



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

## PLANNING COMMITTEE

Date **Wednesday, 13<sup>th</sup> June 2018** Time **6.00pm**  
Venue **Charlton School, Apley Avenue, Wellington, Telford TF1 3PN**

### Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	(01952) 383205
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	Katherine Kynaston – Assistant Director: Business, Development & Employment	(01952) 384012

**Committee Membership:** Councillors C F Smith (**Chair**), C R Turley (**Vice Chair**),  
N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, L A Murray,  
S J Reynolds and P Scott

**Substitutes:** Councillors E A Clare, G H Cook, J A Francis, E J Greenaway,  
K R Guy, R T Kiernan, K S Sahota, M J Smith and W L Tomlinson

## 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  
23 May 2018
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 **Deferred/Withdrawn Applications**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, 23 May 2018 at 6.00pm in Meeting Room G3/G4 Addenbrooke House, Ironmasters Way, Telford TF3 4NT**

**Present:** Councillors H Rhodes (Chair) N A Dugmore, I T W Fletcher, E J Greenaway (As substitute for N C Lowery), J Loveridge, L A Murray, C Smith (As substitute for C R Turley) and P J Scott

**PC-087      Apologies for Absence**

Councillor N C Lowery and C R Turley.

**PC-088      Declarations of Interest**

None.

**PC-089      Minutes**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 21 March 2018 be confirmed and signed by the Chairman.

**PC-090      Deferred/Withdrawn Applications**

None.

**PC-091      Site Visits**

**RESOLVED** – that a site visit takes place at 2.00pm on Wednesday 23<sup>rd</sup> May 2018 – at Parkland House, Audley Avenue, Newport , followed by a site visit at to Tunnel Cottages, Aqueduct Lane, Stirchley; Doseley Works, Doseley, Telford; and Recycling House, Rock Road, Ketley.

**PC-092      Planning Application for Determination**

a) TWC/2017/0713 – Site of 60, Forton Road, Newport, Shropshire

This was an outline application seeking approval for the erection of 8 apartments with underground parking. Members had undertaken a site visit earlier that day. Illustrative plans had been submitted proposing a scheme which looked like two separate dwellings, joined by a glass walkway.

Cllr T Nelson, Newport Town Council, spoke against the proposals and raised concerns in respect of overdevelopment, highways and the scheme being contrary to the emerging Newport Neighbourhood Plan.

Mr J Strowger, Local Resident, spoke against the application and raised concerns in respect of overdevelopment, impact on neighbouring properties, design and boundary disputes.

Members raised concerns regarding overdevelopment. The scheme was felt to be out of keeping with the street scene and the density, at 60 dwellings per hectare,

would be high. Members felt there would significant impact on neighbouring properties.

Members expressed their concerns regarding highways and the impact of additional vehicles on Forton Road. Members stated that Forton Road was a very busy road and that there would be a significant impact on Forton Road from the development, as the underground parking would be unlikely to be used. Members stated there were no passing places on the driveway and raised concerns regarding the lack of visibility splays.

Members acknowledged the principle of residential development on the site had been approved, but considered that 2 or 3 detached houses would be more appropriate for the site.

Members considered the proposals were contrary to policy BE1 of the Telford & Wrekin Local Plan and policy H1 of the emerging Newport Neighbourhood Plan, due to being overdevelopment and would adversely impact on neighbouring properties.

Upon being put to the vote it was

**RESOLVED – that in respect of Planning Application TWC/2017/0713 be refused on the following grounds:**

**It is considered that the proposals are overdevelopment and will adversely impact on amenity of neighbouring properties contrary to policy BE1 of the Telford & Wrekin Local Plan and Policy H1 of the emerging Newport Neighbourhood Plan.**

b) TWC/2017/0794 – Land opposite College Farm House, Mill Lane, Wellington, Telford, Shropshire

This application was a full application for the erection of 8 dwellings adjacent to the Old Hall School, Wellington, accessed via a private road. A previous scheme had been approved for the erection of 5 dwellings on a smaller section of the site.

Mr A Sheldon, Applicant's Agent, spoke in support of the application and stated that the scheme was attractive scheme in a sustainable area.

Members noted that the site was currently unsightly and the scheme would improve the land. In response to a question, it was confirmed that the footpath was completely separate to the unadopted road.

Upon being put to the vote it was:-

**RESOLVED – that in respect of Planning Application TWC/2017/0794 that delegated authority be granted to the Development Management Service Delivery Manager to grant outline planning permission subject the conditions and informatives in the report.**

**PC-093      Tree Preservation Order**

The Committee considered the report of the Assistant Director: Governance, Procurement & Commissioning seeking confirmation of a provisional Tree Preservation Order (TPO) at 23 Wellington Road, Muxton.

A pre application advice query had been submitted on the site for the erection of 5 dwellings, which would necessitate the removal of the Monkey Puzzle Tree. The tree was a large evergreen, visible from a number of vistas and consequentially, a Tree Preservation Order was issued.

Members supported the confirmation of the Tree Preservation Order. The tree was visible from all aspects and part of the landscape. The Tree Officer confirmed that, in Chile, Monkey Puzzle Trees had been recorded to live for over one thousand years and it was considered this tree would contribute to the landscape for at least 40 years.

**RESOLVED – that the Borough of Telford & Wrekin (Trees within the grounds of 23 Wellington Road, Muxton, Telford, TF2 8NG) Tree Preservation Order 2018 be confirmed.**

The meeting ended at 6.45pm.

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANNING COMMITTEE**

**13<sup>th</sup> June 2018**

Schedule 1 - Planning applications for determination by Planning Committee

<b>TWC/2016/0667 Doseley Works, Doseley, Telford, Shropshire, TF4 3BX</b> Variation of condition 31 of TWC/2012/0650 to allow full completion of the development, including occupation of all dwellings without the need to provide a secondary access point onto Lightmoor Way ***ADDITIONAL SUPPORTING LETTER RECEIVED*** .....	<b>8</b>
<b>TWC/2016/1152 Site of Parkland House, The Car Auction Ltd &amp; Land north of Audley Avenue Industrial Estate, Audley Avenue, Newport, Shropshire</b> Outline planning application for up to 63 dwellings with all matters reserved **ADDITIONAL INFORMATION RECEIVED**AMENDED PLANS** .....	<b>24</b>
<b>TWC/2017/0406 Land rear of Cedar Lodge, Waters Upton, Telford, Shropshire</b> Erection of 8no. dwellings (including 3no. affordable units) with creation of new access ***AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED*** ...	<b>41</b>
<b>TWC/2017/1018 Land adjacent 4 Tunnel Cottages, Aqueduct Lane, Stirchley, Telford, Shropshire</b> Outline application for the erection of upto 2no. dwellings with all matters reserved .....	<b>62</b>
<b>TWC/2018/0288 Land rear of Edmond Foods, Units 6 -10 Audley Avenue Industrial Estate, Audley Avenue, Newport, Shropshire</b> Variation of Condition 9 of planning permission TWC/2017/0341 relating to submission of air quality information .....	<b>76</b>



