be accommodated on the site which would not cause harm to the quality of the local environment, although this would be considered fully at the reserved matters stage against the requirements of policy UD2 of the WLP, CS15 of the CS and BE1 of the TWLP.

Impact on the living conditions of neighbouring properties

- 6.12 The application site currently enjoys extensive screening as a result of existing mature boundary treatments that provide mutual privacy between the existing and neighbouring dwellings. The closest relationship will be between the proposed dwelling and 'Tessant House' itself where there will be a separation distance of approximately 20m between the front elevation of the proposed dwelling and the rear elevation of the existing property. The submitted drawings indicate proposals for enhanced tree planting and the provision of boundary treatments between the two properties to ensure adequate levels of privacy. Whilst no details have been submitted, officers are satisfied that this could be addressed through the inclusion of conditions to ensure mutual privacy would be retained.
- 6.13 There will be a minimum distance of 25m to the neighbouring properties to the north of the site including Holly Tree House and the new development at Church Barns. There are no significant differences in levels between the sites and officers are satisfied that a suitably designed dwelling could be accommodated on this plot without appearing unduly overbearing to the neighbouring properties and window openings could also be designed to ensure mutual privacy is retained between existing and proposed occupants. In addition, as the neighbouring dwellings are situated to the north of the site, loss of direct sunlight would not be an issue. Officers therefore consider that the dwelling could be designed so as not to have an unacceptable impact on the privacy of the occupants of neighbouring dwellings.

- 6.14 A single letter of 'objection subject to conditions' was received by a local resident following neighbour consultation. No objections were raised to the principle of residential development at this site but concerns were raised with regards to disruption from HGV's during the construction of the proposed dwelling. Officers are satisfied that these concerns could be addressed through conditions. Therefore, when considering the above, the application satisfies the requirements of local planning policies in that it will not have adverse impact on the local environment, especially in its relationship to adjacent land uses and is considered acceptable in this regard.

Access and highway safety

- 6.15 Access to the proposed dwelling would be via the existing private driveway which branches off from one of the main spinal routes through the village. It is proposed that the existing access from the adopted lane will be widened to provide a new private driveway to serve the proposed dwelling where on-site car parking and turning would be provided.
- 6.16 Whilst a local resident has raised concerns over disruption from HGV's during construction officers consider this could be satisfactorily addressed through the inclusion of conditions. The Local Highways Authority has been consulted on the proposals and has raised no objections subject to the inclusion of a condition requiring the parking and turning of vehicles to be provided, properly laid out, hard surfaced and drained prior to first occupation. On this basis it is considered that the proposed development would not adversely prejudice the safety and free flow of highway users in accordance with the requirements of local planning policy for the adequate provision of on-site car parking and a safe means of access.

Trees and ecology

- 6.17 An Arboricultural Report (BSS 5837 survey) accompanies this application. The report acknowledges that the majority of trees on site occur along the boundaries to the garden where they have either been planted as individual specimens or as groups and those which have been planted as groups have formed deep thickets along the boundaries which screen the site from neighbouring properties. The report also identifies trees which are likely to be affected by the development proposals and will require removal. Measures are also set out for root protection for the trees to be retained as part of the development and how this would be achieved. The report concludes that the on-site trees will be no constraint to development and that the proposal affects only a few trees with the majority being retained.
- 6.18 The Council's Arboriculture Officer has assessed the report and has raised no objections to the application subject to conditions requiring a landscaping scheme to be submitted for approval and for the recommended protective tree fencing to be installed during the construction of the development as shown on the submitted plans.

- 6.19 An Extended Phase One Habitat Survey has also been submitted in support of the application. A preliminary assessment of the site and its immediate surroundings indicated that the following protected species could potentially be affected: badgers, bats, breeding birds and great crested newts. The Ecologist confirms that the site is of 'low botanical value therefore the ecological impact of the development is judged to be minor'. The Ecologist recommends a pre-commencement survey be carried out, should any work be carried out during the breeding season. No obvious signs of bat roosting habitat, potential for great crested newts or any badger activity was found within the area surveyed.
- 6.20 The Council's own Ecologist has assessed the survey submitted and has raised no objection to the application subject to the inclusion of conditions requiring the erection of artificial nesting/roosting boxes and for an external light plan to be submitted to an approved by the Local Planning Authority. The application therefore meets the requirements of policy NE 1 of the TWLP.

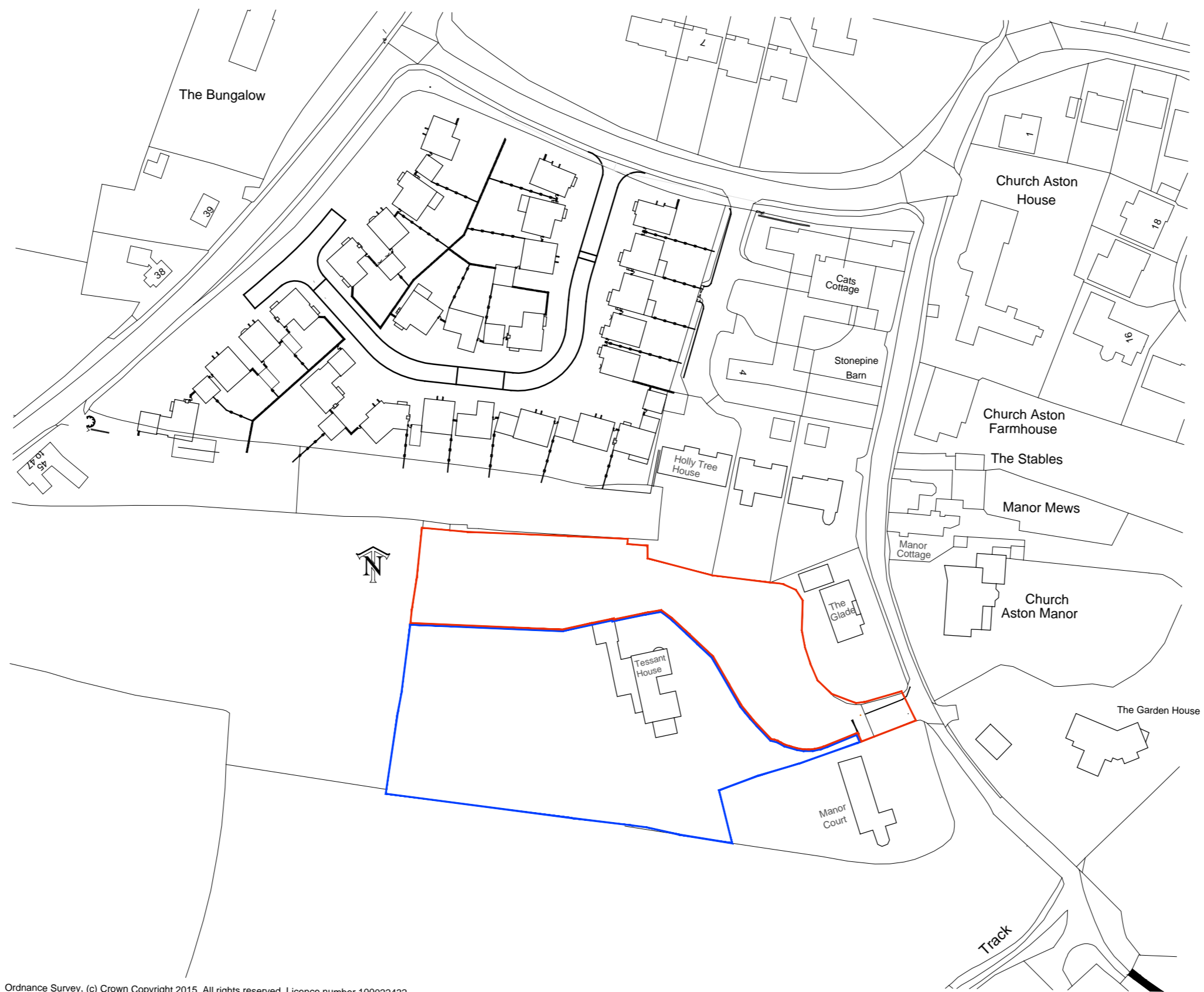
7.0 CONCLUSIONS

- 7.1 It is considered that the principle of the development would be contrary to policy; being located within the countryside outside of Newport and not located in any of the identified settlements within policy H9 of the WLP, policy CS7 of the CS and policy HO10 of the TWLP. It would also fail to meet the three sustainability tests of the NPPF, meaning the proposal would not be a sustainable form of development that would meet the current and future needs of the occupants. The application site has not been included within the boundary of Newport on the TWLP proposals map as the expansion of the town has already been accommodated for elsewhere. No material considerations have been submitted to the Local Planning Authority to warrant a recommendation for approval. Officers have considered the applicants' supporting statement including the explanation provided behind the need for a purpose built dwelling due to his wife's ill health. Whilst officers sympathise with their situation; this alone cannot be a material planning consideration. Accordingly, the proposed development would be contrary to guidance within the NPPF, policies CS7 and CS9 of the CS and policies SP2, SP3, SP4 and HO10 of the TWLP.
- 7.2 Notwithstanding the objection in principle to the application, officers are satisfied that an appropriately designed dwelling would not adversely impact the character and appearance of the surrounding area. In addition, given the existing private nature of the site, there would be no significant impact on the living conditions of any nearby neighbouring property and existing and proposed boundary treatments would ensure mutual privacy. There is no objection to access or highway safety and matters relating to trees, ecology and drainage are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. In these respects the development would be in accordance with policy UD2 of the WLP, policy CS15 of the CS, policies BE1 and NE1 of the TWLP and national policy guidance.

8.0 RECOMMENDATION

8.1 Based on the conclusions above it is recommended that the Committee **REFUSE OUTLINE PLANNING PERMISSION** for the following reason:

1. The application site lies in countryside outside of the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focussed. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. In addition, the proposal also fails to address the three tests of sustainable development as set out in national policy. As such, the development proposal is contrary to the National Planning Policy Framework, policies CS7 of the Core Strategy and policies SP2, SP3, SP4 and HO10 of the Telford and Wrekin Local Plan.



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Rev	Amendment	Date	Dm	Chk

Revisions:



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Client:
Mr Longstaff

Site:
Proposed Residential Development at Land adjacent
Tessant House, Church Aston, Shropshire

Title:
Location Plan

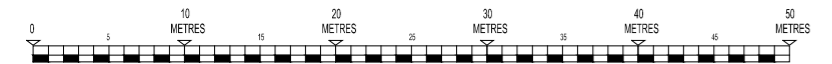
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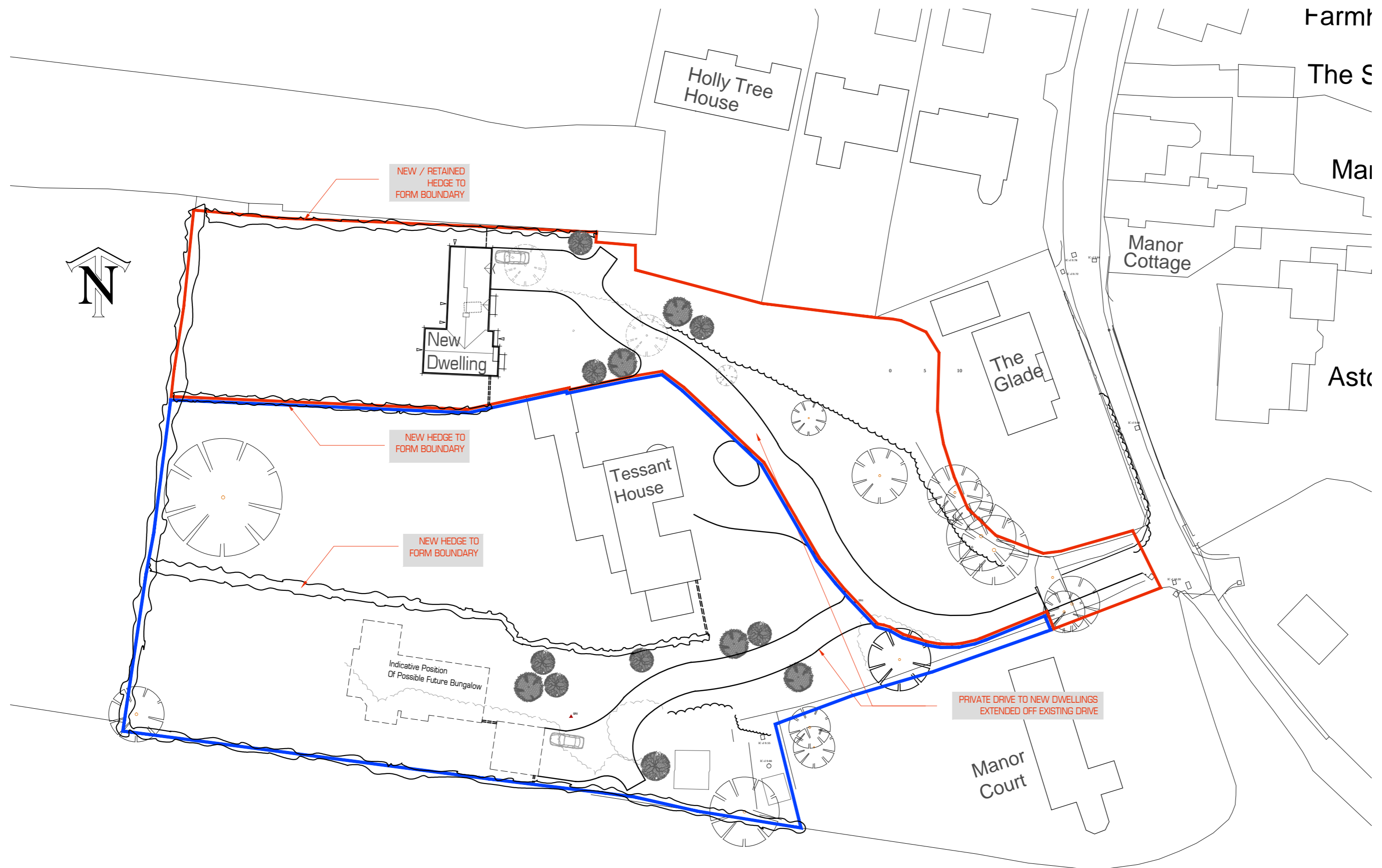
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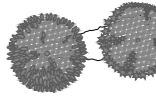
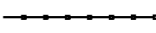
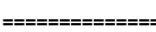

Date:
08/09/15

Per:
-

Written dimensions to be taken only. Do not scale from drawing.
Minor inaccuracies may occur due to printing processes.





-  INDICATES EXISTING TREES / SHRUBS TO BE REMOVED
-  PROPOSED INDICATIVE TREE PLANTING SUBJECT TO DETAILED LANDSCAPING DESIGN
-  INDICATES 1.8m HIGH LARCH LAP FENCE
-  INDICATES 1.8m HIGH CLOSE BOARDED FENCE
-  INDICATES 1.8m HIGH CLOSE BOARDED FENCE

Rev	Amendment	Date	Dm	Chk
Revisions:				



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architecture

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Client:
Mr Longstaff

Site:
Proposed Residential Development at Land adjacent
Tessant House, Church Aston, Shropshire

Title:
Proposed Site Layout

Scale:
1:500 @ A2

Drawn:
BD

Date:
08/09/15

Written dimensions to be taken only. Do not scale from drawing.
Minor inaccuracies may occur due to printing processes.





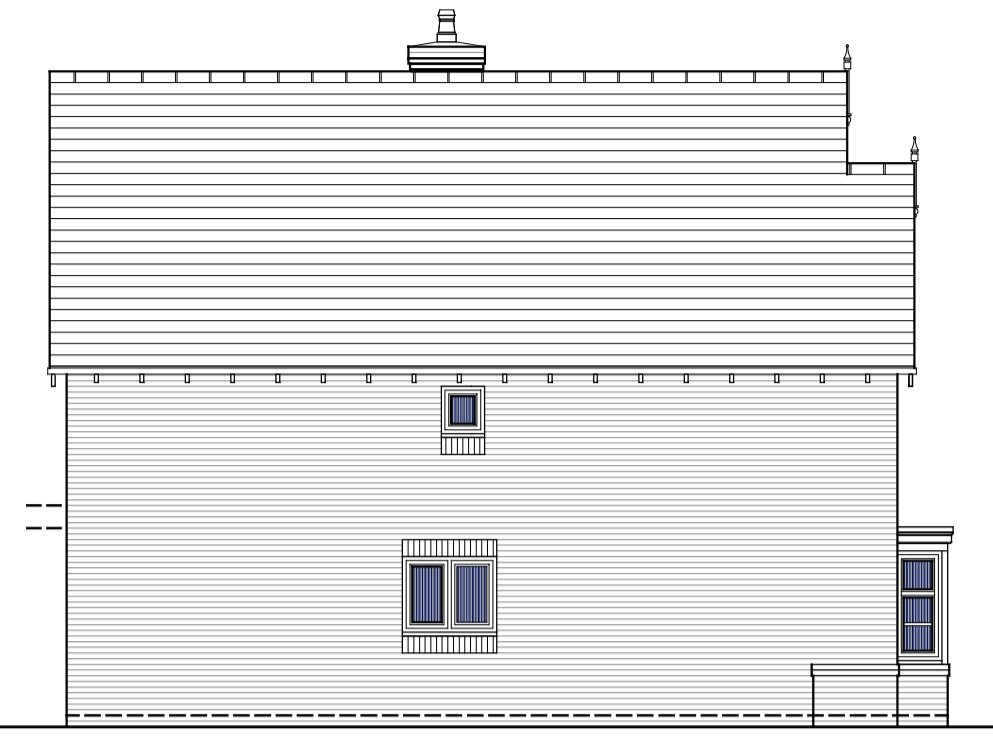
FRONT ELEVATION
Type 2040



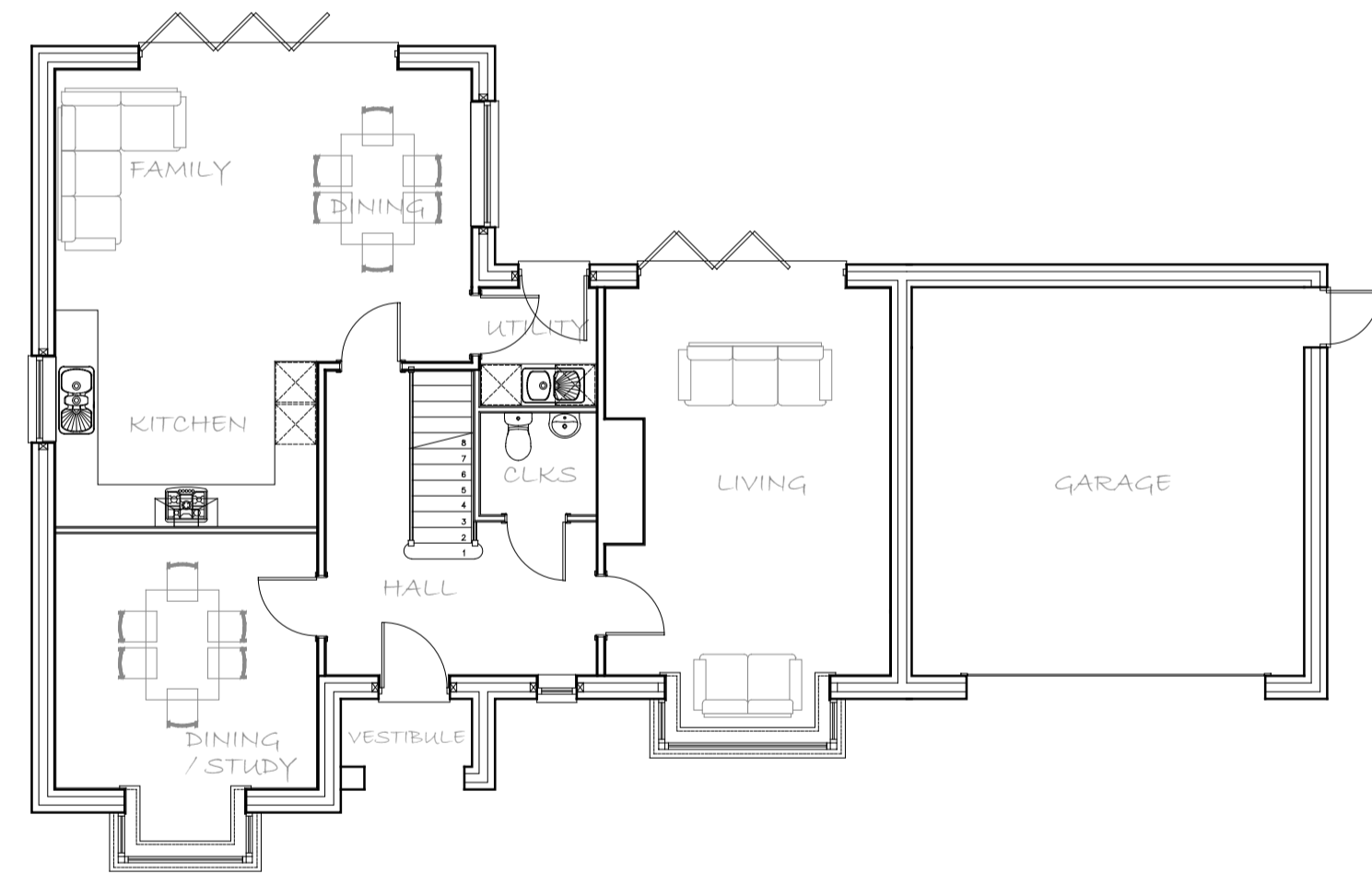
SIDE ELEVATION



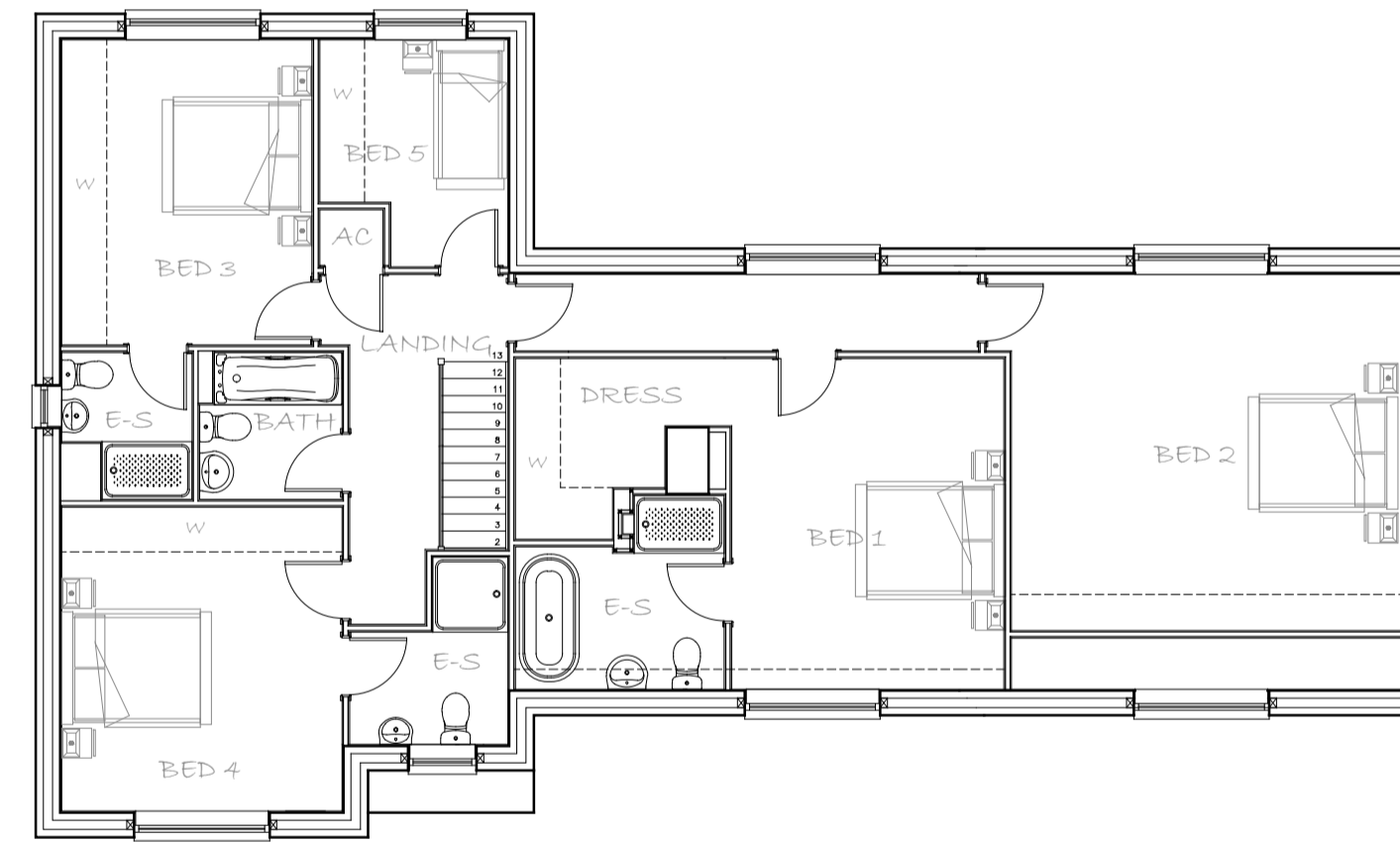
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES: DO NOT SCALE FROM THE DRAWING - ONLY USE FIGURED DIMENSIONS
 ALL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS
 WHEREVER POSSIBLE USE SITE DIMENSIONS PRIOR TO FABRICATION
 REFER ANY DISCREPANCIES FOUND TO THE ARCHITECT
 WHICH IS SPECIFICALLY STATED OR NOT ALL WORKS ARE TO COMPLY WITH:
 1) THE BUILDING REGULATIONS
 2) THE REQUIREMENTS OF THE NHBC
 3) THE CLIENTS WISH WHERE RELEVANT



REV	DATE	DESCRIPTION	BY	CHK
REV A	00/00/00	00		

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Client:
 Mr Longstaff

Site:
 Proposed Residential Development of Land adjacent
 Tessant House, Church Aston, Shropshire

Title:
 New Dwelling - Floor Plans & Elevations

Scale:
 1:100 @ A1
 Date:
 24/09/15

DWG File Ref:
 NEW DWELLING - 01
 DRAWN: BB
 Written dimensions to be taken only. Do not scale from drawing.
 Minor inaccuracies may occur due to printing processes.

TWC/2016/0125

Land at junction of, Moss Road/Rookery Road, Wrockwardine Wood, Telford,
Shropshire

Erection of 21no. apartments and 3no. dwellings

APPLICANT

Kendrick Homes, Andrew Cockayne

RECEIVED

15/02/2016

PARISH

Wrockwardine Wood and Trench

WARD

Priorslee

OFFICER Vijay Kaul

WROCKWARDINE WOOD & TRENCH PARISH COUNCIL HAS REQUESTED
THAT THIS APPLICATION IS CONSIDERED BY PLANNING COMMITTEE.

1.0 THE PROPOSAL

- 1.1 This planning application seeks approval for a total of 24 no. dwellings comprising of the following mix;
- 9 no. 2 bed apartments
 - 12 no. 1 bed apartments
 - 3 no. 2 bed dwellings
- 1.2 The apartments would be accommodated in two separate L-shaped blocks, whilst mainly two storey in scale, due to the significant level differences within the site, Plots 12-24 would incorporate a small element three storey development. Along the Moss Road frontage the scale would be two storey. The development would be constructed mainly in brick with render and concrete tiles over hipped and gable roofs, and contrasting feature brick headers to casement windows and eaves detail.
- 1.3 The site would be accessed via Moss Road, which would lead to a 32 space car park. The 3 dwellings would be served by individual gardens, with the remainder of apartments served by a communal amenity area.
- 1.4 The Monkey Puzzle tree subject of a Tree Preservation Order is to shown to be retained.
- 1.4 The application was accompanied by the following documents;
- Planning Support Statement
 - Design and Access Statement
 - Preliminary Ecological Appraisal
 - Coal Mining Risk Assessment
 - Travel Plan
 - Transport Statement
 - Tree Survey

- 1.5 Planning approval (TWC/2013/0448) has previously been granted by Planning Committee for the erection of 3no. terraced houses and 9no. apartments following demolition of both Erindale and The Nyth. This consent is valid until 25th September 2016.
- 1.6 Prior to this there was also a planning application (TWC/2012/0143) for a two and three storey apartment building comprising 13 units that was refused at Planning Committee as it was considered that the scale, mass and design would constitute an incongruous feature and would be out of keeping with the character of the area. However, upon appeal this was allowed on the 18th September 2013, this is valid until 18th September 2016.
- 1.7 At the time of the above two planning applications, there was also an extant permission (TWC/2012/0862 granted 13/12/2012) for the erection of 4no. detached houses on land to the rear of Erindale. This permission was not implemented.
- 1.8 During the course of the application the following minor amendments were received;
- The access was increased in width from 4.8m to 5m to accommodate vehicles
 - Removal of a first floor window and a Juliet balcony within the upper storey facing north towards 'Almaroy'
 - Windows incorporated in place of ghost/tax windows on the corner of Rookery Road.
 - Inclusion of side elevation windows on blank elevation walls to aid natural surveillance
 - Parking bays have been re-numbered to show their association with adjacent apartments, allowing easy surveillance by occupants

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located within a largely residential area on the junction of Moss Road and Rookery Road, approximately 2 miles north of Telford Town Centre and within the parish of Wrockwardine Wood.
- 2.2 The 0.35 hectare application site is situated upon vacant land previously occupied by 2 semi-detached dwellings (The Nyth and Erindale). The surrounding substantial garden area drops quite steeply in level in an eastward direction, this is currently overgrown.
- 2.4 The main vehicular and pedestrian access is to the front of the former properties on Moss Road and the site has mature trees and vegetation around its boundaries with the public highway. This includes an impressive monkey puzzle tree to the front of the site protected by a tree preservation order and a number of mixed trees of various species along the boundaries to Moss Road and Rookery Road. Rookery Road runs along the southern boundary leading to industrial units beyond.

- 2.5 The land to the eastern boundary of the site contains mature trees which are subject of Tree Preservation Orders. Land further east and to the south on the opposite side of Rookery Road is designated as Green Network. The site is located within a Coal Mining Referral Area and there is a known mineshaft on the adjacent site; a sewer also crosses the rear of the site to the east.
- 2.6 A detached bungalow – Alamroy, adjoins the northern boundary. This dwelling is located on a substantial plot and is on a lower land level. There is mature vegetation on the boundary.
- 2.7 The application site is located in a predominantly residential area with a mix of modern bungalows and two-storey properties. However, Rookery Road leads to an industrial development beyond the site. The site is located in the built up area of Telford, close to local services and facilities.

3.0 PLANNING HISTORY

W88/0233 Erection of 3 detached dwellings Outline refused 21/06/88

W89/0725 Erection of 3 detached dwellings Full granted, 12/02/90

W91/0841 Erection of a dwelling Full granted 13/12/91

W93/0006 Erection of 3 dwellings (renewal of W89/0725) Outline granted 23/02/93

W96/0051 Residential development Outline granted 19/03/96

W99/0076 Renewal of outline permission W96/0051 for residential development Outline granted 26/03/99

W2001/0220 single dwelling and integral garage FG 30/04/01

W2005/1509 Erection of three 3-4 bedroomed dwellings and new access Outline granted 03/03/06

W2008/1316 Erection of 4no. dwellings Withdrawn 29/01/09

W2009/0189 Erection of 3no.detached dwellings with new vehicular access (outline application) renewal of planning permission W2005/1509 Outline granted 21/04/09

W2009/0632 Erection of 4 dwellings and new access Withdrawn 25/09/09

W2010/0060 Erection of 4no. dwellings Full granted, 23/04/10

TWC/2011/0395 Erection of 6 dwellings and 22 apartments Withdrawn 02/08/11

TWC/2012/0143 Demolition of 2no. dwellings (The Nyth and Erindale) and erection of a block of 13 apartments with associated car parking and amenity area, Full refused, 15/08/2012, Appeal Decision: Allowed 18/09/2013

TWC/2012/0862 Renewal of planning permission W2010/0060 for the erection of 4no. detached houses, Full granted, 13/12/2012

TWC/2013/0448 Erection of 3no. terraced dwellings and 9no. apartments following demolition of existing 2no. dwellings Full granted, 25/09/2013

4.0 PLANNING POLICY CONTEXT

4.1 National Planning Guidance:
National Planning Policy Framework

4.2 Core Strategy:
CS1 Homes
CS5 District and Local centres in Telford
CS9 Accessibility and Social Inclusion
CS12 Natural Environment
CS13 Environmental Resources
CS15 Urban Design

4.3 Wrekin Local Plan:
EH7 Contaminated Land
EH14 Land Stability
UD2 Design Criteria
H6 Windfall Sites in Telford & Newport
H22 Community Facilities
LR4 Outdoor Recreation and Open Space
LR6 Developer Contributions to Outdoor Recreational Open Space Provision within New Residential Development
OL11 Woodland and Trees

4.4 Telford & Wrekin Local Plan (Publication version):
SP1 Telford
SP4 Presumption in favour of sustainable location
HO 1 Housing requirement
HO 4 Housing Mix
NE1 Biodiversity and geodiversity
NE2 Trees, hedgerows and woodlands
NE3 Existing public open space
BE1 Design Quality
C3 Impact of development on highways
C5 Design and Parking
BE9 Land stability

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Wrockwardine Wood & Trench Parish Council: Object on following grounds;
- Over-development of the site;
 - Lack of car parking spaces;
 - Access onto a very busy road;
 - Proposed three storey houses are not in keeping with the established street scene and will overlook bungalows opposite the site.
 - Concerned about the water courses.
 - There is a need to ensure that there are no mine shafts in this area.
- 5.2 St Georges and Priorslee Parish Council: Object on following grounds;
- Adverse impact on the road system creating a cross roads effect with Cappaquin Drive (opposite)
 - Overdevelopment of the site.
- 5.3 Highways Officer: Support subject to conditions to provide acceptable visibility splay details of tactile paving adjacent development access, implement parking with bound material at access.
- 5.4 Drainage: Support subject to conditions requiring provision of foul and surface water drainage details.
- 5.5 Strategic Housing Officer: Comment: At least 25% of the new homes on site should be affordable, of which 80% should be for affordable rent and 20% for shared ownership. However, the Council's policy is that a viability appraisal can be taken into account.
- 5.6 Development Delivery Group Specialist: Comment: Development on a neglected, brownfield site in a prominent position, together with an increase in the Borough's housing supply particularly with smaller affordable units, weigh in favour of the proposal despite the lack of any planning obligations available. The developer has written off the land debt and made a robust case for zero contributions, so the offer of £12,000 should be captured to allow this stalled development to start.
- 5.7 Ecological Officer: Support subject to conditions requiring artificial nesting/roosting boxes, landscaping and lighting plan.
- 5.8 Tree Officer: Comment: Conditions required relating to tree replacement and landscape design, and tree protection measures.
- 5.9 Parks and Open Spaces Officer: No objection subject to the applicant's offer for an off-site contribution towards recreation and open space being secured.
- 5.10 Education: In view of the viability issues with this site the community would be better served if the financial contribution is allocated to recreation.

- 5.11 Shropshire Fire Service: Comment, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'. An informative will be required to make the applicant aware.
- 5.12 West Mercia Police: Comment: General advice provide in respect of Secure by Design principles and measures to prevent crime during the building phase.
- 5.13 The Coal Authority: Initial objection was removed, subject to necessary remedial works and further site investigations being carried out.

Neighbour consultation responses

- 5.14 Direct notification was carried out to all adjoining and adjacent premises, as a result of which 1 objection has been received, summarised as follows;
- Previous planning application was refused, why then has Erindale since been demolished. Caused impact on local environment.
 - Site has now been left as an eye sore impacting on all of the neighbours.
 - Now that property has been demolished, previous large dwelling traffic generation cannot be used to mitigate caused by proposal
 - Increase the amount of traffic without speed limiting arrangements.
 - Known mining location - only recently a bungalow on Moss Road was demolished due to mining issues.
- 5.14 A further representation from a neighbouring property has been received summarised as follows;
- Foul and surface water must be dealt with appropriately

6.0 PLANNING CONSIDERATIONS:

- 6.1 Having regard to the development plan policies and other material considerations, the planning application raises the following main issues;
- Principle of development
 - Impact on the character of surrounding area
 - Parking and highway safety
 - Impact upon residential amenity
 - Tree impact
 - Coal mining
 - Ecology
 - Whether provision is made for Planning Obligations / Economic Appraisal

6.2 Principle of development

- 6.2.1 The National Planning Policy Framework (NPPF) advises that 'housing applications should be considered in the context of the presumption in favour

of sustainable development' and encourages Local Planning Authority's to deliver a wide choice of high quality homes identifying the size, type and range of housing that is required in particular locations.