**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) Telford & Wrekin Local Plan 2011-2031 (adopted 11<sup>th</sup> January 2018) including any Neighbourhood Plans
  - b) Telford and Wrekin Supplementary Planning Documents:
    - Design for Community Safety SPD (adopted June 2008);
    - Telecommunications Development SPD (adopted May 2009); and
    - Shop Fronts, Signage and Design Guidance in Conservation Areas SPD (adopted April 2012)
  - c) Government Planning Guidance – National Planning Policy Framework (NPPF), Planning Practice Guidance and Circulars
  - d) Town and Country Planning legislation, case law and other planning decisions and articles
6. Past decision notices and reports referred to in specific reports.
7. The following additional documents (if appropriate):-

TWC/2016/0667

Doseley Works, Doseley, Telford, Shropshire, TF4 3BX

Variation of condition 31 of TWC/2012/0650 to allow full completion of the development, including occupation of all dwellings without the need to provide a secondary access point onto Lightmoor Way \*\*\*ADDITIONAL SUPPORTING LETTER RECEIVED\*\*\*

**APPLICANT**

David Wilson Homes Mercia,

**RECEIVED**

21/07/2016

**PARISH**

Dawley Hamlets

**WARD**

Horsehay and Lightmoor

**OFFICER** Steven Drury

**1.0 PROPOSAL**

1.1 The application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 to vary Condition 31 attached to Outline Planning Permission reference TWC/2012/0650 for the erection of up to 460 dwellings at the former F.P. McCann, Doseley Pipeworks site, Doseley, Telford.

1.2 Condition 31 reads as follows:

*“Only 75% of the proposed number of dwellings site can be built and served off St Luke’s Road, until a second site access (onto Lightmoor Way) has been secured and provided. The 75% of the site shall include the open space areas up to and including the Quarry Pool.*

*Reason: In the interests of amenities of the area and to encourage sustainable linkage with Lightmoor”.*

1.3 The applicant is seeking permission to vary the wording of the condition to allow all of the development to take place without providing the second access onto Lightmoor Way. They are, however, happy for the requirement to provide the open space areas up to and including the Quarry Pool before 75% completion to remain in the condition.

1.4 The proposed revised wording of the condition would therefore read as follows:

*“The open space areas up to and including the Quarry Pool shall be delivered upon occupation of 75% of the development hereby approved.*

*Reason: To ensure the provision of an appropriate amount of open space and recreation in the interests of amenity.*

1.5 The applicant has offered a financial contribution of £100k towards additional traffic calming measures on the surrounding road network, which would be provided in addition to highway improvement works to be carried out by the applicant along Frame Lane north of the site access onto St Lukes Road, as required by Condition 21 of the outline permission.

- 1.6 The application is supported by the following documents:
- Planning Statement
  - Technical Note
  - Supporting letter from David Wilson Homes (applicant)
- 1.7 The options available to Members in considering the application are:
- (i) Grant planning permission subject to different conditions
  - (ii) Grant planning permission without conditions at all
  - (iii) Refuse the application
- In the event of a refusal there is a right of appeal to the Secretary of State.

1.8 In considering any application to remove or vary a condition, the Council has to consider whether it should have been imposed in the first place. Officers are more limited in scope in considering a Section 73 application than when considering an application for full planning permission as they are not allowed to rewrite the permission altogether.

## **2.0 BACKGROUND**

2.1 Outline permission was granted in 2014 for the erection of up to 460 dwellings. Reserved matters approval was subsequently granted in two phases, comprising 192 dwellings under TWC/2014/0237 (granted 6/8/14) and 268 dwellings under TWC/2016/0293 (granted 30/6/17).

2.2 Access to the development was originally to be provided through one access point onto St Lukes Road, utilising the existing pipeworks eastern access. This was supported by a Transport Assessment which concluded that the development would not have a detrimental impact upon the surrounding highway network. However, in response to local opposition during the course of the application, it was agreed that the possibility of incorporating a second access utilising the existing western pipeworks access onto Lightmoor Way would be explored. This presented difficulties as the western access was not in the applicant's ownership, being owned at the time by the Homes and Communities Agency (HCA), and later transferred to Bourneville Village Trust (BVT) as part of the Lightmoor village development.

2.3 The planning committee report for the outline application TWC/2012/0650 clearly set out the position regarding the ownership of the western access.  
*"...however, the western access onto the new Lightmoor Road is under the control of the Homes & Communities Agency (HCA) and currently the access can only be used for commercial traffic. Council officers have written to the HCA advising them of the benefits of a second access. In addition the developer has had independent discussions with the HCA - it is understood there is a general willingness to try and secure a second access for the site, but at the present time a definitive agreement with the HCA has not been reached".*

2.4 *"However, Council officers, in discussion with the developer, are prepared to grant planning permission based on the premise that 75% of the traffic from the proposed site uses the St Luke's Road access and 25% uses the second access off Lightmoor Way, if and when an agreement with the HCA is*

*reached. A condition could be imposed that would only allow 75% of the site to be built out and served by the St Luke's Rd access point, but the last 25% could only be built out if access via Lightmoor Way is secured. Hence, an amended plan has been submitted that shows this potential second access point. Officers consider that this solution addresses their concerns about the desirability for a second access (despite there being no technical need) and also addresses local residents' concerns about traffic going through Horsehay.*

- 2.5 In order to comply with the condition an agreement will needed to be reached with BVT as landowner before the western access could be provided, however, DWH do not wish to be held to ransom over an access they consider is not technically necessary. DWH have advised that initial discussions have taken place with both HCA as the original and BVT as current landowner to secure a right to use the second access but so far have not gone beyond initial discussions.
- 2.6 David Wilson Homes (DWH) have advised that they are contractually obliged to apply to remove the requirement to provide the second access by varying the wording of Condition 31 and therefore wish for this application to be determined before they continue to negotiate. They consider that the removal of this requirement would remove the 'ransom' element currently being imposed upon them to secure the second access. DWH do, however, remain committed to the provision of the second access and have confirmed this in writing, as dwellings are currently being sold on the site on the understanding that it will be delivered.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application concerns the ongoing DWH redevelopment of the former Doseley Pipeworks site in Doseley. Outline permission was granted in 2014 for the erection of up to 460 dwellings. The site covers 17.8ha (44 acres) and is located approximately 3km (2.5miles) south east of Telford Town Centre. Dawley district centre is located 1km to the north east, Horsehay village to the north west and Lightmoor village to the south. A range of services including primary and secondary schools, a doctors surgery and shops are located within Dawley centre. A more limited range of services are available within Lightmoor centre including a primary school and convenience store. A small convenience store is also located in Little Dawley, approximately 1km to the east.
- 3.2 The development is now well underway, with approximately 110 units within Phase 1 now complete which equates to 23% of the overall development. Meanwhile, significant site clearance and level alteration works are currently taking place within Phase 2 to prepare it for development.
- 3.3 The original pipeworks site was accessed by two entrances located at the eastern and western sides of the site. Both are still operational with the eastern access onto St Lukes Road serving as the access for Phase 1 of the development. The western access utilises a private road known as 'The Bache' which is within the ownership of BVT. This route connects with

Lightmoor Way and out onto the A5223 ring road via the recently completed roundabout junction. An agreement previously existed between the operators of the pipeworks site (FP McCann) and BVT allowing the use of the road for commercial purposes, however, there is currently a difference of opinion between DWH and BVT over the extent to which those rights continue to exist.