- 6.2.2 Policy CS1 (Homes) of the Core Strategy aims to provide every household in the Borough with an affordable, decent and appropriate home with the type, size and tenure of new and improved homes to meet local need and be delivered in a way that creates locally inclusive sustainable communities. Policy CS3 (Telford) states that Telford will be the focus for the Borough's development and that it will accommodate the majority of new homes, jobs and services. The application site is located within the defined Telford boundary and so the principle of the development of the site would accord with the broad aims of Policy CS3.
- 6.2.3 The site has no specific policy designation (i.e. white land). Policy H6 (Windfall Sites in Telford & Newport) of the Wrekin Local Plan states that housing development will be permitted on land under 0.4 hectare when the site can be adequately accessed and parking provided, the site can be adequately drained and when the Council is satisfied that there are no concerns over land stability or contamination. Furthermore, developments should not have an adverse impact on the local environment and should show a high quality of design, these elements are explored further below.
- 6.2.4 As highlighted above, the application site formerly accommodated dwellings and the site has been subject of several planning applications for residential development, 2 of which are still extant and capable of implementation. The site has no designation in the Wrekin Local Plan and as is it located close to a range of services and facilities, including public transport links, it would continue to be suitable for residential redevelopment.
- 6.2.5 Furthermore, the proposed development of one and two-bedroomed houses and apartments combined would constitute a reasonable mix of housing.
- 6.2.6 Having regard to the continued need for an efficient use of land in sustainable locations, the principle of utilising this site for additional housing is acceptable, in accordance with Core Strategy policies CS1 and CS3, CS9, Wrekin Local Plan policy H6, and Telford & Wrekin Local Plan policies SP1, SP4 and HO1.

6.3 Impact on the character of surrounding area

- 6.3.1 The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances.
- 6.3.2 Whilst the proposed density of 68 dwellings per hectare (dph) is higher than that of the surrounding area, it should be noted that the previously approved apartment led schemes would also have resulted in a higher density of development. The combination of the proposal for 13 apartments (TWC/2012/0143) and the application for 4 bungalows (TWC/2012/0862) would have resulted in a density of development of 49dph. It is not considered that the proposed density of 68 dph would be overly intensive in

this location to such an extent that it would render the application unacceptable. Further commentary is provided in the Planning Obligations and Viability section of this report below, in respect of the need for an increased number of units.

- 6.3.3 Some concern has been expressed by the Parish Council about the proposed 3 storey scale. It should be noted that both of the previously approved apartment schemes had a higher proportion of third storey floorspace. The current proposal results in a small amount at this scale (a single apartment) and is limited only to the block which houses plots 12-24. This block steps down to follow the topography of the land, and would therefore be largely two storey in scale. Indeed along the main Moss Road and Rookery Road frontage the scheme would appear as conventional housing rather than as an apartment block. The significant set back into the site helps to reduce its prominence further.
- 6.3.4 The proposed design incorporates detailing which seeks to reflect the character of the building previously demolished. For example use of hipped and pitched roofs over prominent facing gable end projections to road frontages, vertical emphasis to windows, facing brick, and window sills and lintels, would provide some reflection of the form of the demolished building. The proposed use of brick and render are appropriate facing materials as these are predominantly the materials used in residential development in the surrounding area.
- 6.3.5 The location of car parking at the front of the site will be screened by existing boundary treatment, thus it will not unduly prominent in the streetscene.
- 6.3.6 The site is located in an elevated corner position when viewed from further along both Moss Road and Rookery Road. It is well screened by boundary trees and shrubs and is set against a woodland backdrop to the rear with a further densely wooded backdrop on higher ground to the south. Given this context, the site would comfortably accommodate the mainly two storey scale and mass of the proposed building while its architectural design and appearance, together with the retained monkey puzzle tree, would add interest and be a focal point.
- 6.3.7 It is therefore concluded that there would be no conflict with saved Wrekin Local Plan Policies H6 and UD2, Core Strategy Policies CS 1 and CS 15, and Telford & Wrekin Local Plan (2031) Policies SP1, SP4 and BE1. These policies seek appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

6.4 Parking and highway safety

- 6.4.1 The development would be served by a vehicular access point that is located in a similar position to the existing access off Moss Road. An increased width of 5m would ensure two way vehicle flows can be accommodated.

- 6.4.2 Parish Council concerns regarding the increase in traffic on to Moss Road are noted; however provided the requisite visibility splays can be provided, it is not considered that the additional vehicles will have a detrimental impact on the highway safety.
- 6.4.3 The Council's Highways Officer is satisfied that the total number of 32 car parking spaces would be acceptable to serve this development.
- 6.4.4 The site is also in a sustainable location, well served by public transport (Moss Road is on a bus route) and within walking distance of a range of shops and facilities.
- 6.4.5 It is concluded that there would be no conflict with saved Wrekin Local Plan Policies UD2 and H6, Core Strategy Policies CS 9 and CS 15, and Telford & Wrekin Local Plan Policies BE1 and C3. These policies seek adequate access and car parking provision to new development which preserves highway safety. The policy aims are consistent with the National Planning

6.5 Impact upon residential amenity

- 6.5.1 There would be a separation distance of 30m between the habitable room windows in the side elevation of Plots 12-24 to the side elevation of Alamroy (to the north). There is also intervening mature vegetation on the boundary which would protect the residential amenities of this neighbour.
- 6.5.2 Given the set back from the Moss Road frontage and the two storey scale of the development, the separation distance to the dwellings on the opposite side of the road (which is in excess of 35 metres) would ensure that there would be no adverse impact to the occupiers of those houses in terms of loss of outlook or privacy.
- 6.5.3 The NPPF requires the provision of a good standard of amenity space for all existing and future occupants of land and buildings. The future occupiers of the individual dwellings would be served by ample private rear garden areas. The blocks of apartments would be served by two separate communal garden areas.
- 6.5.4 The development also offers an opportunity to bring back into use a site that has remained vacant for several years and one that is detracting from the streetscene, and thus will result in an enhancement to the visual amenity of the area.
- 6.5.5 The supporting Planning Statement acknowledges that due to the location of the site being within a residential area, the applicant will prepare a construction management plan, this can be secured by condition.
- 6.5.6 The proposal has been satisfactorily designed to ensure that no material harm to the living conditions of the surrounding neighbours or future occupiers of the proposed dwelling would arise. The development complies with policy CS15 of the Core Strategy and 'saved' policy UD2 of the WLP.

6.6 Tree Impact

- 6.6.1 It is vital that the parking area does not encroach further into the root protection area of the protected Monkey Puzzle tree at the front of the existing building; in this regard, the tree protection measures / plans indicate that this will be protected during the demolition and construction phases and maintained as a feature in the new development, providing significant amenity value.
- 6.6.2 Accordingly it is considered that the proposed development can provide adequate parking and access without harm to the protected trees.
- 6.6.3 The submitted tree report, indicates several species of tree in varying physical conditions, to the frontage of the development. Any attempt to keep the trees identified within the report, would severely restrict the nature of the development, affect parking layouts, restrict views into and away from the development, and affect light levels within each apartment. The removal of most of these trees (which are not subject of tree preservation orders) is therefore proposed to create a more open spacious feel and aid natural surveillance. There is however scope to retain species on the periphery of the frontage and implement a quality tree replacement and landscape proposal on the frontage, which can be secured by condition.
- 6.6.4 The development complies with 'saved' policy OL11 Woodland and Trees of the WLP and Telford and Wrekin Local Plan policy NE2 Trees, hedgerows and woodlands.

6.7 Coal mining

- 6.7.1 The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the Updated Coal Mining Risk Assessment are appropriate to address the coal mining legacy issues present on the application site. This includes a programme of drilling and grouting in order to stabilise the shallow mine workings.
- 6.7.2 The Coal Authority accepts that a 'stand-off' has been provided between the recorded position of the mine entry to the north of the application site and the building accommodating Plots 12-24. The applicant should ensure that adequate investigations have been undertaken to discount the presence of the mine entry from being within the application site. The proximity of this untreated mine entry to the site boundary should be taken into consideration in the stabilisation works carried out on site and in the design of the foundation solutions for the properties proposed. The mining and possible stability issues can be covered sufficiently by condition
- 6.7.3 The applicant has demonstrated to the LPA that the application site is safe and stable to accommodate the proposed development, in accordance with the National Planning Policy Framework, paragraphs 120-121, 'saved' policy EH14 Land Stability of the WLP and Telford and Wrekin Local Plan policy BE9 Land stability.

6.8 Ecology

- 6.8.1 The accompanying Ecological Survey confirms that the site comprises areas of hard standing with small perennial vegetation, unmanaged former gardens with amenity grassland, ornamental shrubs, semi-improved species poor grassland, tall ruderals and scattered mature and dense scrub. These have the potential to support foraging bats and wild bird nesting.
- 6.8.2 The Ecological Officer recommends conditions to control external lighting on the site and ecological enhancements to provide bird and bat boxes.
- 6.8.3 The proposal would therefore comply with Core Strategy Policy CS 12, which seeks to protect biodiversity in development.

6.9 Whether provision is made for Planning Obligations / Economic Appraisal

- 6.9.1 The development would ordinarily trigger the requirements for 25% of the dwellings to be on-site affordable housing.
- 6.9.2 The applicant has advised that previous consents have not come forward due to high abnormal costs and financial contributions. An Economic (Viability) Appraisal has been prepared by the applicant which has regard to the delivery costs taking into account the anticipated abnormal costs of mine workings treatment, drainage solutions and retaining walls linked to the delivery of this site.
- 6.9.3 The applicant's Economic Appraisal based on a zero contribution towards S106 and a nil contribution to affordable housing, establishes that the project would have a profit margin less than the accepted market rate before any land cost was taken into consideration.
- 6.9.4 The applicant has shown the historic land cost including stamp duty and fees. This relates to the original purchase price from 2008 when the company acquired the site and reflects the enhanced market at the time. The current site value is probably considerably less but this has little bearing on viability since even a nil land value would still see an unviable position for the applicant as stated above.
- 6.9.5 Notwithstanding this position, the applicant has offered a sum of £12,000 toward open space/recreation, to be spent specifically on enhancement of the Play Area off Gower Street / Fireclay Drive. This meets the three tests of Regulation 122 of the CIL Regulations that a Planning Obligation must meet in order for it to be lawful:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development
- 6.9.6 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the "pooling" of financial contributions to no more

than five contributions to a single type of infrastructure. It is considered that the financial contribution set out above meets the relevant tests.

- 6.9.7 This single contribution exacerbates the applicant's profit position but in this circumstance, the developer has written off the land debt and made a robust case for zero contributions. The Council's Development Delivery Group Specialist has assessed and agrees with the Economic Appraisal. The applicant has demonstrated that the development before land value is unviable based on the values and costs in the appraisal and cannot support any further planning contributions.
- 6.9.8 The applicant has made it clear that any reduction in the number of units now being sought or the provision of further financial contributions would severely impact on the economic viability and development potential of the scheme.
- 6.9.9 Despite the limited offer of planning obligations, the opportunity to secure development on a neglected, brownfield site in a prominent position, together with an increase in the Borough's housing supply particularly with smaller affordable units, creating Council Tax and New Homes Bonus income, weigh in favour of the proposal. The offer of £12,000 should be captured to allow this stalled development to start. This position is supported by the Economic Appraisal.
- 6.9.10 It is considered that this development complies with the requirements of Saved Policies H22 and LR6 of the Wrekin Local Plan.

7.0 CONCLUSION

- 7.1 Having regard to the continued need for an efficient use of land in sustainable locations, the principle of the proposed residential development is acceptable. The layout, scale and design of the proposed apartments and dwellings do not have an adverse impact upon the character and appearance of the area. The development would not harm the residential amenities of the adjacent neighbours. With appropriate conditions, no harm will arise upon the protected Monkey Puzzle Tree, the drainage infrastructure, highway safety or protected wildlife species. The site can be suitably stabilised and remediated from previous uses. A financial contribution will be provided to support the provision of recreational open space in the immediate vicinity. The development is therefore considered to be acceptable and compliant with local planning policy and the guidance contained within the National Planning Policy Framework.

8.0 RECOMMENDATION

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

- a) The applicant entering into a S106 Agreement with the Local Planning Authority for the provision of £12,000 towards the enhancement of the Play Area off Gower Street / Fireclay Drive.
 - b) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager);
1. A04 Time limit
 2. B11 Samples of materials
 3. C13 - Parking, loading, unloading and turning
 4. C14 – Visibility Splays
 5. Details of tactile paving
 6. Access drive bound material
 7. B061 scheme of foul drainage, and surface water drainage
 8. Scheme to restrict surface water runoff to 5 litres per second per hectare
 9. B121 Landscaping details, including maintenance of open space
 10. B130 Tree Protective Fencing
 11. B131 Trees services root protection
 12. B132 Trees No Dig Method
 13. Arboricultural Method Statement
 14. Erection of artificial nesting/roosting boxes
 15. Lighting plan to be submitted prior to any external lighting
 16. B150 Site Environmental Management Plan
 17. Coal Authority Risk Assessment recommendations to be implemented
 18. C38 Approved plans
 19. D01 Remove Permitted development rights from Units 9-11

Informatives

- I11 Access
- 125m Nesting birds (vegetation)
- I32 Fire Authority
- I33b Broadband
- 135 Secure by Design
- I40 Conditions
- I41 Reasons for Grant of permission
- RANPPF1 Approval – NPPF



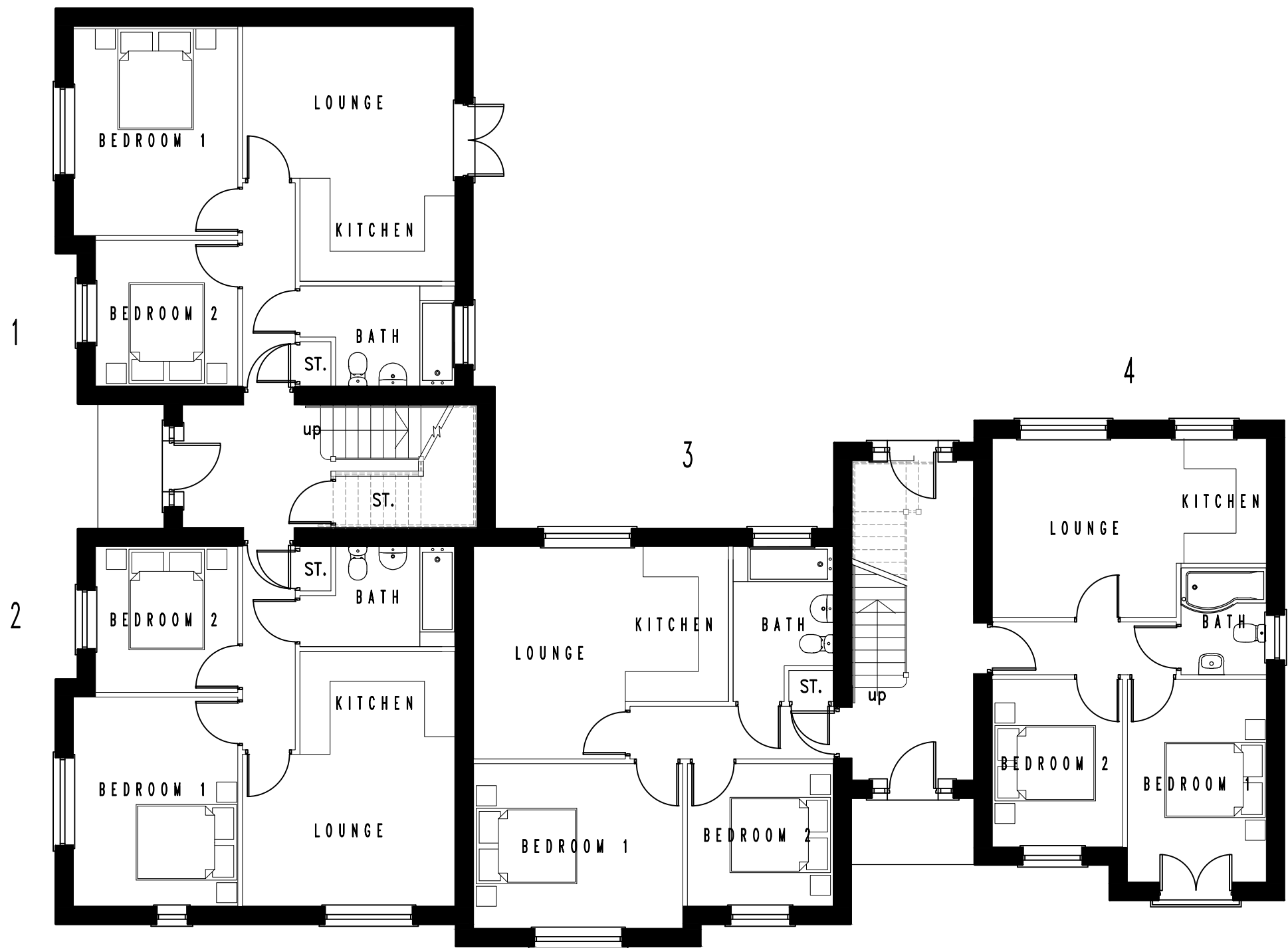
Location Plan 1:1250

Site Plan 1-500
Accommodation Schedule
 Plots 1-8
 Plots 9-11
 Plots 12-24
 Parking spaces 32

Rev B 17.05.16 Site plan extended to include adjacent properties.
 Rev A 01.04.16 Notes added regarding boundary treatments. Car-spaces re-numbered and located close to associated properties where possible. Bin storage re-located. Kerb radii from Moss Road increased to ease transition onto site. Boundary to Rookery Road modified. Windows added as shown to plts 11,16 & 22. Notes added to satisfy Secured by Design Requirements.

PLOTS 1, 2 & 3.
53M²/
569FT²

PLOT 4.
46M²/
494FT²



GROUND FLOOR LAYOUT

Rev A 17.05.16 - standard 630mm window added to bed 1 of plot 2 in lieu of dummy window.