- 3.4 The eastern access onto St Lukes Road, utilises a network of roads which are narrow in places and at times experience congestion and obstruction. The access predominantly utilises three main routes to and from the site comprising:
- (i) To the south, St Lukes Road connecting with Little Dawley via Holly Road and the A4169 via Lightmoor Road;
  - (ii) To the north east, Doseley Road towards Dawley centre;
  - (iii) To the north west, Frame Lane, Woodhouse Lane and Bridge road onto the A5223 ring road.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 TWC/2012/0650 - Outline application to include access for the development of up to 460 dwellings with associated estate roads, infrastructure and open space, following demolition of existing buildings. Granted 10/3/14
- 4.2 TWC/2014/0237 - Reserved matters application for the erection of 192no. dwellings and garages with associated roads, sewers, open space and associated external works – Granted 6/8/2014
- 4.3 TWC/2016/0293 - Reserved matters application for the erection of 268 dwellings including appearance, landscaping, layout and scale (pursuant to outline application TWC/2012/0650) – Granted 5/4/16

#### **5.0 PLANNING POLICY CONTEXT**

##### **5.1 National Guidance:**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

##### **5.2 Telford & Wrekin Local Plan:**

SP1: Telford

SP4: Presumption in favour of sustainable development

C3: Impact of development on highways

BE1: Design criteria

#### **6.0 SUMMARY OF CONSULTATION RESPONSES**

##### **6.1 Local Member & Town/Parish Council Responses:**

###### **6.1.1 Dawley Hamlets Parish Council: Object**

Strongly oppose this application. St Luke's Road is narrow at many points and suffers from an increasing amount of traffic both domestic and commercial. There is strong feeling amongst residents over the fact that in these proposals there will only be one access point on to St Lukes Road. The local roads, restricted points along those roads cannot be expected to cope with the expected amount of extra traffic.

## **6.2 Standard consultation responses**

### **6.2.1 Highways: No objection**

The Section 73 application can only be judged on the merits of its original reasons and these were not highway related. Therefore taking a retrospective opinion of the history there is considered to be no defensible reasons for a highways objection to this application. However, neither is this recommendation at this time in any way unreserved support for the proposal. From the discussions, it is believed that there is a genuine will from DWH to secure the second access. Bizarrely, if the Section 73 is varied then the likelihood of a deal being struck to secure the second access is more likely in the short to medium term. DWH have stated that they are minded to just deliver 75% of the site if the second access does not come off and this fall-back position is possibly less desirable than allowing 100% from St Lukes Road; which by doing so would break the ransom and give the second access a fighting chance. It is also the understanding that even if 100% of the traffic is consented onto St Lukes Road then DWH are still obliged to deliver their infrastructure for the second access, as this is shown on the approved planning drawings. Therefore an approval of the Section 73 does not necessarily remove the requirement for the second access infrastructure up to the boundary.

### **6.2.2 Education: Comment**

The site straddles the Lightmoor Primary and Captain Webb Primary attendance areas. Lightmoor Primary was funded by the BVT and the school largely fills with children from within the Lightmoor area. Surplus places within adjacent schools will be available for children moving into this development and the local authority are providing additional places at Ladygrove Primary to assist with the new housing in the area.

### **6.2.3 Conservation: Comment**

Refers to comments made in 2012 regarding the listed building over the Telford Steam Railway

### **6.2.4 Ecology: No comment**

### **6.2.5 Parks & Open Spaces: No comment**

### **6.2.6 Drainage: No comment**

### **6.2.7 Environmental Health: No comment**

### **6.2.8 Trees: No comment**

### **6.2.9 Urban Design: No comment**

### **6.2.10 Coal Authority: Comment**

Raises no specific observations

### **6.2.11 Shropshire Fire Service: No objection**

Have considered the proposal but are unable to comment specifically on access issues. Would only be concerned with matters such as compliance with building regulations and access to water.

6.2.12 **Additional comments**: The Planning Policy Team and Affordable Housing Officer have also been asked to comment on the potential implications should the applicant only build out 75% of the development:

6.2.13 **Planning Policy**: Comment

A reduction of 115 units (25%) resulting from non-implementation of the final 25% of the development would impact upon future housing land supply beyond 2022, but would not affect the current land supply position. By 2022, it is assumed that 292 dwellings would have been built. Consequently, assuming only 345 units are built out, whilst the overall reduction is not welcomed, the impact is likely to be medium term. More concerning would be the loss of 34 affordable dwellings.

6.2.14 **Affordable Housing**: Comment

The loss of 115 homes would represent around 10% of annual new housing delivery in Telford & Wrekin and approximately 11% of the annual supply of new affordable homes. The most recent Strategic Housing Market Assessment (SHMA) highlights a shortfall in the provision of affordable homes in the borough. The loss of 34 affordable homes would be of particular concern, particularly if these were intended to be good sized family homes or bungalows.

### **6.3 Neighbour consultation responses**

6.3.1 In response to the original neighbour consultation, 52 objections were received. Following the receipt of further supporting information from the applicant, a re-consultation was carried out which received a further 47 objections. A summary of the key points raised is as follows:

- St Lukes Road does not have the capability to deal with all traffic from such a large estate
- Footpaths are inadequate along St Lukes Road – concerns for safety of children
- St Lukes Road is not wide enough to allow two cars to pass
- Problems exacerbated by speed of cars using St Lukes Road
- Road network is already congested and not fit for purpose
- Suggestion that an independent mediator is employed to resolve the dispute
- DWH have advised residents that a second access will be provided
- Proposal would lead to greater congestion on the DWH estate
- Will impact upon the amenity of those residents living along the spine road within the new estate.
- Offer of £100k from DWH is farcical and constitutes blackmail
- What improvements could even be made? Road is too narrow
- DWH threat to only build 75% of the development is the best outcome
- Developers are trying to make more money by the providing 2<sup>nd</sup> access

- DWH should put the welfare of existing residents and the environment before profits.
- Eastern site entrance does not comply with Manual for Streets visibility splay requirements
- The potential for accidents on surrounding roads is already significant and will only get worse
- Removal of the condition will leave hundreds of dog walkers, children and parents with serious safety concerns

6.3.2 One comment in support has also been received, citing the following reasons:

- Agree that 100% of traffic exiting onto St Lukes Road is unsafe and unacceptable
- Can also see that BVT are holding DWH to ransom over this strip of land.
- If only 75% of the development gets built then no second access will be forthcoming. However, if 100% of the houses are allowed to be built with the one access then BVT have no hold over DWH and should release the land for the second access at a reasonable price.
- Also if this is not supported and only 75% of house are built then there will be no £100K contribution for highway improvements so it's a lose-lose situation.

6.3.3 Shropshire Peregrine Group: Comment

Concerns regarding impact of existing works on nesting Peregrine Falcons

6.3.4 Local Access Forum: Object

It is not clear from the proposed plans how the developer plans to deal with a Public Right of Way (footpath) that runs through the south of the site

## **7.0 PLANNING CONSIDERATIONS**

7.1 There is clearly a significant level of opposition to the proposal both from local residents and ward members, however, members are faced with a difficult decision taking into account a number of factors:

- Reasons for Imposing Condition
- Highways Issues
- Amenity and Sustainable Linkages
- Other Matters

### **7.2 Reasons for Imposing Condition**

7.2.1 The first point to consider is should the condition have been imposed in the first place. It is clear from the original committee report that there was no technical reason for refusing the application on highways grounds alone. The Highways Officer accepted the conclusion of the supporting Transport Assessment and raised no objection to the application being served off a single access point subject to conditions and a financial contribution towards improvements at two roundabouts (A5223/Bridge Road and Jiggers Bank Roundabout).

- 7.2.2 Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant, enforceable, precise and reasonable. To be lawful, a condition needs to meet each of these criteria. Therefore, given that there were no highways objections to the use of one access point, the condition could not have been imposed purely on highway safety grounds as it would have failed the test of being 'necessary'.
- 7.2.3 The officer's committee report makes it clear that *'officers have always maintained a desire to see the site having a second access in order to improve connectivity with the Lightmoor Village and surrounding area and give new residents easier access to facilities in Lightmoor as well as creating a more sustainable development'*.
- 7.2.4 Furthermore, *'Officers consider that this solution addresses their concerns about the desirability for a second access (despite there being no technical need) and also addresses local residents' concerns about traffic going through Horsehay'*.
- 7.2.5 Finally, the reason added to Condition 31 was *... 'in the interests of amenity and to encourage sustainable linkage through to Lightmoor'*.
- 7.2.6 From the above information, it is clear to see that the condition was not imposed on highway safety grounds but in the interests of sustainability and connectivity, promoting linkages through to Lightmoor village, giving residents easier access to facilities within Lightmoor and the surrounding area and in the interests of general amenity. In essence, this is simply good planning and helps to provide a better quality of development, enhancing it as an attractive place to live through the provision of good connectivity with the surrounding area. These requirements would also have been required to comply with relevant planning policy at the time.
- 7.2.7 Having established that there was justification for imposing the condition, it is necessary to consider whether it meets the tests in terms of being a lawful condition. David Wilson Homes suggest that they accepted Condition 31 based on goodwill alone rather than any technical need to provide the second access, however, they fail to acknowledge that the specified reason for imposing the condition was *'in the interests of amenity and to encourage sustainable linkage through to Lightmoor'*. Such reasons were valid planning considerations required to meet planning policy at the time of the decision and therefore meet the tests of being relevant and necessary.
- 7.2.8 The second point to consider is whether the condition could be considered reasonable or enforceable given that the second access was not within the applicant's ownership or included within the red line boundary. Both the applicant and Council have sought legal advice on this matter which suggest that the condition does meet the necessary tests. On the grounds of reasonableness, whilst the access was not within the applicant's ownership, the committee report suggests there was a general willingness to reach an agreement, and given that the landowner was the HCA, a government body, there would have been confidence that a deal would be done. Nevertheless,

the imposition of the 75% trigger gave sufficient time for negotiation and would allow the applicant to build out 75% of the development (345 units), so would not prevent commencement. Whilst circumstances have now changed with the transfer of the second access road ownership to the BVT, a private organisation, the developer remains in control of how many dwellings they build the condition is therefore considered reasonable and enforceable.

7.2.9 The final test requires the condition to be 'precise'. Officers consider that this test is also met as it gives a clear amount of development that can be provided before the second access must be provided.

7.2.10 Officers are therefore satisfied that at the time of the decision, there was sufficient justification to impose the condition and it met all the necessary tests imposed by the NPPF. Furthermore, there has been no material change in circumstance which would mean that the condition no longer meets the relevant tests and accordingly, the condition continues to remain lawful.

### **7.3 Highways Issues**

7.3.1 Whilst it is noted that the majority of objections to the application refer to highway and pedestrian safety issues, the Council are in a difficult position given that the condition was not imposed for highways reasons and Highways Officers do not consider that the highways position has altered since the original decision.

7.3.2 As already stated, no objection was raised by Highways Officers to the original scheme based upon the conclusions of the applicant's supporting Transport Assessment (TA). A Technical Note has been submitted in support of this Section 73 application which updates the findings of the original TA and again concludes that 100% of traffic could be accommodated through a single access point onto St Lukes Road without causing significant impact upon the highway network.

7.3.3 Officers note the concerns raised in respect of the condition of the road network to the east of the site which includes roads which are winding, narrow in places, do not contain footpaths in some places, contain parked cars and a bus route. Planning and Highways Officers attended a public meeting in 2016 where residents' concerns were explained. Whilst the situation is far from ideal, the reality is that up to 75% of the development (345 dwellings) can already be provided using only the St Lukes Road access and this needs to be considered as the fall-back position. Whilst there is no suggestion at this stage that the second access will not be delivered (DWH are simply seeking to vary the condition and therefore remove the ransom element), the Technical Note prepared by MODE Transport Planning confirms that the resulting impact of all traffic using the St Lukes access would equate to an increase of one trip per minute using Frame Lane/Woodhouse Lane, above approved trip rates. This would not equate to a significant increase in traffic flows and could not be used as a reason to now substantiate a Highways objection to the proposal.

7.3.4 Therefore to summarise, no technical objection was raised by Highways Officers to the outline approval and it is not considered that there has been any significant change in circumstance that would now warrant a technical highways objection to be raised. Given that the condition was not imposed for highways reasons, the Council's Highways Officer cannot comment further on the application.

7.3.5 Members are advised that a scheme of traffic calming improvements adjacent the St Lukes Road entrance was secured under the outline and is to be provided by the applicant. Such improvements include the provision of pedestrian footways and two bus stops and were due to be provided prior to first occupation of the development. This has, however, been delayed whilst officers consider whether alternative, more substantial improvements along Frame Lane and Woodhouse Lane could be provided in connection with this application.

#### **7.4 Amenity and Sustainable Linkage**

7.4.1 As highlighted in paragraph 7.2.6, the reason for the imposing of Condition 31 was given as "*In the interests of amenities of the area and to encourage sustainable linkage with Lightmoor*". Therefore, whilst acknowledging that there was no technical need for the provision of the second access on highways grounds alone, officers explained the desire to improve connectivity to Lightmoor and surrounding area in the interests of sustainability and amenity. Whilst the officer's report does not elaborate on these points in any great detail, it is clear that a development which includes good links, both pedestrian and vehicular, to the surrounding area is good practice, both in terms of creating a desirable place to live and improving accessibility to nearby shops, schools and services.

7.4.2 DWH in their submission appear to have chosen not to focus on this aspect of the condition, instead concentrating on the lack of technical highways need (a point which is not disputed by officers). Little information has been provided to demonstrate how the development would continue to provide sustainable linkages to the surrounding area if the second access is not provided. The MODE Technical Note highlights a pedestrian link which will be provided from the south of the development to the north eastern edge of Lightmoor Village, suggesting that this would be sufficient to provide safe access for pedestrians between the two developments and consequently the amenities provided within. Officers, however, do not consider that one footpath link, in the southern corner of the site would be a sufficient means of connecting two significant housing developments. Furthermore, this footpath is unlikely to be a realistic option for residents in the northern and western parts of the development who would more than likely end up driving to those facilities, placing further pressure on the road network to the east of the site.