Job: MOSS ROAD, TELFORD

Title: PLOTS 1-8 - GROUND FLOOR PLAN

Date: OCT 15

Drawing No: 291-01-10

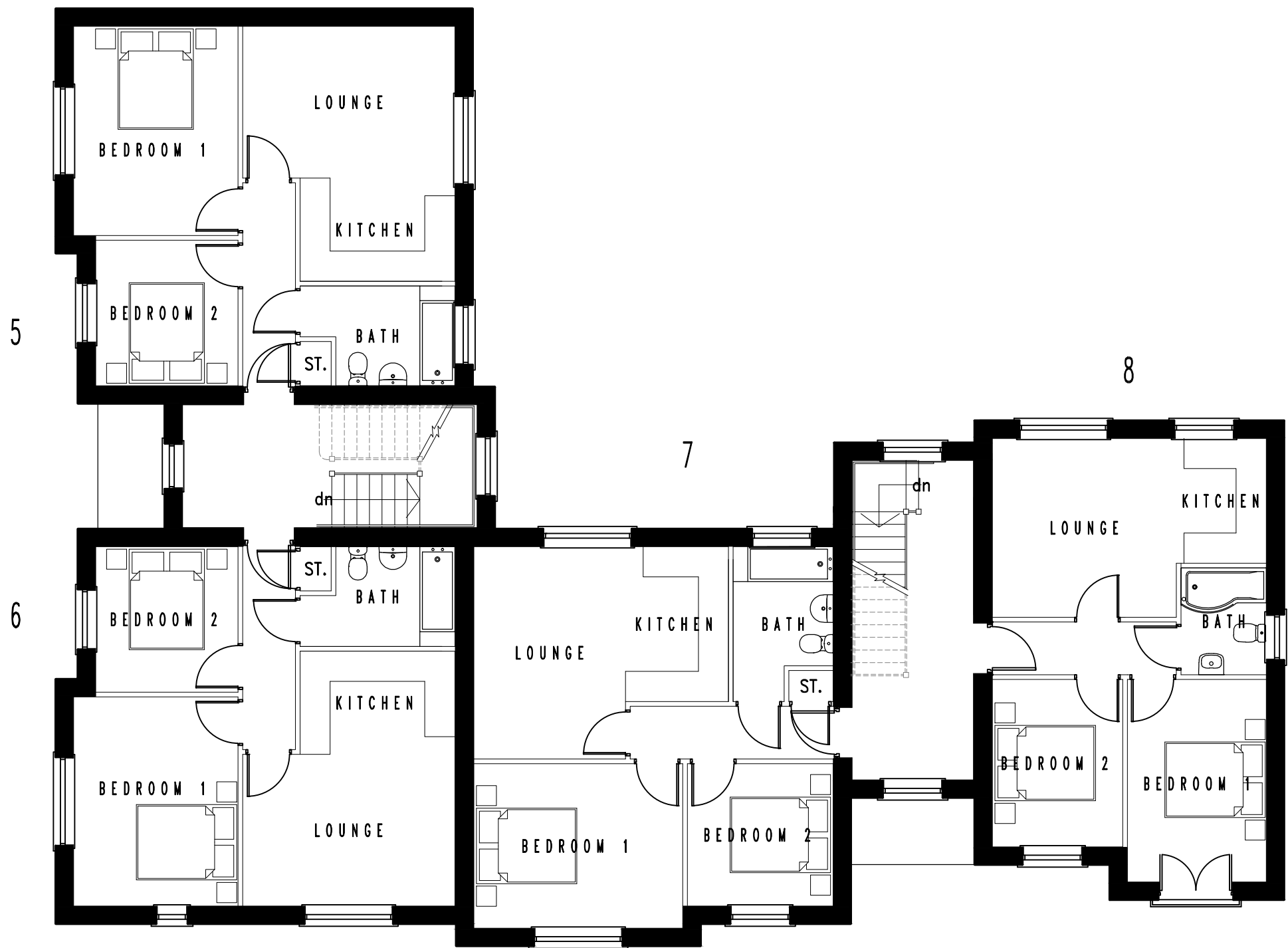
Scale: 1:100

Revision: A



PLOTS 5 6 & 7
53M²/
569FT²

PLOT 8.
46M²/
494FT²



FIRST FLOOR LAYOUT

Rev A 17.05.16 - standard 630mm window added to bed 1 of plot 6 in lieu of dummy window.

Job: MOSS ROAD, TELFORD

Title: PLOTS 1-8 - FIRST FLOOR PLAN

Date: OCT 15

Drawing No: 291-01-11

Scale: 1:100

Revision: A





FRONT ELEVATION



SIDE ELEVATION

Rev A 17.05.16 - 630mm windows added to plots 2 and 6 in lieu of dummy windows.

Job: MOSS ROAD, TELFORD

Title: PLOTS 1-8 - FRONT & SIDE ELEVATIONS

Date: OCT 15

Drawing No: 291-01-12

Scale: 1:100

Revision: A





REAR ELEVATION



SIDE ELEVATION

Job: MOSS ROAD, TELFORD

Title: PLOTS 1-8 - REAR & SIDE ELEVATIONS

Date: OCT 15

Scale: 1:100

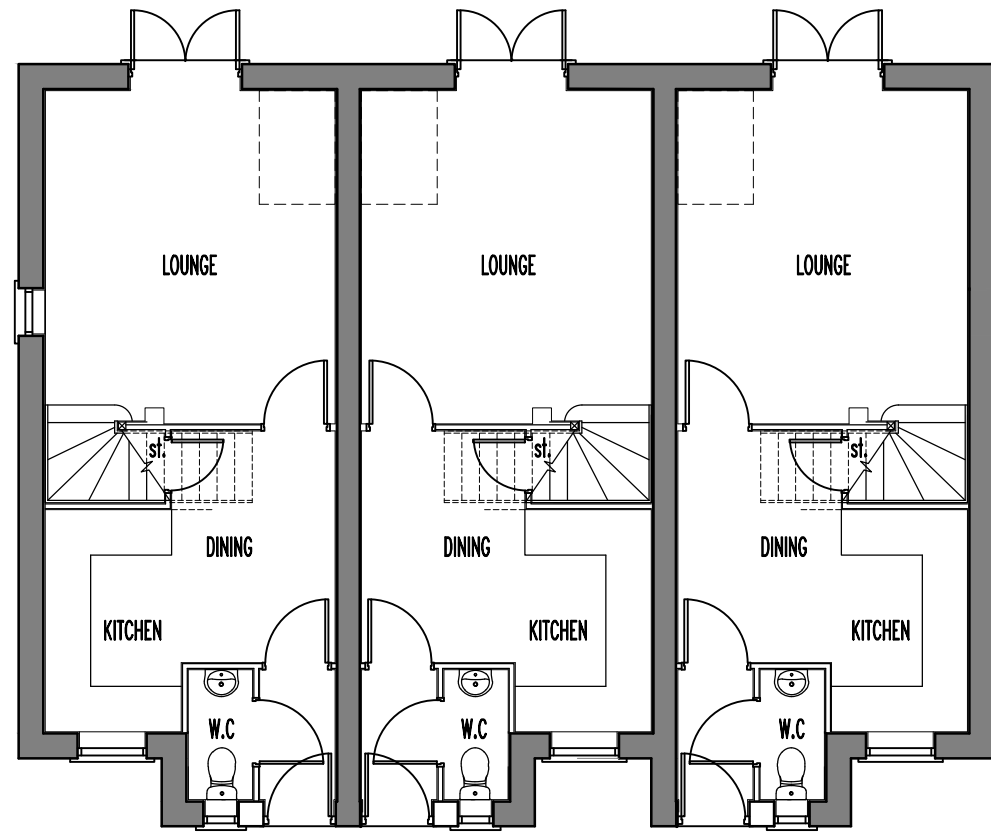
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Revision:

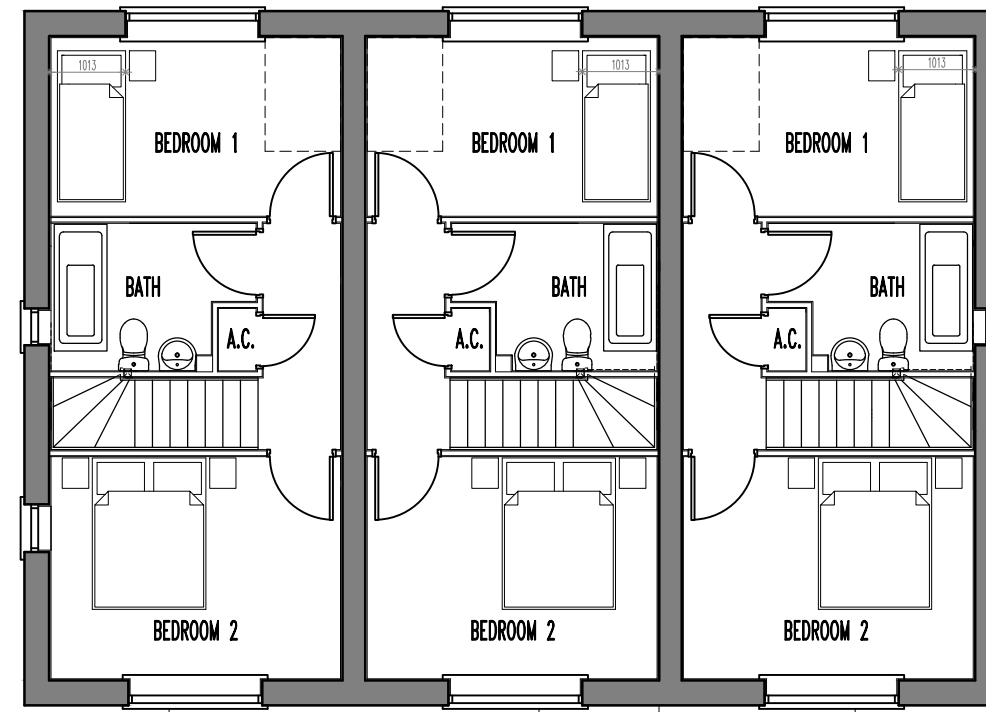


2010 AD

Rev A 01.04.16 630mm wide windows added to lounge and Bed 2 in side wall of plot 11 for surveillance.



11 10 9
GROUND FLOOR LAYOUT



11 10 9
FIRST FLOOR LAYOUT

GROUND 34.9M ² / 376 FT ²	FIRST 33.1M ² / 356 FT ²
---	--

PLOT 9 10 and 11
2 bed 3 person
68 M² / 732 FT²

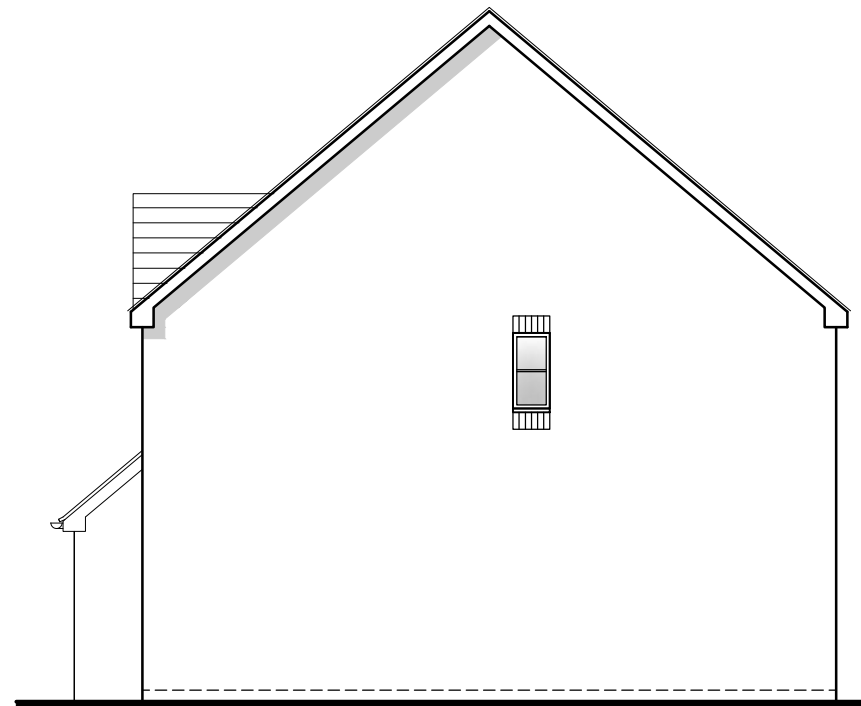
Rev A 01.04.16 630mm wide windows added to lounge and bed 2 in side wall of plot 11 for surveillance purposes.