7.4.3 The policy context has been reinforced since the approval of the outline application in 2014 as the Telford & Wrekin Local Plan (TWLP) is now the local development plan. Policy SP4 confirms that the Council will support development considered to be sustainable. Policy BE1 confirms that development will be supported which (amongst other things), responds

positively to context and enhances the quality of the local, built and natural environment; promotes good links through the site and to the surrounding area for all users; and produces an environment which facilitates and encourages healthy living. Supporting text to BE1 advises of the importance of good design which includes how places function socially, economically and environmentally.

7.4.4 In addition, the requirements of the NPPF continue to apply, of which the principle points include Paragraph 17 which sets out the 12 core planning principles, including the requirement to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.4.5 Officers continue to consider it necessary to require the provision of the second access at the relevant stage of the development which will still provide a number of functions;

- (i) It will provide a vehicular and pedestrian link to Lightmoor Village which contains a number of community facilities including a primary school and village store, childrens play areas, public parks, sports pitches and a skate park. Good connectivity to surrounding areas is fundamental requirement of a successful residential development and whilst Lightmoor Primary school is not identified as serving the DWH development, there are nevertheless facilities within Lightmoor village which will be used by the local community, not just Lightmoor residents.
- (ii) The provision of the second access will also significantly enhance the quality of life of residents both within the pipeworks development through the choice of two access/egress points depending on their destination, potentially involving a shorter, simpler route onto the A5223 ring road from the second access, avoiding the winding, narrow roads to the east.
- (iii) For those residents wishing to travel west to the A5223, the western access would represent the shortest, quickest and most straightforward route, avoiding the road network to the east. Sending residents on a longer journey through the eastern access when a potential solution is available is not a sustainable or environmentally friendly approach.
- (iv) The provision of a second access would also help to reduce congestion at the entrance to the site and surrounding road networks at peak times. Whilst not a highways reason per se, this will certainly enhance the amenities of residents within the development and along surrounding approach roads.
- (v) The lack of a second or emergency access would mean that any blockage of the access road at the entrance to the site would prevent any vehicular access to the site, including from emergency vehicles, being obtained.

7.4.6 Officers therefore consider that it remains necessary for the second access to be provided to the site, whereby a failure to provide the access would result in a development which is contrary to Policy BE1 and would not constitute a sustainable form of development contrary to SP4. It would also fail to comply with the requirements of NPPF Paragraph 17 in terms of securing high quality design and a good standard of amenity. The applicant has failed to demonstrate that any change in circumstance has occurred which would now warrant the removal of this requirement.

## **7.5 Other Matters**

7.5.1 The applicant has explained that they remain committed to the provision of the second access, however, are presently being held to ransom by the landowner and are therefore seeking to remove the planning condition which requires its provision, so that the ransom element will be broken and reasonable negotiations with the landowner can begin. Members may therefore wish to take the view that varying the condition concerned will actually assist DWH in the provision of the second access and could actually speed up its provision. It should therefore be seen that varying the condition would not necessarily mean that the second access will not be provided, contrary to what appears to be the public perception within the local community. The difficulty is that if members are minded to support the variation of condition, there would no longer be anything formally requiring the second access to be provided in the new permission. Although DWH have confirmed in writing their commitment to the provision of the second access and are selling houses on the development on the understanding that it will be delivered.

7.5.2 DWH have, however, offered a financial contribution of £100k towards additional highways improvements along Frame Lane and Woodhouse Lane if the condition is successfully varied but agreement cannot be reached with BVT to provide the second access. Therefore, should 100% of the development be completed without the second access being provided, a contribution would be payable which would go towards mitigating some of the issues along Frame lane and Woodhouse Lane identified through the public consultation, public meeting and highways investigations, including the provision of traffic management and street lighting improvements. In the event of an appeal against a decision to refuse to vary the condition, it would be a matter for the Planning Inspector to consider whether or not such a sum met the tests required in the Community Infrastructure Levy (CIL) Regulations 2010.

7.5.3 Finally, members may also wish to consider the fall-back position if the condition cannot be varied and a satisfactory agreement with BVT cannot be reached. DWH have suggested that they will consider only developing up to 75% of the site thus avoiding the trigger to provide the second access. As with any development, the Council cannot insist upon completion of a whole development, however, the implications that the full development is not built would include: -

- (i) The loss of 115 units from the Council's housing supply

- (ii) The loss of 34 affordable units, equating to 30% of the total affordable delivery;
- (iii) It becomes unlikely that the second access to Lightmoor would ever be delivered;
- (iv) A quarter of the site would be left undeveloped which could be visually detrimental if left to become overgrown.

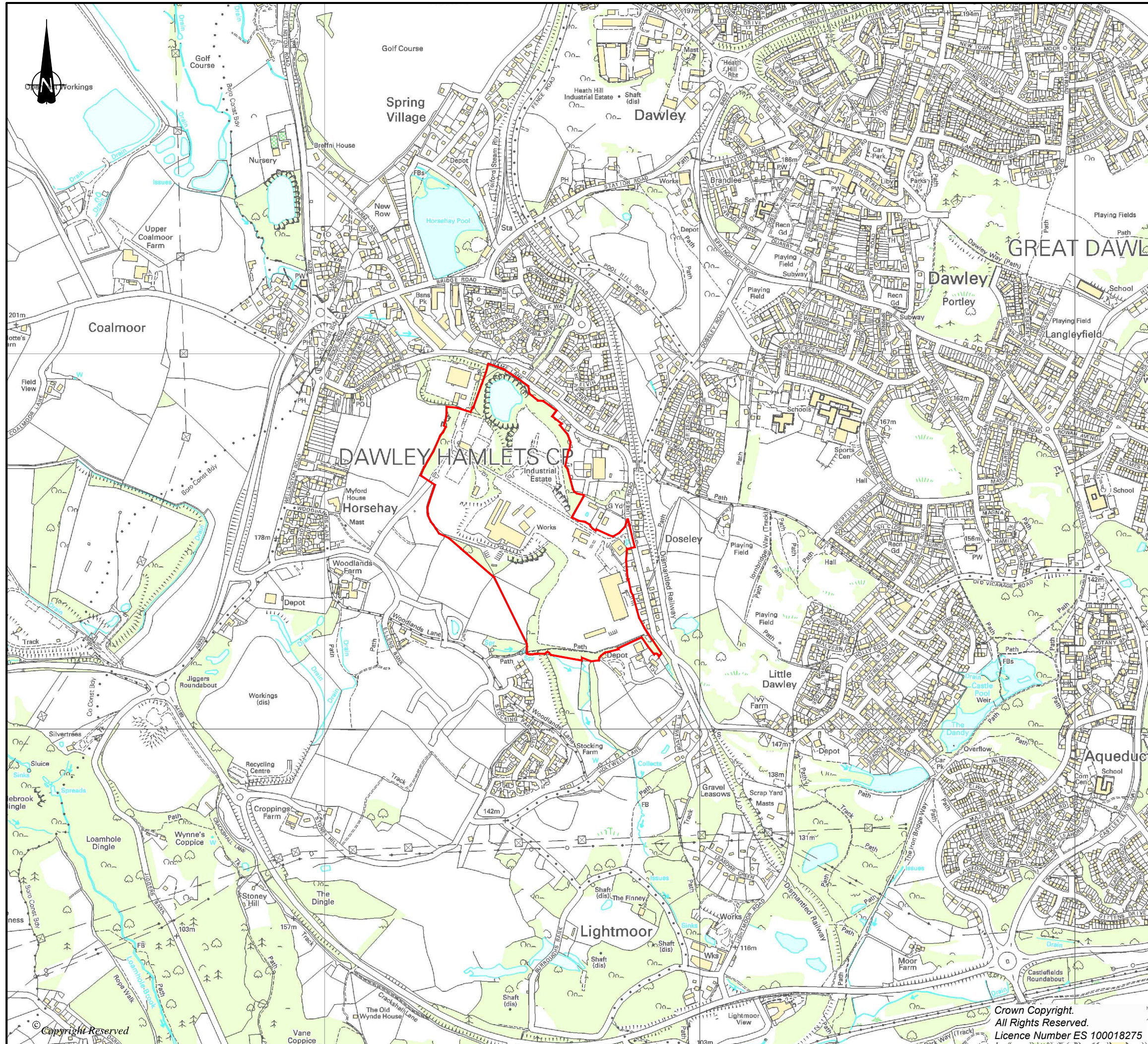
The above represent real possibilities which have varying levels of detrimental impact and which need to be taken into account in the planning balance.