Plot 11
FRONT ELEVATION

Plot 10

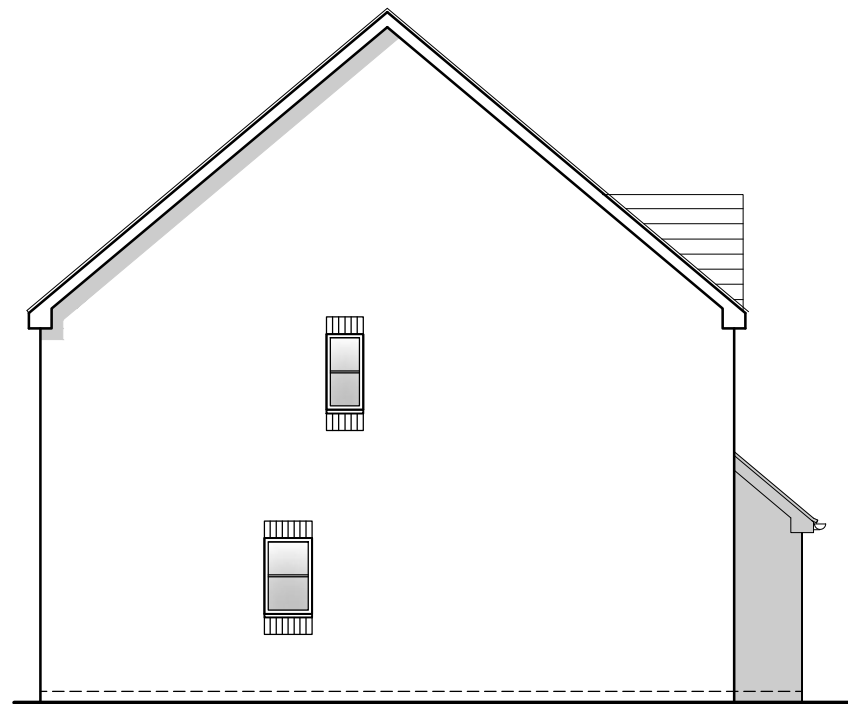
Plot 9



Plot 9
SIDE ELEVATION



REAR ELEVATION



Plot 11
SIDE ELEVATION

Job: MOSS ROAD, TELFORD

Title: PLOTS 9, 10 & 11 - 2BED 3 PERSON HOUSES - ELEVATIONS

Date: OCT 15

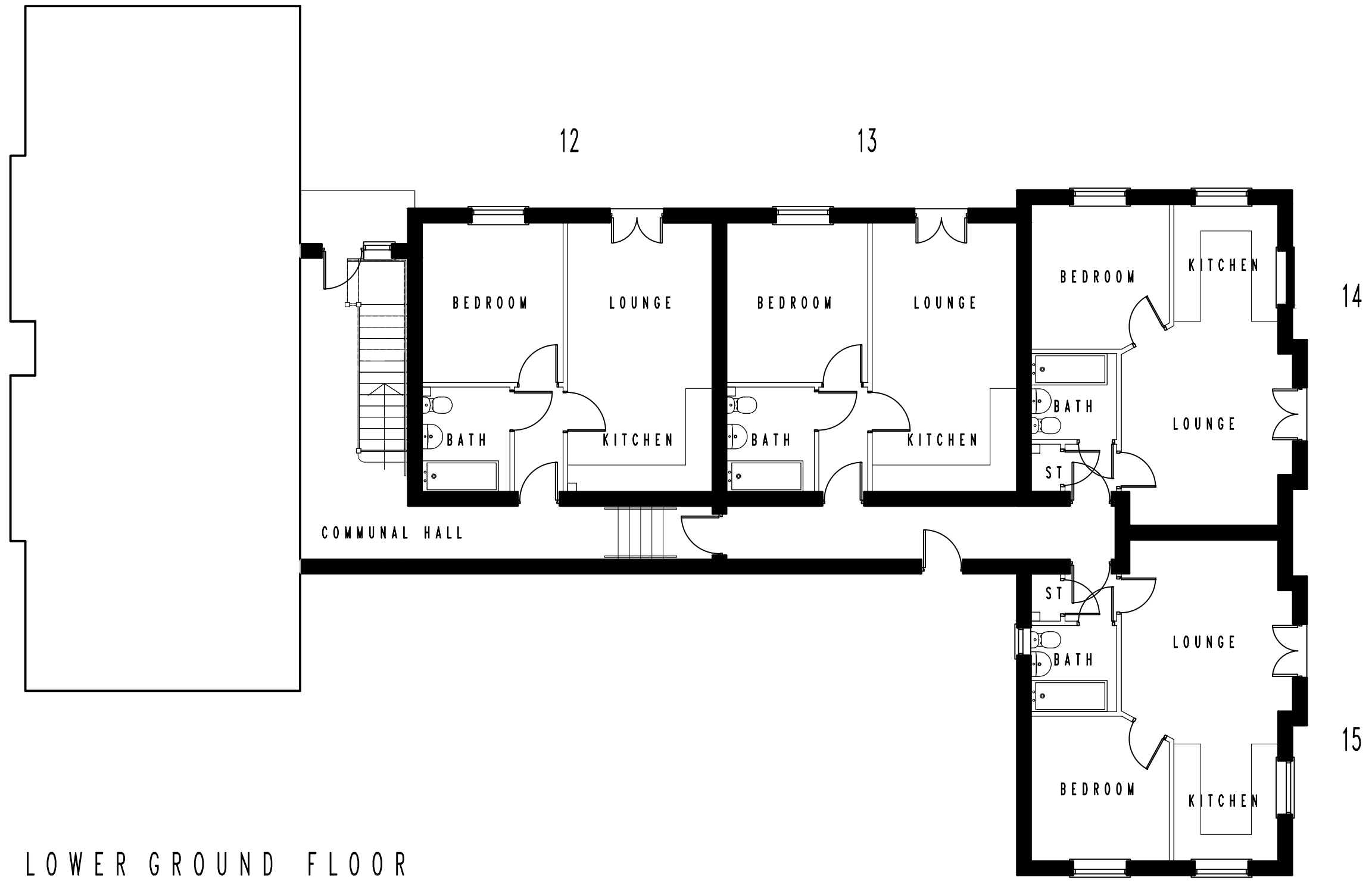
Scale: 1:100

Drawing No: 291-01-16

Revision: A



2010 AD



PLOTS 12,13
38.7 M²
416 ft²

PLOTS 14,15
38.6 M²
415 ft²

LOWER GROUND FLOOR

Job: MOSS ROAD, TELFORD

Title: PLOTS 12-24, LOWER GROUND FLOOR PLAN

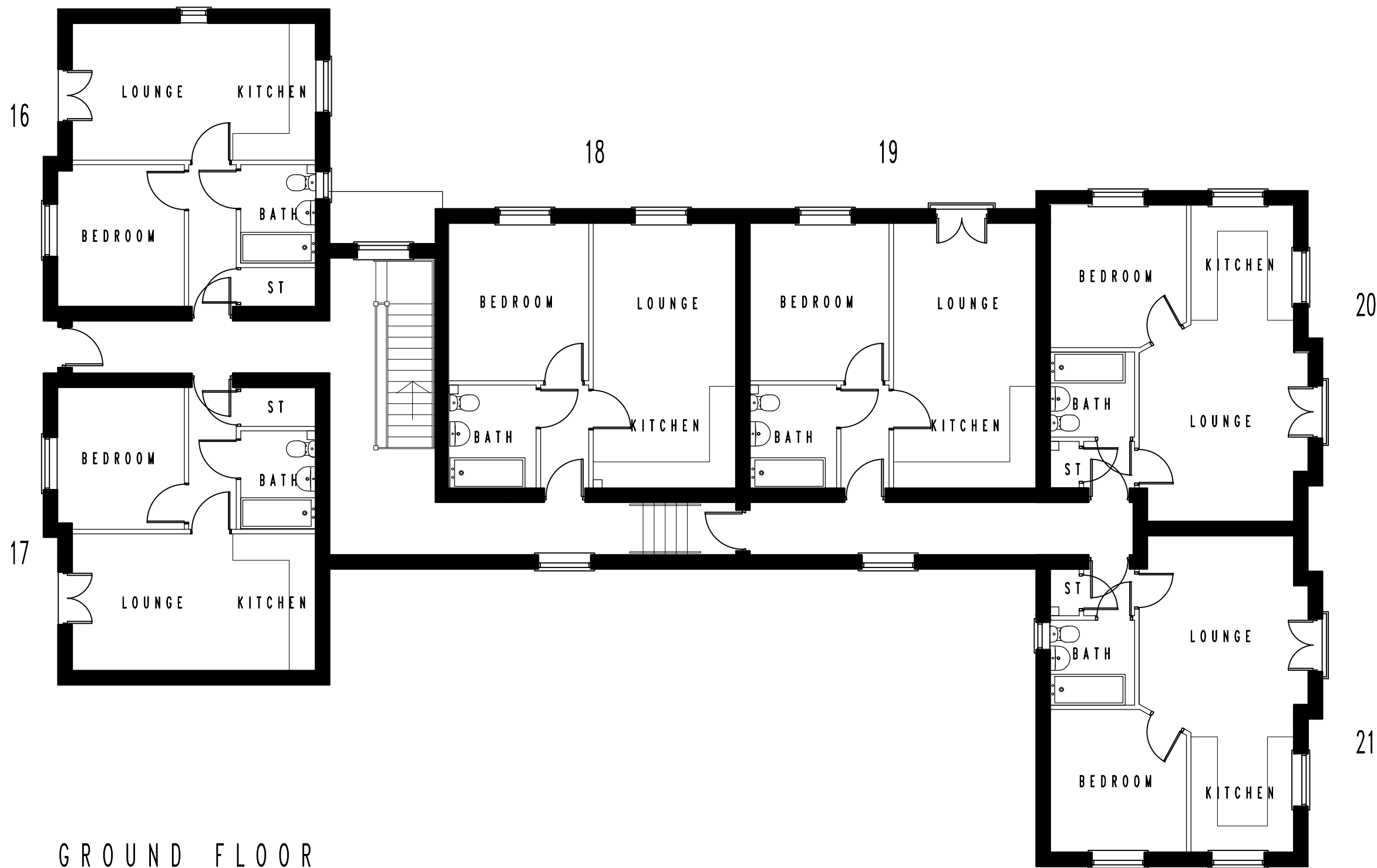
Date: OCT 2015

Drawing No: 291-01-20

Scale: 1:100

Revision:





PLOTS 16, 17
36.2 M²
390 ft²

PLOTS 18, 19
38.7 M²
416 ft²

PLOTS 20, 21
38.6 M²
415 ft²

GROUND FLOOR

Rev B 17.05.16 - French window to plot 18 replaced with window

Rev A 01.04.16 - 630mm window added to side wall of plot 16

Job: MOSS ROAD, TELFORD

Title: PLOTS 12-24, GROUND FLOOR PLAN

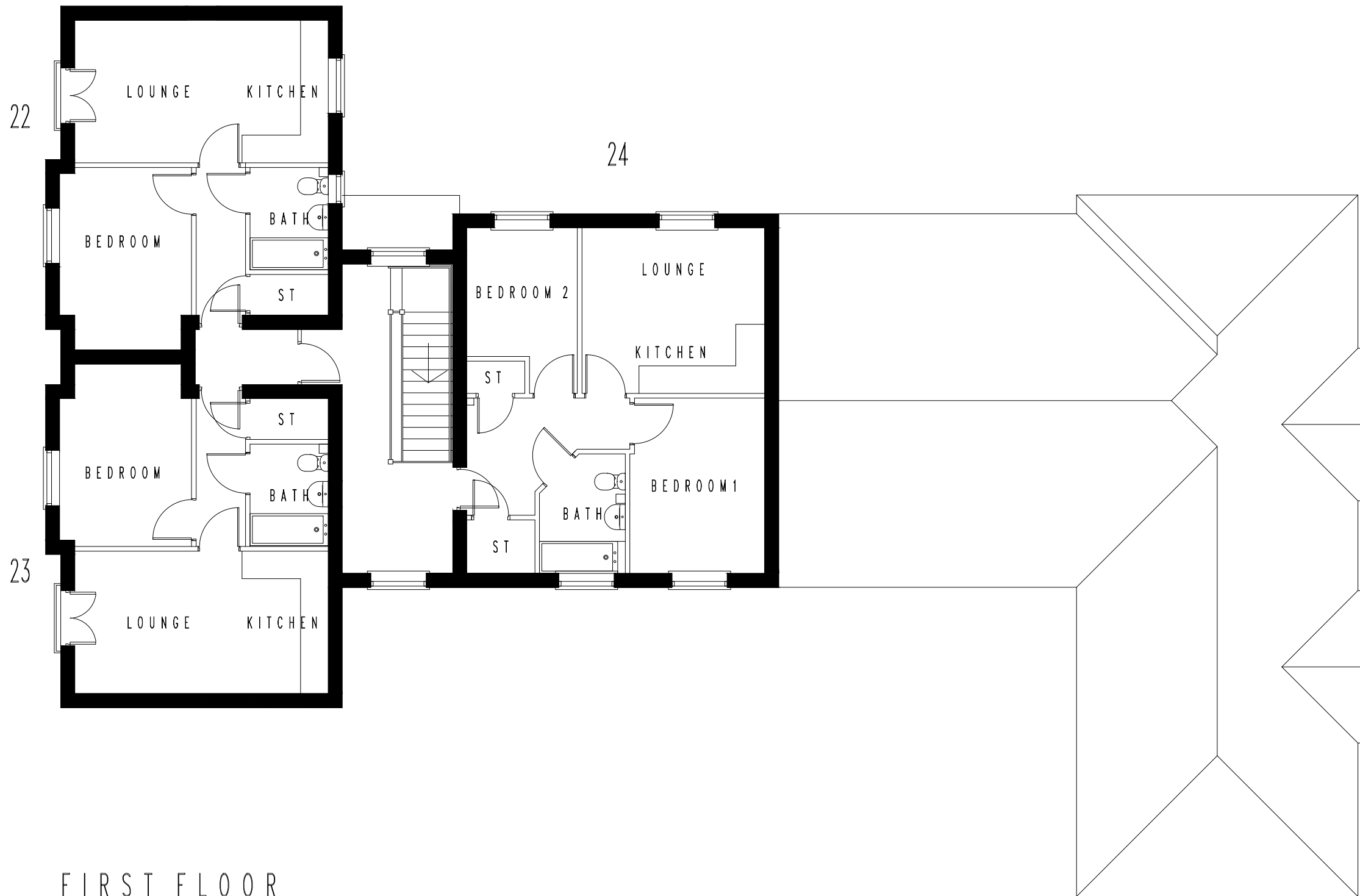
Date: OCT 2015

Drawing No: 291-01-21

Scale: 1:100

Revision: B





PLOTS 22, 23
 37.9 M²
 408 ft²

PLOT 24
 48.4 M²
 521 ft²

FIRST FLOOR

Rev B 17.05.16 - 630mm window removed from plot 22. French window to plot 24 replaced with window

Rev A 01.04.16 - 630mm window added to side wall of plot 22

Job: MOSS ROAD, TELFORD

Title: PLOTS 12-24, FIRST FLOOR PLAN

Date: OCT 2015

Drawing No: 291-01-22

Scale: 1:100

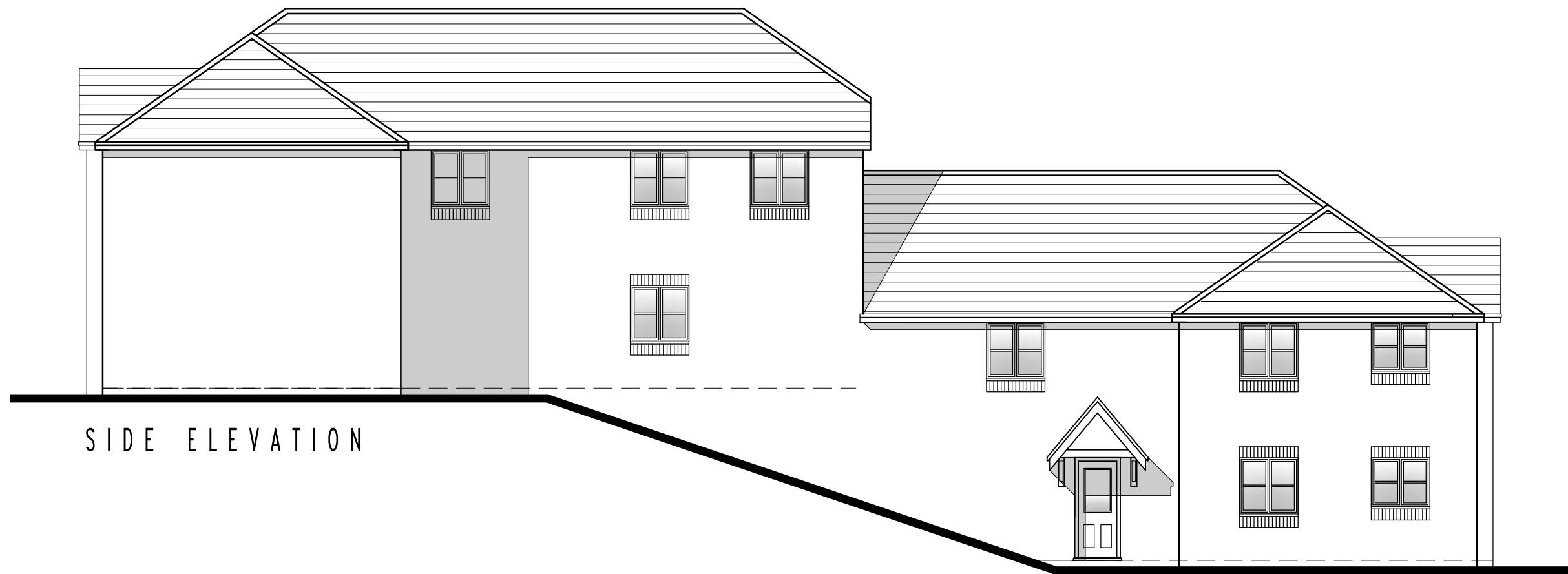
Revision: B



2010 AD



FRONT ELEVATION



SIDE ELEVATION

Job: MOSS ROAD, TELFORD

Title: PLOTS 12-24, FRONT & SIDE ELEVATIONS

Date: OCT 2015

Scale: 1:100

Drawing No: 291_01-23

Revision:



2010 AD



REAR ELEVATION



SIDE ELEVATION

Rev B 17.05.16 - 630mm window removed from plot 22. French windows to plot 18 and 24 replaced with windows.

Rev A 01.04.16 - 630mm window added to side wall of plots 16 & 22

Job: MOSS ROAD, TELFORD

Title: PLOTS 12-24, REAR & SIDE ELEVATIONS

Date: OCT 2015

Drawing No: 291-01-24

Scale: 1:100

Revision: B



2010 AD



Job: MOSS ROAD, TELFORD

Title: STREET ELEVATION FROM MOSS ROAD

Date: OCT 2015

Drawing No: 291_01-25

Scale: 1:100

Revision:



TWC/2016/0232

Reviive, Wellington Road, Donnington, Telford, Shropshire, TF2 8AA
Retention of 3 storage containers for use for storage in connection with the authorised use of the site for the sale, storage and refurbishment of furniture (Retrospective)

APPLICANT

Reviive CIC

RECEIVED

11/03/2016

PARISH

Donnington and Muxton

WARD

Donnington

OFFICER Matthew Thomas

DONNINGTON & MUXTON PARISH COUNCIL HAS REQUESTED FOR THIS APPLICATION TO BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 MAIN ISSUES:

1.1 The impact on the living conditions of neighbours

2.0 PROPOSAL

2.1 This planning application seeks permission for the retention of three storage containers in the yard located to the rear of the furniture store and workshop known as Reviive, located off Wellington Road in Donnington, to be used as storage in connection with the existing business operated from the site.

2.2 There are currently 4 containers located on the site, marked 'A', 'B', 'C' and 'D' on the existing block plan submitted with this application. It is proposed that container 'B' shall be removed from the site. Containers 'A' and 'D' are both to be relocated from their current positions adjacent to the rear boundaries of the adjacent residential properties, to the locations identified on the submitted proposed block plan, so that the remaining containers are located together, adjacent to the rear of the store/workshop building.

2.3 The containers are to be used for storage in connection with the use of the main building on the site, including in particular, storage of items which are to be sold in the retail store as well as general storage of items ancillary to the use and occupation of the main building.

3.0 SITE AND SURROUNDINGS

3.1 The site is located on the southern side of Wellington Road between Donnington and Trench. The overall site measures 0.5 hectares and contains a large relatively modern building constructed in grey cladding with large glazing panels.

- 3.2 There is a parking area to the front and side of the building and to the rear there is a yard containing the shipping containers and a detached building that was previously used as a valeting bay and has recently been used as a workshop.
- 3.3 The site is located in a mixed residential and commercial area, with rear gardens of the houses in Furnace Lane bounding the site to the south west and rear gardens of the houses in James Way bounding the site to the east. Opposite the site is a Territorial Army building and the (now demolished) Coddon Social Club.
- 3.4 The boundary to the houses along Furnace Road consists of close boarded fencing and boundary to the east consists of a metal fence with screening attached.

4.0 SUMMARISED CONSULTATIONS

Standard consultation responses

- 4.1 Donnington & Muxton Parish Council: Object
- Object in order to preserve the amenities of the neighbours and the Parish Council insists that the conditions set when approval for the original application to locate this business here are implemented
 - The applicant has and continues to show complete disregard to conditions previously imposed and recommendations made by officers from the Borough Council when visiting the site. As far as the Parish Council is aware no application for the containers to be sited at this location was made and it continues to be used as a waste transfer site with more companies linked to the Wrekin Housing Trust and Reviive using the site for that other than specified in the original conditions
 - The noise resulting from the deconstruction of the furniture and other items is having a detrimental impact on neighbours whose videos and photographs clearly shows use of site other than that permitted and disregard to the use of health and safety equipment when breaking up furniture and other items
- 4.2 Environmental Health: Support subject to conditions
- The three storage units are only to be used to store the items arising from Reviive current normal business practice
 - The times the three storage units are to be filled and emptied only to take place during Reviive current opening hours; namely:
Monday to Friday 09:00 – 17:00 hours, Thursday 09:00 – 18:00 hours, Saturday 10:00 – 17:00 and Sunday 10:00 – 16:00 hours
 - Should there be any change to the above that results in an increase in noise coming from the site, a suitable noise assessment shall be required
- 4.3 Shropshire Fire Service: Comment - include Fire Authority informative

Neighbour consultation responses

4.4 Following neighbour consultation 2 letters of objection were received and the issues raised have been summarised below:

- No mention of any need for the containers was made when the original planning application was submitted
- Scarcely credibly that the original plans had overlooked the need for additional storage space which makes the waste transfer use more credible
- Some of the furniture is left outside the workshop and is later broken down or taken to the skips – noise from items being broken is audible within neighbouring properties and makes working or sitting in the garden impossible
- The Clean Cut company are apparently part of the furniture scheme, based in Ludlow with a link to the Wrekin Housing Trust
- Some reduction in the movement of skip lorries in the yard however the yard is still being used to process items that have been collected
- If the site at Ketley was used as it was intended, the skips which are ancillary to the lawful use of the site could be filled and emptied less frequently
- The wood workshop has been relocated and residents are no longer hearing that machinery however it was put in to the old valeting bay shed and therefore is planning permission required for this retrospective use?
- Residents are concerned about future expansion of the site without planning permission and associated nuisances cause
- 3 containers is greatly in excess of that which would be required for activities that lie within the permitted use of the site
- None of the previous permission have been adhered to
- The site has been making noise and mess from day one

5.0 RELEVANT HISTORY

Planning Applications

- 5.1 TWC/2013/0118 – Change of use of car showroom and workshop to furniture showroom and workshop – Full Granted (25/03/2013)
- 5.2 TWC/2013/0854 – Retrospective siting of 4no. storage units to be used in conjunction with waste transfer facility – Full Refused (11/12/2013)
- 5.3 TWC/2015/0496 – Variation of condition 2 of planning permission TWC/2013/0118 to allow the movement of the woodwork workshop from the main building to another building on site – Full Refused (11/08/2015)
- 5.4 TWC/2015/0602 – Siting of 4no. containers for storage (Retrospective) – Full Refused (28/08/2015)

Enforcements

- 5.5 ENF/2013/0585 – Alleged breach of condition 2 (furniture business activities) and 5 (opening hours and workshop activities, collection & deliveries) of TWC/2013/0118. Enforcement Notice issued 29/01/14 and the appeal was dismissed 17/02/2015

6.0 RELEVANT POLICIES

- 6.1 National Guidance
National Planning Policy Framework (NPPF)
- 6.2 Core Strategy:
CS2 Jobs
CS15 Urban Design
- 6.3 Wrekin Local Plan:
E4 Development on Unallocated Employment Sites in the Urban Area
UD2 Design Criteria
- 6.4 Telford & Wrekin Local Plan (Publication Version)
SP4 Presumption in favour of Sustainable Development
EC2 Employment in the Urban area

7.0 BACKGROUND INFORMATION

- 7.1 In March 2013 planning permission was granted for the change of use of a car showroom and workshop off Wellington Road in Donnington to a furniture showroom and workshop. This permission was subject to a number of conditions including a personal permission to the applicant and opening hours.
- 7.2 In January 2014 the Council served an Enforcement Notice on the applicant as it was alleged that there had been an unauthorised change of use of the site from a furniture store and workshop to a mixed use of furniture shop, workshop, waste transfer station and siting of container units. The applicant submitted an appeal against this enforcement notice (appeal ref: APP/C3240/C/14/2214532). The Inspector upheld the enforcement notice in part, by requiring the cessation of any waste transfer aspects of the operation. The applicant has duly complied with the enforcement notice, having ceased all activities relating to the sorting of imported furniture and other goods on site, and these activities now take place at a second site rented by the applicant in Ketley.
- 7.3 The wording of the Enforcement Notice as issued by the Council had required the applicant to remove all skips and container units from the land however the Inspector concluded that the effect of this would be to wrongfully take away elements of a lawful use and the wording of the notice was therefore varied by the Inspector so as to require only the removal of containers used in association with the unlawful waste transfer station use. Following that

decision, the four containers were retained in situ on the site and have been in use for storage uses in connection with the on-going permitted use.

- 7.4 In acknowledgement that the containers were proposed to be retained on the site in a permanent manner, an application was subsequently made for the retention of all four containers (ref TWC/2015/0602) which was refused by the Local Planning Authority in August of that year. At that time officers considered the containers were sited in close proximity to the boundaries with neighbouring houses and that the storage containers were visible from those properties and were of poor design. The application was refused for the following reason:

The containers, by virtue of their design and siting, are considered to have a detrimental effect on neighbouring properties amenities and are therefore considered to have a detrimental and unacceptable impact on the amenities of neighbouring properties in terms of noise and visual impact and that the proposal therefore conflicts with Core Strategy Policy CS15, saved Wrekin Local Plan Policy UD2 and the NPPF.

- 7.5 This current application has been submitted following the above refusal and the applicant states that it 'represents a wholly different position, one which is more sensitive to the impact on the adjacent occupiers whilst continuing to provide the storage facilities which are required for the continuance of the permitted use of the site and the effective operation of the applicant's business'.

8.0 PLANNING CONSIDERATIONS

- 8.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the main issue in the consideration of this planning application is the impact on the living conditions of neighbours.
- 8.2 The previous application (ref: TWC/2015/0602) was refused as the proposal was considered to have an unacceptable impact on the living conditions of neighbouring properties in terms of noise and visual impact. The applicant has addressed these issues in the accompanying supporting statement.

Noise

- 8.3 The applicant has stated in the supporting statement that the containers are not opened on a regular basis meaning that there is limited noise emanating from their opening and closing. The applicant continues that employees do not access the containers frequently, nor are they regularly filled and no activities which create noise take place inside the containers.
- 8.4 It is now proposed to remove Container 'B' from site and this alone will reduce the potential for noise generation. Containers 'A' and 'D' are to be relocated as far away from the rear boundaries of the adjoining residential properties and closer to the main building. These two containers will be situated

alongside container 'C' so that they are all in one cluster, reducing any adverse visual impact. The existing boundary fencing/hedging will provide a shielding effect, thus further reducing the impact of any noise that is generated in the use of the containers.

- 8.5 The Council's Environmental Health Officer has been consulted during the process of this application and has assessed the current proposal in respect of the impact on the living conditions of neighbouring properties as a result of any noise being generated from the use of the containers. The Officer supports the application on the basis that the three storage containers are used for the storage of items arising from current normal business practice only and in line with the existing opening hours. It is proposed to control this through the use of appropriately worded conditions. The applicant is to be made aware that any changes to the above will result in the requirement for a comprehensive noise assessment however one is not deemed necessary for this application.

Visual Impact

- 8.6 In respect of the adverse visual impact of the previously refused proposal the supporting statement confirms that one of the containers (container 'B') will be removed and that containers 'A' and 'D' will be relocated away from the rear boundaries of the adjacent residential properties.
- 8.7 Officers are minded to agree with the applicant that the residential properties bordering the site on James Way have the benefit of a large amount of screening by tall trees such that, for a large proportion of the properties on this street, the site will not be visible from the rear of these dwellings. For those properties where the trees do not fully screen the containers, a high fence along this boundary means that they are only visible in their current location from the first floor of those properties.
- 8.8 The Local Planning Authority considers that the relocation of containers 'A' and 'D' will reduce their visual impact by reducing their prominence within the site and to the extent that they are visible to the adjacent occupiers, they will be seen in the context of and against the backdrop of the main building, reducing their visual impact. In relation to those properties situated along Furnace Lane; for the vast majority, container 'C' is obscured from view by the main building and so following the relocation of containers 'A' and 'D' next to container 'C' and when considering the separation distances involved, these two containers will be similarly obscured, so that the overall visual impression will be significantly improved for the occupiers of those dwellings.

9.0 CONCLUSION

- 9.1 The Local Planning Authority considers that the applicant has successfully addressed the previous reason for refusal in that the current proposal is no longer contrary to policy CS15 of the Core Strategy or policy UD2 of the Wrekin Local Plan. The proposed removal of one of the containers together with the relocation of two containers closer to the main building and away

from the rear boundary of adjacent neighbouring properties will reduce the impact on the living conditions of neighbours in terms of noise and visual impact and this has been reflected in the small number of neighbour objections received.

- 9.2 Officers do acknowledge the 2 letters of objection received by neighbours. The issues contained within primarily relate to noise and disturbance and concerns over the way the business is currently operated and how it will be operated in the future. Whilst officers consider the proposal is now acceptable and compliant with local planning policy it is considered appropriate to allow a temporary permission for a 2 year period. During this time the Local Planning Authority will be able to monitor the site and assess any complaints received to ascertain whether the use causes a statutory nuisance and will be able to reconsider the permission, if at all necessary, at the end of the 2 year period.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the Committee **GRANT PLANNING PERMISSION** for a temporary 2 year period subject to the following conditions:

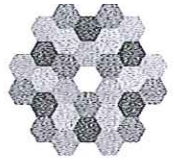
1. Temporary consent – 2 years
2. Containers to be used for storage purposes associated with the original planning permission only
3. Hours/Days of operation (as existing)
4. Approved Plans

Informatives

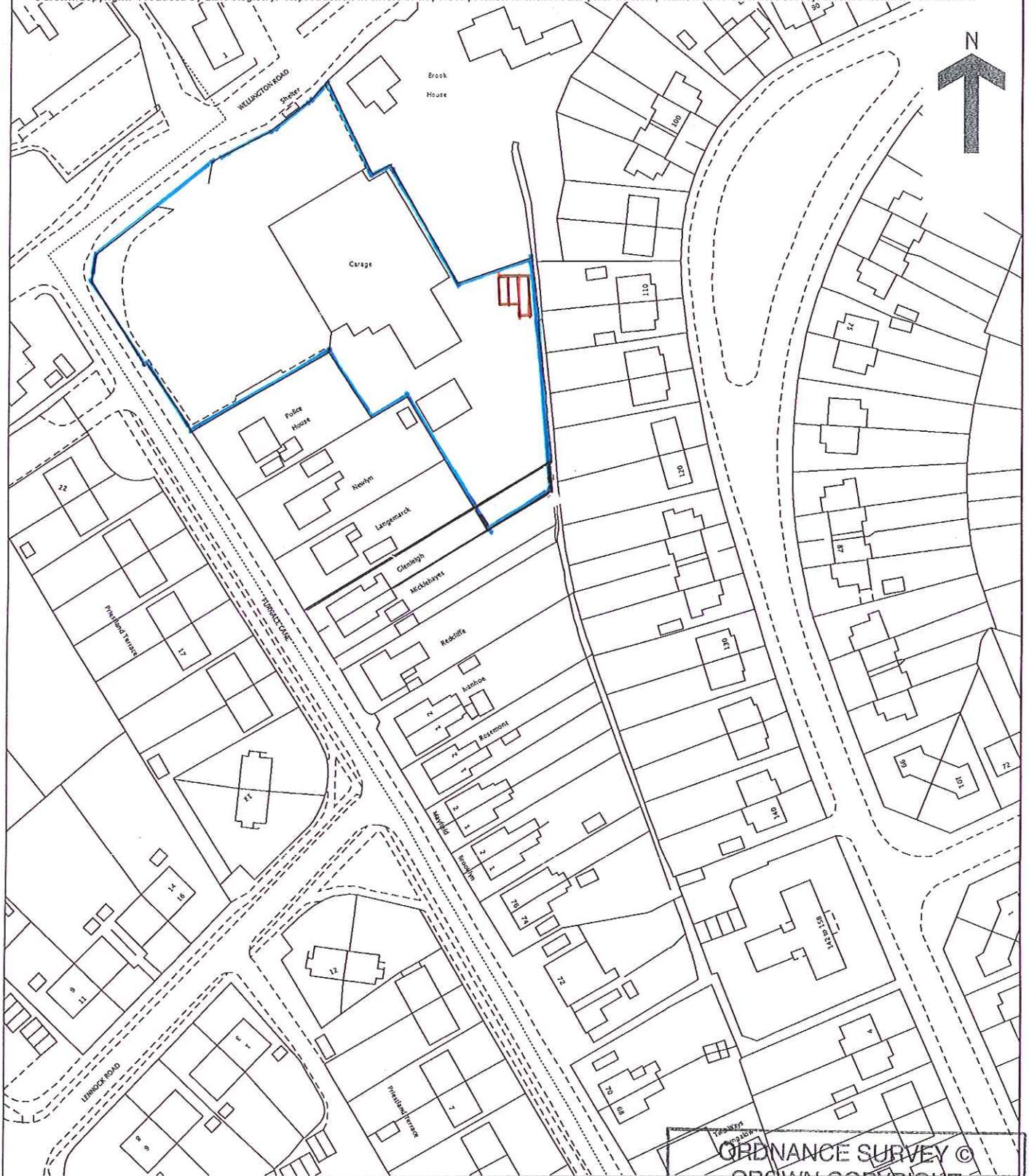
1. Fire Authority
2. Conditions
3. Reasons for grant of permission
4. Approval – National Planning Policy Framework

Land Registry Official copy of title plan

Title number **SL212546**
Ordnance Survey map reference **SJ6913SE**
Scale **1:1250**
Administrative area **Wrekin**

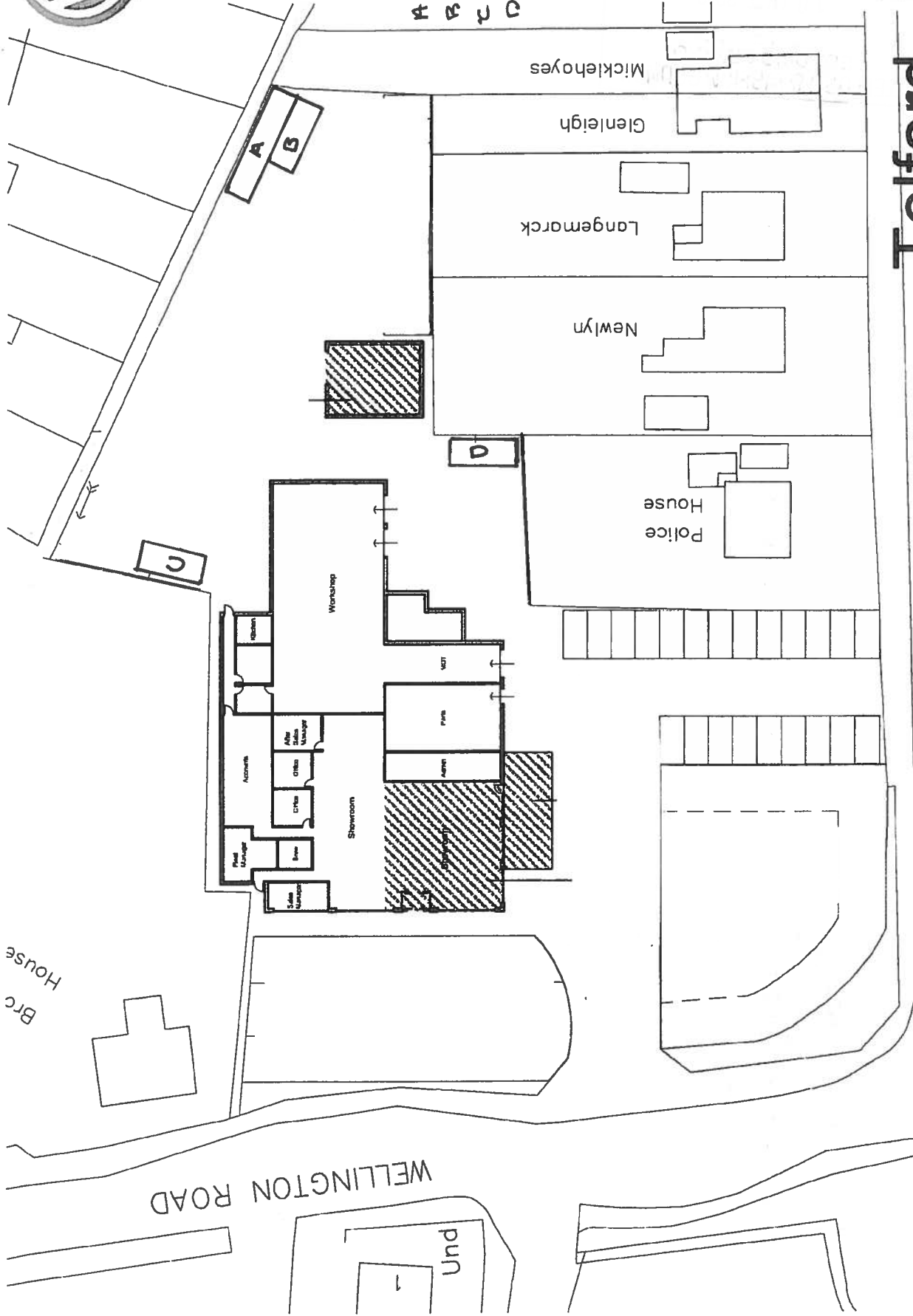


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KEY
 A - CONTAINER A
 B - CONTAINER B
 C - CONTAINER C
 D - CONTAINER D



FeatherSmith
 CONSULTANTS

Telford

Existing Site Plan (nts)

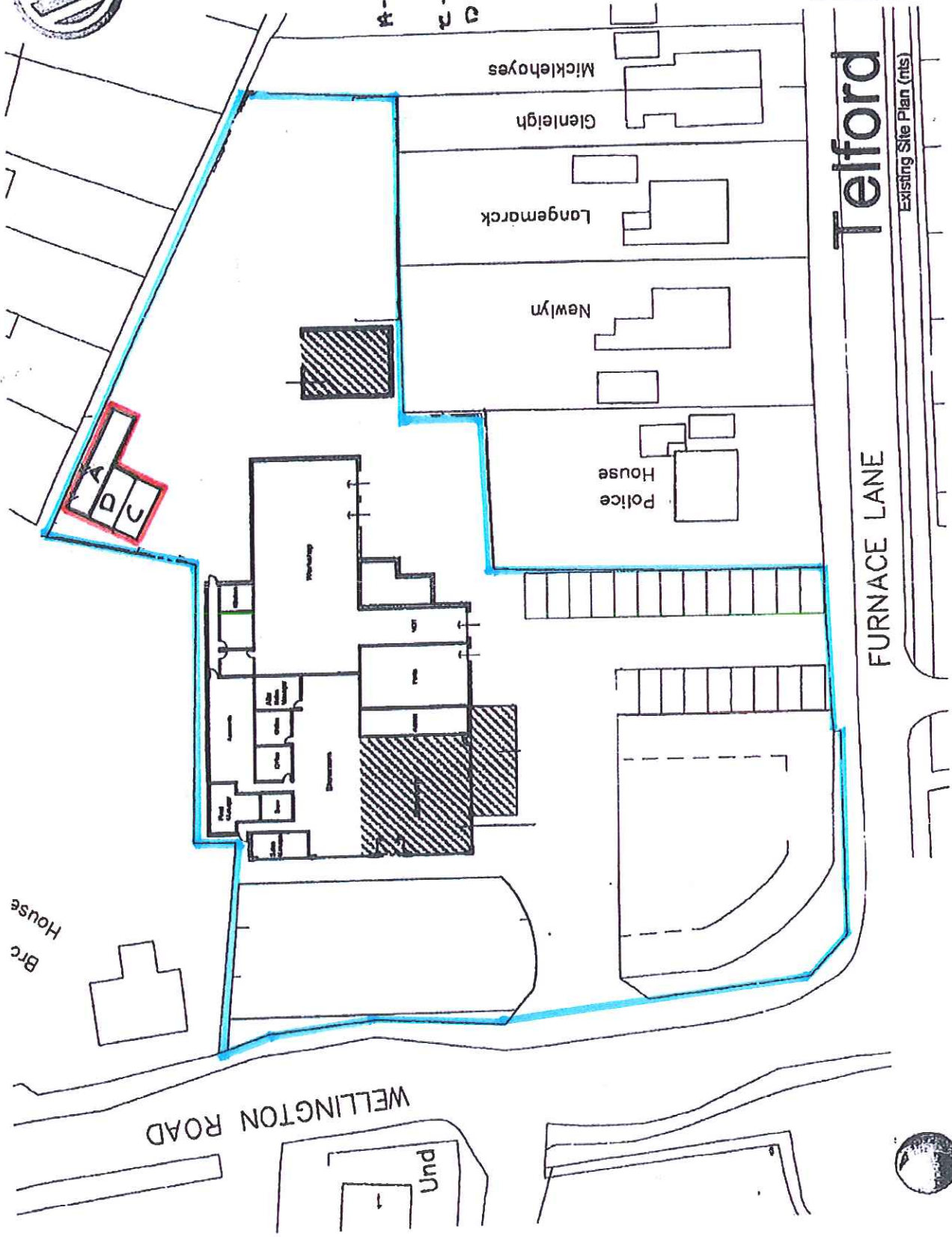
FURNACE LANE



005:1



KEY
 A - CONTAINER A
 C - CONTAINER C
 D - CONTAINER D



Telford

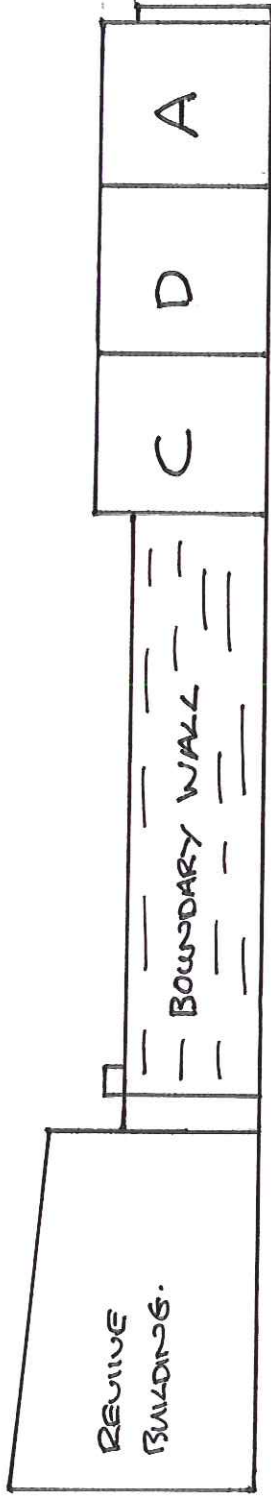
FURNACE LANE

Existing Site Plan (nts)

1:500



FRONT ELEVATION



KEY:

- A - CONTAINER A
- C - CONTAINER C
- D - CONTAINER D

SIDE ELEVATION



SCALE 1:100

TWC/2016/0249

Land adjacent Grangefields, Hay Street, Tibberton, Newport, Shropshire
Reserved matters application for the erection of 1no. detached dwelling with integral garage to include access, appearance, layout, scale and landscaping (pursuant to outline TWC/2015/0309) *****AMENDED PLANS RECIEIVED*****

APPLICANT

Gabriella Parkes

RECEIVED

17/03/2016

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER Matthew Thomas

TIBBERTON PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 THE PROPOSAL

- 1.1 This application seeks approval of reserved matters following the grant of outline planning permission TWC/2015/0309 which was approved in June 2015. Outline permission was granted for the erection of 3no. detached dwellings on land adjacent to 'Grangefields' off Hay Street in Tibberton with all matters reserved for later approval. This application seeks approval for layout, access, scale, appearance and landscaping for one of the three plots approved.
- 1.2 This proposal is for a single detached dwelling, sited to the northern half of the site but located centrally within the plot. The property will be spread over three floors with accommodation within the roofspace. The ground floor will be largely open plan and will include a small rear extension and an attached double garage. Four bedrooms will be provided at first floor, including one over the double garage and a fifth bedroom will be provided within the roof space.
- 1.3 The design and appearance of the proposed dwelling has been subject to amendments during the course of the planning application at the request of officers. The current scheme manages to reflect local vernacular including certain features such as dormer windows, chimneys, detailing above and beneath window openings and a small front porch, which can be found in other recent developments within the village.
- 1.4 Access to the site will be off Hay Street and a new 6m wide entrance will be formed, requiring part removal of the existing hedgerow. A large driveway will be provided to the front of the dwelling providing ample on-site car parking. To the rear, a large garden will be provided and laid to lawn. Boundary treatments will comprise a mixture of existing and new hedgerow to the front of the property and 1.8m high close boarded timber fencing to the rear.