## **8.0 CONCLUSION**

8.1 Whilst it is accepted that the applicant has again demonstrated that there is no technical highways justification for the provision of the second access, officers maintain that the reason for imposing the condition in relation to 'amenity' and 'sustainable linkage' continue to apply and no material change in circumstance has occurred which would now warrant removal of this requirement. As such, whilst it is noted that the applicant may be being held to ransom by the landowner over the provision of the second access, this in itself is not a material planning consideration and should not be taken into account in the consideration of this application. On this basis, officers consider that the condition should remain in place and are recommending that the application is refused.

## **9.0 RECOMMENDATION**

9.1 It is recommended that the application is refused and the wording of the relevant condition (Condition 31) remains as originally imposed in Planning Permission reference TWC/2012/0650.



DO NOT SCALE FROM THIS DRAWING

**KEY**

 SITE BOUNDARY

A	First Issue	10/01/12	JD	LD	KO
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REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D
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CLIENT  
**David Wilson Homes Mercia**

PROJECT  
**Doseley, Telford**

DRAWING TITLE  
**Site Location Plan**

DRG No. <b>ST12095-001</b>	SCALE <b>1:10000 @ A3</b>	DATE <b>22/03/11</b>
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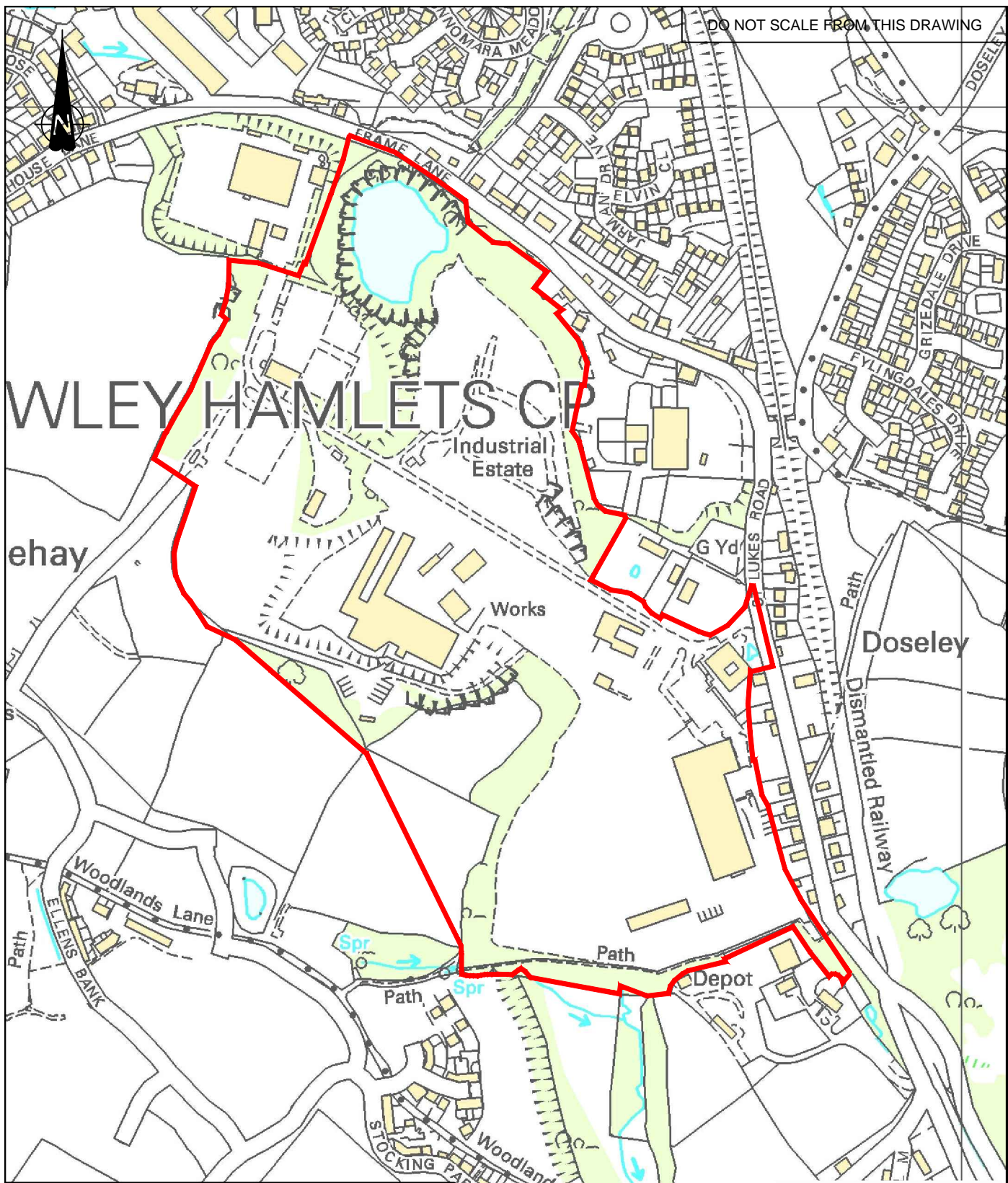
DRAWN BY <b>MAB</b>	CHECKED BY <b>LD</b>	APPROVED BY <b>KO</b>
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<input checked="" type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE)	TEL 0845 111 7777	<input type="checkbox"/> CARDIFF	TEL 029 2072 9191
<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0943	<input type="checkbox"/> LEIGH	TEL 01942 260101
<input type="checkbox"/> WEST BROMWICH	TEL 0121 580 0909	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 6244
<input type="checkbox"/> LONDON	TEL 020 7287 2872	<input type="checkbox"/> EDINBURGH	TEL 0131 555 3311
		<input type="checkbox"/> LIVERPOOL	TEL 0151 494 5431

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**wardell armstrong**  
your earth our world