- 1.5 This application is supported by a complete set of drawings, including a tree and hedge protection plan together with a Design & Access Statement.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is situated on the south side of Tibberton village, approximately 4 miles west of Newport and 5/6 miles north of Telford/Wellington and currently forms part of the boundaries of 'Grangefields', a two storey detached property situated to the west of Hay Lane.
- 2.2 Part of the site is currently occupied by a ménage however the remainder of the site is currently an open field, largely unused. The site is relatively level and is currently bordered by a well-established hedgerow to the north, east and west. A row of mature trees runs along the southern boundary.
- 2.3 The village of Tibberton is formed of clusters of residential development, varying in age, size and style including properties along Maslan Crescent and Church View which are fairly high in density however moving out of the village centre, the spatial pattern of development becomes more spread out including properties on Anvil Close and Old Smithy Road. Within the village is a Public House (Sutherland Arms), a community store, a village hall, a Primary School and a mobile library. A bus service is also available connecting Newport to Shrewsbury. Therefore, whilst situated within the rural area, the application site benefits from a number of sustainable credentials.

3.0 RELEVANT PLANNING HISTORY

- 3.1 TWC/2015/0309 – Outline application with all matters reserved for 3no. detached dwellings – Outline Granted (25/06/2015)
- 3.2 TWC/2014/0953 – Erection of two detached dwellings and creation of new access – Full Granted (09/12/2014)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
H9 Location of New Housing
UD2 Design Criteria
HE25 Duke of Sutherland Cottages
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS6 Newport
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources

CS15 Urban Design

- 4.4 Telford and Wrekin Local Plan (Publication Version):
SP2 Newport
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 & Cherrington Parish Council: Object

- Proposed design is completely out of character with the adjacent Duke of Sutherland house. Size is also out of all proportion with the DOS house and the area of the actual site itself. Dwelling should be reduced to a two storey building and footprint reduced to better reflect the size of the plot. Mock Tudor design should be revised to reflect the neighbouring DOS house.

Following receipt of amended plans and re-consultation, the Parish Council have provided the following updated comments:

- The P.C has reviewed the changes to this application and appreciates that the majority of the concerns expressed earlier have been addressed. However, the height of the proposed building, at three stories, would dwarf the existing Duke of Sutherland building, and so remains too high and completely unacceptable. If it were to be redesigned as a two storey property we would be very unlikely to raise any further objection, but at three stories, the Parish Council is adamant that it should not be approved.
- We believe planning policy HE26 has some relevance here and we would look to the Planning Department to take heed of it in the further consideration of this application.

5.2 Highways: Support subject to conditions relating to parking areas, visibility splays, gates and materials.

5.3 Drainage: Support subject to conditions relating to foul and surface water drainage.

5.4 Aboricultural: No comments received

5.5 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

5.6 No further representations received following neighbour consultation

6.0 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 development
- Relevant planning policies
- Layout
- Access
- Scale
- Appearance
- Landscaping

Principle of development

6.2 The principle of residential development on this site has already been established for three detached dwellings through the granting of outline planning permission in June 2015. This application seeks approval of the reserved matters only, including access, appearance, landscaping, layout and scale.

Relevant planning policies

6.3 The National Planning Policy Framework (NPPF) advises that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and encourages Local Planning Authority's to deliver a wide choice of high quality homes identifying the size, type and range of housing that is required in particular locations. The guidance seeks the development of brownfield land first and gives weight to strong designs; advising LPA's to refuse development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.4 'Saved' policy UD2 of the Wrekin Local Plan provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. The National Planning Policy Framework advises that 'permission should be refused for development of poor design that fails to take opportunities available for improving character and quality of an area and the way it functions'. Policy BE1 of the Telford and Wrekin Local Plan (Publication Version) supports development that respects and responds well to the context and enhances the quality of the local built and natural environment.

- 6.5 The application site lies adjacent to a Duke of Sutherland style dwelling known as 'Grangefields' and therefore consideration needs to be given to policy HE26 of the Wrekin Local Plan which advises that the District's stock of Duke of Sutherland style properties will be preserved and protected.

Layout

- 6.6 The application site measures approximately 0.2ha and approximately two thirds of the site will be reserved as a garden area with soft landscaping. The proposed dwelling will be set back approximately 20m from the highway, occupying a central position with the plot. This in turn allows for a sizeable rear garden, access to either side of the property and ample space to the front for access, parking and on-site turning.
- 6.7 Landscaping is also proposed to soften the appearance of the site from the highway. The Local Planning Authority considers this is the most appropriate layout for the dwelling as it sits comfortably within the site and will not significantly affect the living conditions of neighbouring properties or the general character of this rural village.

Access

- 6.8 A new access will be created to serve the site directly off Hay Street which is one of several routes that serves the village, accessed from the B5062 to the south of Tibberton. A new 6m wide entrance will be formed, requiring part removal of the existing hedgerow and a large driveway will be provided to the front of the dwelling providing ample on-site car parking and turning. The driveway will be tarmacked for the first 5m from the highway and will then be formed from permeable block paving which is considered appropriate for this location.
- 6.9 The Local Highways Authority has assessed the proposals and offer support for the development subject to standard conditions including the provision of on-site car parking and turning and adequate visibility splays on to Hay Street.

Scale

- 6.10 The proposed dwelling will be of 2.5 storey construction and will be built beneath a pitched roof with a full height chimney off the north side elevation. The property will stand at approximately 5.3m to eaves level and 9.8m to the ridge. Four sizeable bedrooms will be provided at first floor level and a fifth bedroom within the roof space which will be served by a dormer window to the front east facing roof plane and roof lights to the rear. An attached double garage will be provided off the south side elevation and one of the first floor bedrooms will be provided above, again served by a small dormer window.
- 6.11 This is a sizeable plot, approximately 0.2 hectares and therefore the erection of one dwelling on the site equates to 5 dwellings per hectare. This level of development reflects the village setting and the layout and density of 'Grangefields' and the proposed new property and this will help break up the

overall scale and massing of the build. Landscaping of the site is also proposed under this application which will assist in softening the overall appearance of the development.

Appearance

- 6.12 The Local Planning Authority requires new development to have strong design and to reflect local distinctiveness to assist integration in to existing developments to ensure a positive impact upon the character and appearance of the locality and this is imperative for a village setting such as Tibberton. The design and appearance of the proposed dwelling has been subject to amendments during the course of the planning application at the request of officers. The current scheme manages to reflect local vernacular including certain features such as dormer windows, chimneys, detailing above and beneath window openings and a small front porch, which can be found in other recent developments within the village. Finishing materials are to be agreed through conditions however it is envisaged at this stage that the use of a traditional red facing brick, slate or clay roof tiles, timber windows and doors as well as timber soffits and fascias would be appropriate.
- 6.13 With regards to window openings, those in the front elevation are well proportioned and the inclusion of dormer windows in the roof space of the main dwelling and garage assist in reflecting local vernacular. The proposed rear elevation incorporates larger spans of glazing however these windows will look out on to the private rear garden space and will not adversely affect the character of this rural village. Two first floor windows are proposed in the north side elevation however these will serve the master bedroom en-suite and dressing room. Conditions will be imposed to ensure that these windows are obscurely glazed to protect privacy between the existing and proposed developments.
- 6.14 The applicant has worked with the Local Planning Authority in submitting amended designs to ensure the new development will integrate well within its rural setting and reflect local vernacular typical to the village of Tibberton. Officers now consider the appearance of the proposed dwelling is suitable and sympathetic to its setting and will not significantly affect the living conditions of the neighbouring property to the north of the site. Accordingly, the scheme is considered compliant with local policies including HE26 of the Wrekin Local Plan.

Landscaping

- 6.15 A landscaping plan accompanies this application and is relatively consistent for this type of development. The existing hedgerows which runs along the front boundary adjacent to Hay Street will be pruned and retained save for a 6m section which will be removed to provide the access in to the site. A new mixed native hedgerow will then be planted either side of the plot to the front of the dwelling. To the rear of the property the garden will be largely laid to lawn and will be enclosed by 1.8m high close boarded timber fencing. The existing trees to the far end of the garden will be retained and protective tree

fencing will be erected on site during construction to ensure they are not harmed. Details of the protective tree fencing have been submitted in support of the proposals. Given the size of the plot and amount of garden space available, officers consider that the level of landscaping proposed is adequate and fit for purpose. Importantly, landscaping will be provided to the front of the dwelling to ensure a softer appearance, typical to its village location.

7.0 CONCLUSIONS

- 7.1 The principle for residential development on this site has previously been established through the granting of outline planning consent for three dwellings in June 2015. Having assessed the reserved matters including layout, access, scale, appearance and landscaping the Local Planning Authority considers the proposed development for a single detached dwelling is acceptable. The dwelling is suitably positioned within the plot, can be suitably accessed and its scale and appearance is acceptable and respectful to the village setting. In addition, appropriate landscaping proposals have been submitted to the Authority and are considered fit for purpose. Officers acknowledge the response received by the Parish Council however, in this instance, the amended scheme is, on balance, considered acceptable and compliant with local planning policies and the guidance contained within the National Planning Policy Framework. For this reason officers are recommending approval subject to conditions.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the Committee **GRANT PLANNING PERMISSION** subject to the following conditions:

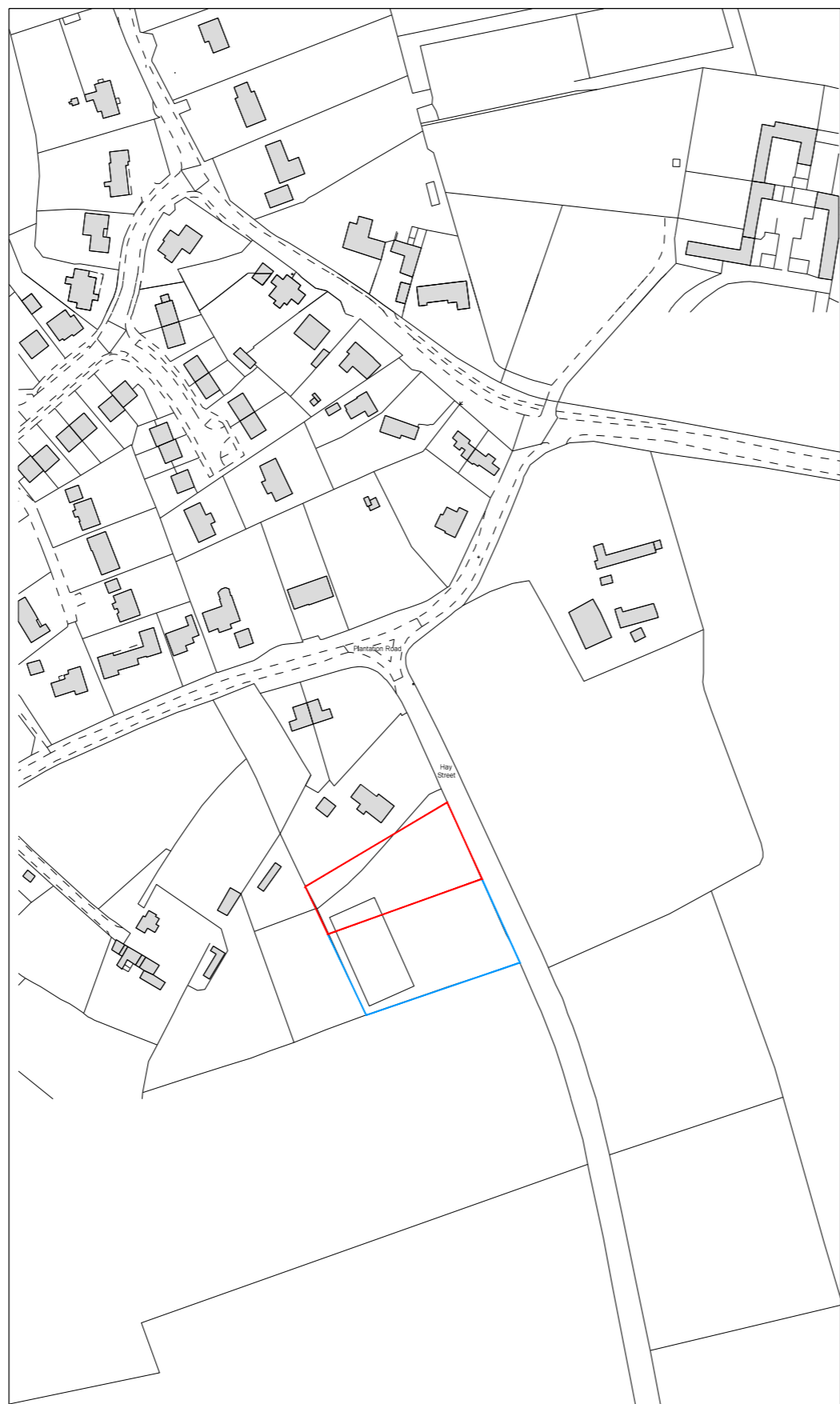
Conditions

1. Time limit – Reserved Matters
2. Samples of materials
3. Scheme of foul and surface water drainage
4. Soakaway test & location
5. Approval of off-site works by Severn Trent Water
6. Parking, loading, unloading, turning
7. Visibility splays (2.4m x 43m)
8. Gates
9. Access drive bound material
10. Hedge Protection
11. Tree Protection
12. Landscaping Implementation
13. Development in accordance with submitted plans
14. Window – obscure glazing (north side elevation)

Informatives

1. Highways
2. Fire Authority

3. Conditions
4. Reasons for Reserved Matters Approval
5. Approval following Amendments NPPF



1 LOCATION PLAN

NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the designer before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dims only.
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- Title overlay drawings and ownership boundaries are produced using all reasonable endeavours.



Rev	Date	Drawn	Checked
/	17/03/16	PH	PH

Initial Issue

Drawing stage **PLANNING**

Client

Mr Stubbs
Ms Parkes

Project

Grangefields, Tibberton

Drawing title

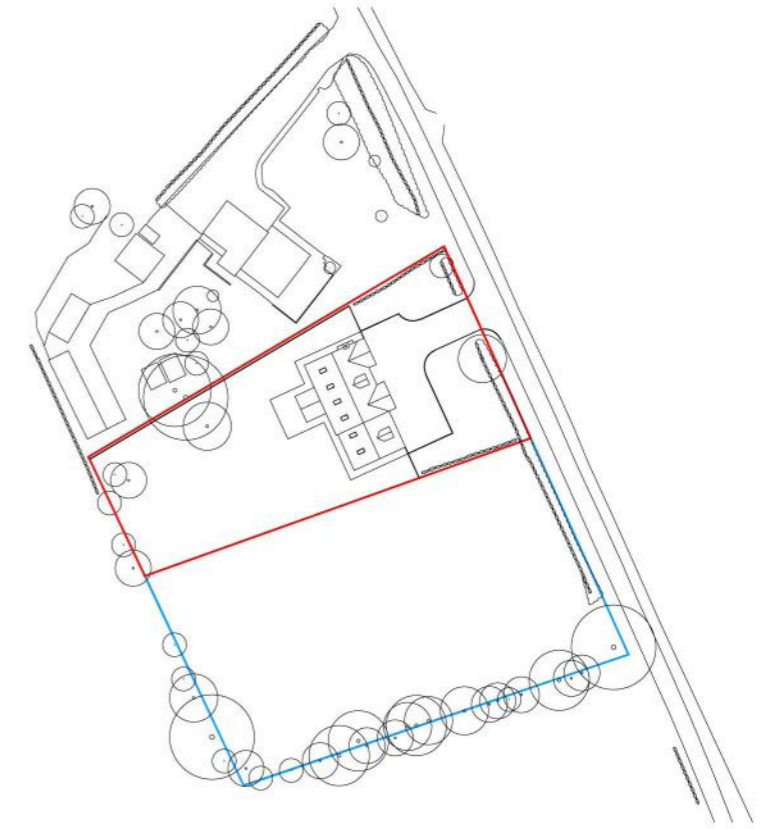
Location Plan

Date	22/02/16	Drawn	PH
Scale	1:2500 @A3	Checked	PH

Job No. **SB011 P011** /



① SITE PLAN - 1:500@A3



② LOCATION PLAN - 1:1250@A3

NOTES

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Rev	Date	Drawn	Checked
1	21/04/16	PH	PH

Initial Issue

Drawing stage **PLANNING**

Client

Mr Stubbs
Ms Parkes

Project

Grangefields, Tibberton

Drawing title

**Proposed Location Plan and
Proposed Site Plan**

Date	21/04/16	Drawn	PH
Scale	AS SHOWN	Checked	PH



NOTES

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New Mixed native hedge

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, with 7 plants per linear metre. All transplants shall be protected with a 400mm high plastic spiral rabbit guard supported by a 750mm stake or cane. The hedge is to be maintained for a period of 5 years following planting, ensuring adequate watering and fertilising is carried out to ensure good establishment and that all dead, diseased or damaged plants are replaced annually where required.

Native Hedgerows to consist of the following:
 40% Hawthorn (*Crataegus monogyna*)
 30% Hazel (*Corylus avellana*)
 10% Blackthorn (*Prunus spinosa*)
 10% Field Maple (*Acer campestre*)
 10% Holly (*Ilex aquifolium*)

1 LANDSCAPE PLAN



Rev	Date	Drawn	Checked
1	21/04/16	PH	PH

Drawing stage: **PLANNING**

Client: Mr Stubbs
Ms Parkes

Project: Grangefields, Tibberton

Drawing title: **Proposed Landscape Plan**

Date	21/04/16	Drawn	PH
Scale	1:250 @A3	Checked	PH

Rev: **SB011 P003**

NOTES

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1 GROUND FLOOR PLAN



Rev	Date	Drawn	Checked
1	21/04/16	PH	PH

Initial Issue

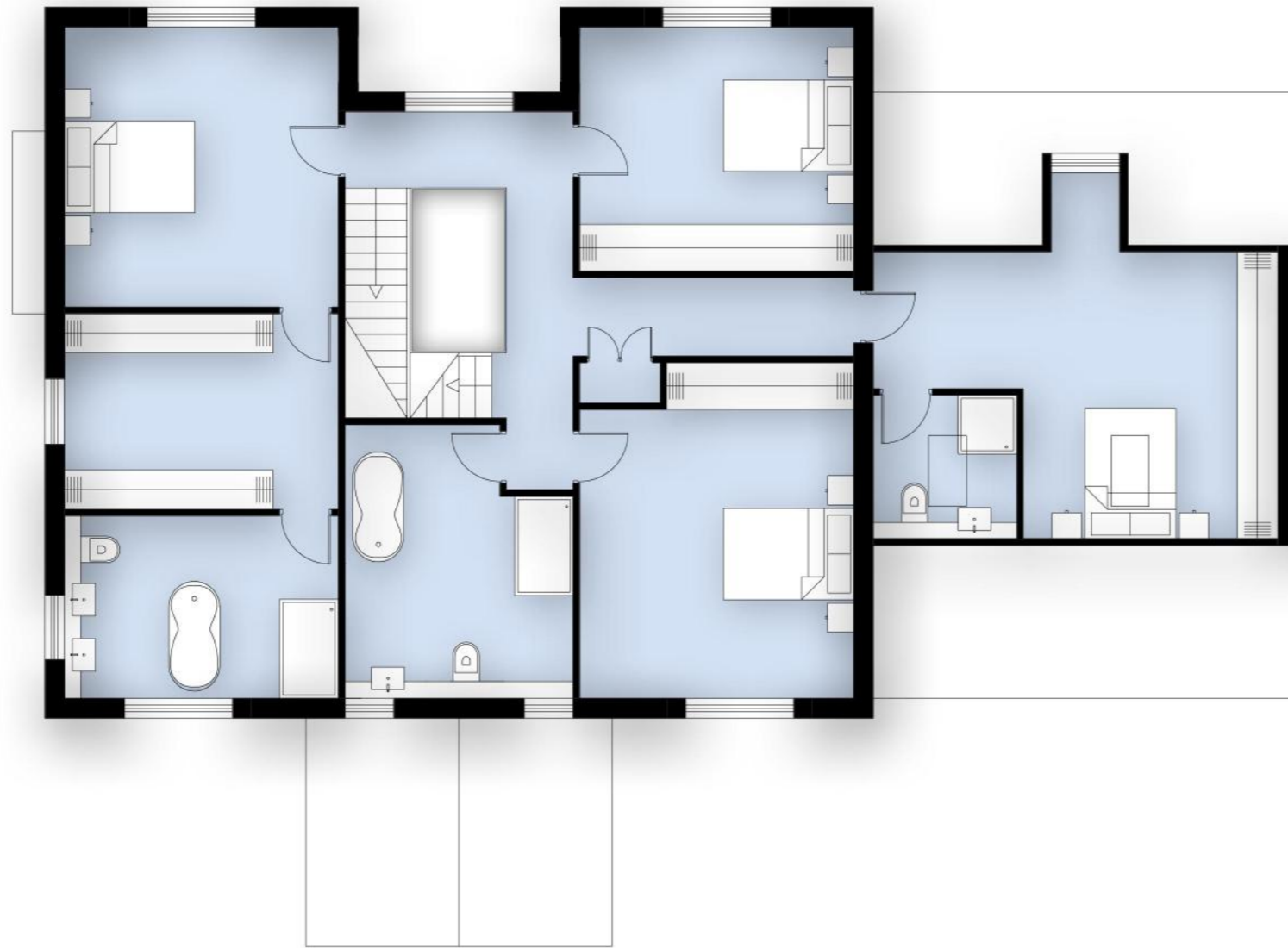
Drawing stage **PLANNING**

Client
Mr Stubbs
Ms Parkes

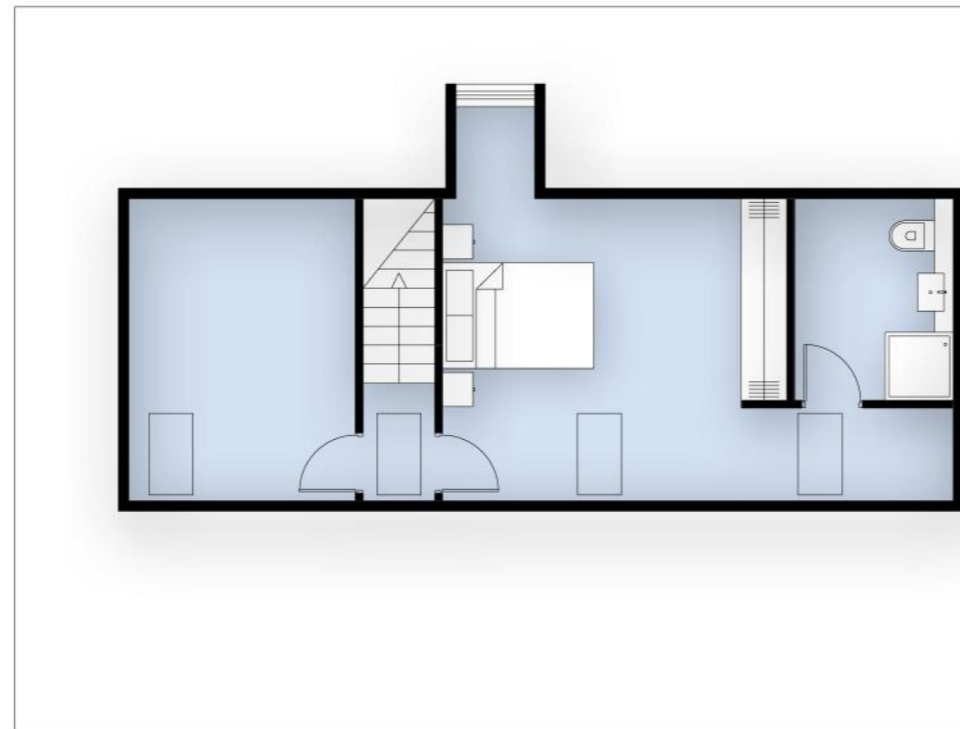
Project
Grangefields, Tibberton

Drawing title
Proposed Ground Floor Plan

Date	21/04/16	Drawn	PH
Scale	1:100 @A3	Checked	PH



2 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

NOTES

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Rev	Date	Drawn	Checked
1	04/05/16	PH	PH

Initial Issue

Drawing stage **PLANNING**

Client

Mr Stubbs
Ms Parkes

Project

Grangefields, Tibberton

Drawing title

Proposed First Floor Plan

Date	04/05/16	Drawn	PH
Scale	1:100 @A3	Checked	PH



① ELEVATION



② ELEVATION

NOTES

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Rev	Date	Drawn	Checked
A	04/05/16	PH	PH

Initial Issue

Drawing stage **PLANNING**

Client
Mr Stubbs
Ms Parkes

Project
Grangefields, Tibberton

Drawing title
Proposed Elevations

Date	22/02/16	Drawn	PH
Scale	1:100 @A3	Checked	PH



3 ELEVATION



4 ELEVATION

NOTES

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Rev	Date	Drawn	Checked
A	04/05/16	PH	PH

Initial Issue

Drawing stage **PLANNING**

Client

Mr Stubbs
Ms Parkes

Project

Grangefields, Tibberton

Drawing title

Proposed Elevations

Date	22/02/16	Drawn	PH
Scale	1:100 @A3	Checked	PH

TWC/2016/0284

Land rear of 10 - 21 Frome Way, Donnington, Telford, Shropshire

Variation of condition 14 of outline planning permission W2008/0705 to remove the requirement for the provision of a footpath to St. Georges Road

APPLICANT

Keepmoat, Mr Peter Stambrook

RECEIVED

31/03/2016

PARISH

Wrockwardine Wood and Trench

WARD

Priorslee

OFFICER Matthew Thomas

CLLR VERONICA FLETCHER HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 THE PROPOSAL

- 1.1 This planning application seeks the variation of condition No.14 following the grant of planning permission W2008/0705, in November 2014 for residential development off Frome Way in Donnington, to remove the requirement for the provision of a footpath from the site to St Georges Road. The reasoning behind this application is that such a condition would require works to third party land, thereby making it ultra vires.
- 1.2 Condition 14 reads: *“Unless otherwise agreed in writing, prior to the commencement of development the detailed design of the highway works proposed, including the provision of a footpath to connect the proposal to St. Georges Road shall be supplied to an approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the dwellings. Reason: In the interests of highway safety and sustainable travel.”*
- 1.3 Specifically this application seeks to remove the wording *“including the provision of a footpath to connect the proposal to St Georges Road”*. The applicant requires the wording of condition 14 to be amended to ensure that the requirement for what would be unlawful works across third party land is removed.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is an irregular shaped site of some 2.4 hectares located north-east of Telford Town Centre and half a kilometre north of Oakengates. To the east of the site is the existing residential development of Frome Way and Kenway Drive.
- 2.2 Around the north, west and southern boundaries is mature and semi-mature woodland forming part of Donnington Wood. Whilst the main part of the site is

relatively flat, there are steep changes in level around the boundaries of the site. Beyond the woodland to the south and west are the industrial/storage development off Rookery Road and the housing along Moss Road.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W2008/0705 – Residential development (outline) – Outline Granted (21/11/2014)
- 3.2 TWC/2015/0028 – Reserved matters application for the erection of 79no. dwellings with associated access, roads and landscaping – Reserved Matters Granted (04/11/2015)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS1 Homes
CS15 Urban Design
- 4.3 Wrekin Local Plan:
UD2 Design Criteria
- 4.4 Telford & Wrekin Local Plan (Publication Version)
C1 Promoting alternatives to the car

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Wrockwardine Wood & Trench Parish Council: Objection.
 - The Parish Council objects to the removal of the condition to provide a footpath from the site to St. Georges Road, as this will mean residents will not have access to public transport that runs down St. Georges Road/Moss Road and which is the only public transport service in the area
- 5.2 Highways: Comment – No objection.
 - At outline application stage the Highway Authority recommended that a pedestrian footpath be secured between the site and St Georges Road in order to link the development to the nearest bus services on St Georges Road near to Donnington Asda Superstore. The proposed footpath was intended to follow the existing alignment of the Definitive Right of Way N53 within the vicinity of the development boundary. However it was always unclear and highlighted by the Highways Authorities consultation at outline stage whether a link from the development to the Right of Way could be provided within land under the applicant's control. At reserved matters

stage land ownership detail was submitted which confirmed that a link from the proposed development to the PRow could not be achieved.

- A safe pedestrian route from the site via the footway adjacent to Kenwray Drive/ Wrockwardine Way / St Georges Road can be used as an alternative to the proposed route. This route is approximately 650 metres long and therefore acceptable as a walking distance according to Manual for Streets Guidance (less than 800m). The originally proposed footpath along the Public Right of Way would have created a pedestrian route of approximately 520 metres long.

5.3 Cllr Veronica Fletcher: Objection.

- The relevant condition 14 is to have a footpath from the site through to Moss Road/St Georges Road. This will allow the residents access to the bus services within 400 metres that run down that road which is the only service in the area. Removal of this condition will mean that residents will not have access to the public transport service in satisfaction with the Council's policies

Neighbour consultation responses

5.4 No further representations received

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the main issue in the consideration of this planning application is the impact the proposed loss of the pedestrian connection from the site to St Georges Road would have on the future occupants of the approved new homes.

6.2 The site is sustainably located in terms of access to the existing infrastructure, services and facilities and forms a natural extension off Frome Way via Kenwray Drive. Existing off-road cycle paths can be accessed off Kenwray Drive and these run alongside the main highways, providing safe cycle links throughout Donnington and to the surrounding settlements. The nearest bus stop to the site is located adjacent to the Asda superstore, situated approximately 480m (0.3miles / 7 minute walk) from the end of Frome Way. This can be accessed via dedicated and clear pedestrian and cycle links. The number 5A bus runs regularly from this stop in both directions, providing a service through Donnington to Telford town centre bus station.

6.3 The next closest bus stops to the site are located along Moss Road and it is these stops that the footpath was intended to provide a link to. Bus routes 5 and 5A run from these stops, with route 5 providing a service from Telford town centre to Stafford. These stops are located approximately 800m from the site (approx. 11min walk). The nearest train station is Oakengates which can be accessed via the regular 5A service towards Telford town centre that operates from Asda, Donnington.

- 6.4 Within the applicant's supporting statement, reference is made to The Chartered Institution of Highways and Transportation (CIHT) publication 'Guidelines for Planning for Public Transport in Developments'. This documentation recommends that the maximum walking distance to a bus stop should not exceed 400m, which is in accordance with Telford's local planning policies; however it continues to state that the frequency of the service should take precedence over proximity. The applicant confirms that the nearest bus stop (adjacent to the Asda superstore) is situated just over this recommended maximum walking distance but as the service provided is of a high frequency, the distance would appear to be entirely in accordance with the CIHT guidelines. This being said, a further CIHT publication, 'Guidelines for Providing Journeys on Foot' (2000), states that the preferred maximum walking distance for public transport is 800m. Therefore, the distance of 480m to the nearest bus stop is significantly within these guidelines.
- 6.5 Sections 70, 72, 73 and 73A of the Town and Country Planning Act 1990 are the main powers relating to local planning authority use of conditions. Section 72(1)(a) states that conditions may be imposed on the grant of planning permission, *"for regulating the development or use of any land under the control of the applicant"*. Clearly, in this instance, condition 14 of the approval is not in accordance with this guidance as the footpath link would need to pass over land that is not in the ownership of the applicant.
- 6.6 The National Planning Policy Framework (NPPF) sets out 6 tests which any planning conditions must accord with in order for it to be imposed. They should be;
- necessary
 - relevant to planning and,,
 - to the development to be permitted
 - enforceable
 - precise
 - reasonable in all other aspects
- 6.7 The applicant contends that it would not have been inappropriate to grant planning permission without the requirement for a new footpath connecting the development to St Georges Road and thus the condition fails the test of necessity. Similarly the applicant contends that the condition would fail to meet the test of reasonableness as they consider the requirement to build over third party land would place an unjustifiable and disproportionate burden upon them. The applicant raises the question of whether the Local Planning Authority could enforce the condition and how this would be achieved given that they have no control over the land in question and thus places doubt on whether the condition is precise. As the footpath would have to be constructed on thirds party land, this party would inevitably be the holder of a ransom strip, preventing any development coming forward on site without their release of the land, or consent for works. For these reasons the applicant asserts that the condition does not pass the required tests.

- 6.8 The provision of the footpath link would be a positive feature, however it is considered that the condition requiring it is ultra vires and does, on balance, fail the 6 tests set out in the National Planning Policy Framework. The Local Highways Authority have confirmed that it was never clear when the outline planning application was approved whether the Public Right of Way could be achieved due to land ownership issues. The Local Highways Authority does not object to the application as the site forms a natural extension off Frome Way, via Kenwray Drive, where all existing cycle and pedestrian routes are currently provided. These links provide safe access for both pedestrians and cyclists to the nearest bus stop at the Asda superstore. The walking distances are in line with the Manual for Streets Guidance as well as CIHT documentation referred to in the applicant's supporting statement. Officers are satisfied that the removal of the requirement for the link connection will not prejudice accessibility for future occupants of the approved dwellings and will not compromise highway safety.
- 6.9 On balance therefore the Local Planning Authority is satisfied that this application to vary condition 14 is justified in that the developers are unable to comply with the condition in its current form.
- 6.10 Officers acknowledge the objections received by the Parish Council and Cllr Fletcher. The issues raised predominantly relate to providing future occupants with adequate connections to public transport. Officers are satisfied that the future occupants of the new dwellings will not be disadvantaged as a result of the variation of this condition. The closest bus station at the Asda superstore is within walking distance.

7.0 CONCLUSIONS

- 7.1 Following a review of national planning legislation, policy and guidance, it is considered that the relevant condition fails the tests as set out in the NPPF that allow conditions to be imposed to planning permissions, specifically failing on two tests in particular, these being 'necessary' and 'reasonable in all other aspects'. Moreover, as the applicant has no control over the land in question, the conditions is ultra vires.
- 7.2 The Local Planning Authority is satisfied that future occupants of the approved dwellings will not be disadvantaged by the variation of condition No.14 and they will still be able to have easy and safe access to the local bus stops providing connections to the wider area. The proposed variation will also ensure the approved development is deliverable and compliant with policy.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the Committee **APPROVES THE VARIATION OF CONDITION 14 OF PLANNING APPROVAL W2008/0705.**



Continuation to existing
boundary indicated

See Cover 145 Habitat Creation Plan
for management principles and
procedures for Donnington Wood
within the site. For details of
treatment to watercourse see to be
agreed with Fallow and Steven
Parks and Open Space Liaison
Authority

Donnington Wood

East boundary of
existing site