**KEY**



SITE BOUNDARY

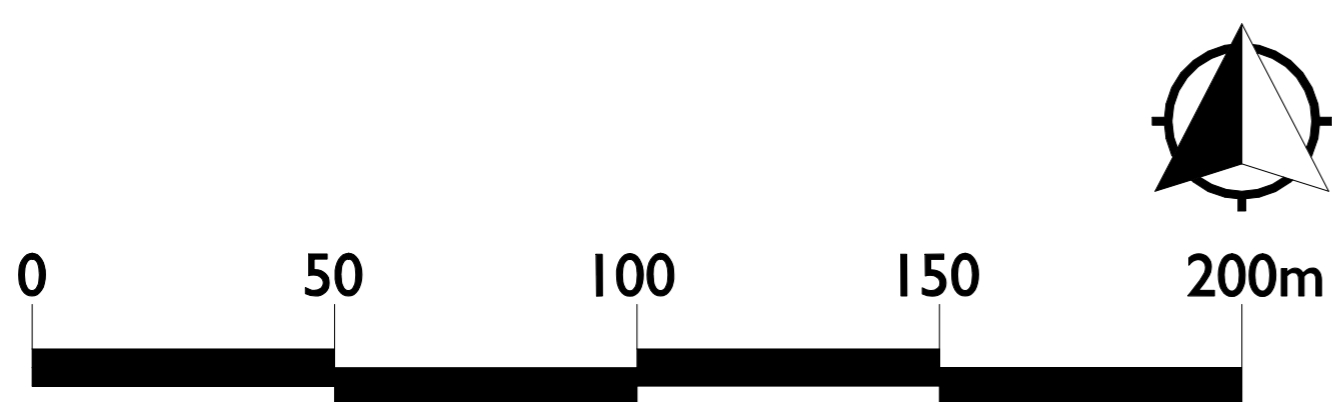
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CLIENT	David Wilson Homes Mercia	DRG No.	ST12095-009	SCALE	1:5000@A4	DATE	25/10/11
PROJECT	Doseley, Telford	DRAWN BY	MEF	CHECKED BY	BJ	APPROVED BY	BJ

DRAWING TITLE  
Site Location Plan

**wardell  
armstrong** your earth our world



<b>townscape solutions</b>		info@townscapesolutions.co.uk t 0121 4296111 f 0121 2268789				
CLIENT:	David Wilson Homes Mercia					
PROJECT:	Doseley 'Garden Village'					
DRAWING TITLE:	Illustrative Masterplan- 1:1250 Scale					
DRAWING NUMBER:	REV:	DRAWN:	CHECK:	STATUS:	DATE:	SCALE:
MP1a	N	KB	X	Final	20-05-13	1:1250 at A1

## INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number TWC/2016/0667  
Site address Doseley Works, Doseley, Telford, Shropshire, TF4 3BX  
Proposal Variation of condition 31 of TWC/2012/0650 to allow full completion of the development, including occupation of all dwellings without the need to provide a secondary access point onto Lightmoor Way \*\*\*ADDITIONAL SUPPORTING LETTER RECEIVED\*\*\*  
Recommendation Full Refuse

### 1.0 ADDITIONAL PUBLIC COMMENTS

- 1.1 One additional objection received from a member of the public, Mr D Hussey, a resident of the Doseley Park development, raising the following concerns:
- Secondary access onto Lightmoor Way must be implemented to provide another access and exit to the overall site.
  - If the St Lukes Road access is the only access and exit for the entire development this will cause major traffic problems.
- 1.2 Summary: The points raised in the above objection have already been raised by other local residents and have been considered within the Planning Officer's Committee Report. No new points are raised which require additional comment or consideration.

### 2.0 RECOMENDATION

- 2.1 No change to the recommendation which remains that the application is refused and the wording of the relevant condition (Condition 31) remains as originally imposed in Planning Permission reference TWC/2012/0650.

TWC/2016/1152

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

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

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

**APPLICANT**

Audley Avenue Business Park

**RECEIVED**

14/12/2016

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South and East

**OFFICER** Andrew Gittins

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

**1.0 THE PROPOSAL**

- 1.1 This is an outline application for the erection of up to 61 dwellings with all matters reserved, on the site of the former car auction and Parkland House at Audley Avenue, Newport.
- 1.2 The application has been submitted on behalf of Mr Tringham, owner of Audley Avenue Business Park, although some of the documentation and plans have been produced for Bromford Housing Association who have intimated that if successful in acquisition of the site could look to delivery up 100% affordable housing.
- 1.3 An Indicative Site Plan has been submitted to demonstrate how up to 61 dwellings could be accommodated.
- 1.4 Indicatively, the 61 units have been split between 6 ones bed flats, 31 two beds and 24 three bed dwellings predominantly in semi-detached units with one detached dwelling and four terraces of three.
- 1.5 A Section 106 agreement would be required to secure 35% or 21 of the units as affordable. The tenure would be split between 17 affordable rent (80%) and 4 shared ownership (20%).
- 1.6 The application is accompanied by:
- Design and Access Statement,
  - Planning Statement,
  - Transport Assessment,
  - Ecology Report,
  - Flood Risk Assessment,
  - Geo-Environmental Desk Study,
  - Noise Impact Assessment,

- Tree Protection Method Statement,
- Tree Report,
- Arboricultural Impact Statement,
- Outline Ecological Impact Assessment,
- Ecology Note Feb 2018.

1.7 During the course of the application the scheme has been subject to a number of amendments including:

- Omission of the proposal to divert the watercourse,
- Reduction in the number of dwellings from 'up to 95' to 'up to 61',
- Omission of driveways accessed directly off Audley Avenue, amendments to design of internal estate road and s278 works to Audley Avenue.
- Re-siting of dwellings on western boundary outside of tree root protection areas.

## **2.0 SITE AND SURROUNDINGS**

2.1 The 3.33 ha (8.24 acre) site previously accommodated the 'Parklands House' office building and car auction which has recently been demolished. The site consist of an area covered in hard-surfacing and semi-natural grassland.

2.2 The site is within the built up area of Newport, as defined in the Telford & Wrekin Local Plan, and is situated 0.8 miles south-east of Newport Town Centre and 10 miles north-east of Telford Town Centre. The site is accessed off Audley Avenue to the west of a commercial building on Audley Avenue Business Park currently occupied by 'Ableworld'.

2.3 The site is 'Y' in shape with the first 160 metres from Audley Avenue previously developed and hard surfaced. The site sits on a south-west to north-east axis and is bound by the A41 to the north-east; a construction waste recycling centre 'Lineal Construction' to the south-east and Audley Avenue to the south-west. The site to the north-west has outline permission for up to 215 dwellings (TWC/2011/0827) part of which is subject to a current reserved matters application (TWC/2018/0138) for 109 dwellings.

2.4 The site is bound by willow trees and three protected oaks along the north-western boundary with a trees lining the boundary to the north-east with the A41. With the exception of the crack willow all other trees will be retained. A row of conifers line the south-eastern boundary with the Lineal Construction site, which would be reduced to 4 metres in height.

## **3.0 RELEVANT PLANNING HISTORY**

### On application site

3.1 TWC/2011/0853 - Renewal of planning permission W2008/0886 for the demolition of existing buildings and erection of a building comprising 2931sqm gross floor space for employment use and 413sqm car auction together with associated parking, access and landscaping – GRANTED 29/12/2011.

- 3.2 TWC/2017/0874 - Application for prior notification of proposed demolition of Parkland House office suite and associated warehouse buildings and 6/10 portal frame light industrial units – PRIOR APPROVAL GRANTED 27/11/2017.

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

- 3.3 TWC/2011/0827 - Outline application to include access for the erection of up to 215no. dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings – OUTLINE GRANTED 11/08/2017.

- 3.4 TWC/2018/0138 - Reserved matters application for the erection of 109no. dwellings including details for layout, scale, appearance and landscaping pursuant to outline application TWC/2011/0827 – PENDING CONSIDERATION

On land North of Aldi, Audley Avenue

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

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

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

##### **4.1 National Planning Guidance:**

###### National Planning Policy Framework

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

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

SP2 Newport

SP4 Presumption in favour of sustainable development

HO1 Housing requirement

HO4 Housing mix

HO5 Affordable Housing

HO6 Delivery of affordable housing

NE1 Biodiversity and geodiversity

NE2 Trees, hedgerows and woodlands

NE4 Provision of public open space

NE5 Management and maintenance of public open space

COM1 Community facilities

- C3 Impact of development on highways
- C4 Design of roads and streets
- C5 Design of parking
- BE1 Design criteria
- BE10 Land contamination
- ER9 Waste planning for commercial, industrial and retail developments
- ER10 Water conservation and efficiency
- ER11 Sewerage systems and water quality

- 4.3 Newport Neighbourhood Plan (Regulation 16 Consultation):
- H1 Housing development
  - H2 Development criteria
  - GS2 Contribution or provision of recreational open space,
  - GS3 Publically accessible links to green spaces
  - TA1 Sustainable transport

## 5.0 SUMMARY OF CONSULTATION RESPONSES

### Standard consultation responses

- 5.1 Newport Town Council (Original Response 06/01/2017) – Object:
- Acknowledge proposal represents an opportunity for regeneration of an underutilised and redundant site.
  - However, site is not identified or designated in the T&WLP for housing.
  - Site is not contiguous with the built area of the Town creating a significant housing development on a limb, in isolation within an industrial estate.
  - Provision of 95 affordable units likely to create an over concentration and would be openly identified as affordable units. Preference for a mixed tenure development where the affordable are undecidable.
  - Public land of equal footprint should be designated as Green Network. Town Council have aspiration to provide burial and cemetery land.
  - The site and wider area is identified and recognised as an employment and industrial location and should remain in such use.

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

- 5.2 Cllr Eric Carter: Comment:
- Derelict brownfield site which is desirable rather than building on greenfield.
  - The LGA/Gov promote low cost / affordable / social housing due to national shortage.
  - With the % of affordable housing reduced on other sites in Newport, in many cases to 15%, the 100% is badly needed.
  - Use of such sites encouraged in order for first time buyers in particular to access the housing ladder. The % of 25yr olds able to purchase home fallen from 46% to 20% over last 20yrs.
  - Site close to, and within safe walking / cycling distance of most schools in Newport reducing the need to drive.

- Next to adjoining site with consent for housing, which will encourage greater use of public transport.
- Site is adjacent to recently approved extension of retail units on Audley Avenue Business Park which will provide employment in close proximity.
- Site only 10/15 minute walk from Newport Town Centre reducing need for car usage.
- Site alongside National Cycle Route 55 from Stafford and Newport on the former railway line, with access from the A41.

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

- Acknowledged that revised layout is indicative only, it demonstrates how such numbers are likely to be accommodated and laid out as well as the potential implications.
- Whilst there is scope for the proposal to change, given the limitations of the site, it would seem difficult unless there is a significant change in approach.
- The desire to deliver so many units undermines the proposal in terms of its appropriateness and anticipated quality to a point where it seems unlikely to satisfy the relevant planning policy in its current form.

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

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

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

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

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

- Buffer zone – Water vole,
- Ecological Survey – working in accordance with protected species survey,
- Erection of artificial nesting/roosting boxes,
- Habitat Creation and Management Plan,

- Landscaping Design,
  - Lighting Plan,
  - A Habitat Regulation Assessment has been completed concluding there is no likely significant effect on Aqualate RAMSAR site.
- 5.6 Drainage – Submitted modelling is broadly acceptable but further clarification required consisting of:
- Modelled flood extents to fully assess where the flood zones will affect the proposal,
  - Removal of attenuation pond from modelled flood zones,
  - Evidence that foul pumping station does not interact with flood zones.
- 5.7 Affordable Housing – Comment:
- Detailed dwelling schedule required as part of s106.
  - Most of the properties are small in type.
  - One bed houses with gardens would be preferable to walk-up flats.
  - Scheme could include provision of bungalows.
  - Preference for curtilage / driveway parking rather than courtyards.
  - Affordables should be in clusters of 6-8 with the tenures mixed.
- 5.8 Highways – No objection following revised indicative layout subject to conditions:
- Whilst the point of access is not under consideration, if achieves visibility then there would be no objection,
  - Changes to the turning head would need to be a simpler standard design,
  - The detailing of the first feature square should replicate the solution in the opposite corner,
  - Consideration needs to be given to kerbing, and
  - More detail will be required at Reserved Matters to demonstrate how speeds will be controlled (to a maximum of 20mph).
- 5.9 Pollution Control (Environmental Health) – Support subject to conditions:
- No development on Bank or Public Holidays
  - Construction hours
  - Post mitigation noise report
- 5.10 Contaminated Land (Environmental Health) – Support subject to conditions:
- Land contamination assessment
- 5.11 Healthy Spaces – Comment:
- Development would generate need for children’s play and recreation and no provision has been made on-site.
  - In accordance with T&WLP policies NE4 and NE5 an offsite contribution of £37,200 should be secured by a Section 106 to increase the capacity of the existing play area at Shukers Field, Newport. This demand is generated by the provision of two or more bedroom properties.
  - The following should be conditioned:

- A long term landscape management plan,
- Landscape detail, including access to publically accessible open space.

5.12 Education – Comment:

- A contribution of £228,911 (total) is required towards the changing room facilities projects at Newport Primary School (£165,371) and Burton Borough Secondary School (£65,540) to mitigate the impact of the development.

5.13 Severn Trent Water – Support subject to conditions:

- Submission of foul and surface water drainage plans.

5.14 Natural England – No objection as the proposal is unlikely to affect any statutory protected sites of landscapes. Natural England have not assessed this application for impacts on protected species and have provided Standing Advice for the Council's Ecologist to apply.

5.15 West Mercia Police - General advice provide in respect of Secure by Design principles.

5.16 Shropshire Fire Service - Consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

Neighbour consultation responses

5.17 Direct notification was carried out to all adjoining and adjacent premises, together with advertisement by Press and Site notices. As a result of which, one letter of comment has been received raising the following:

- Questions how the developer plans to address the issue of the drain that runs within the site, if it is a pipe there would be a loss to wildlife and an open ditch would be better to support wildlife.

**6.0 PLANNING CONSIDERATIONS:**

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

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

6.2 Principle of development

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

### 6.3 Matters reserved for latter approval

- 6.3.1 This outline application has been submitted for the principle of residential development on the land edged red on the location plan. The amended application seeks permission for up to 61 dwellings and is supported by an Indicative Site Layout which demonstrates how such number are likely to be accommodated and laid out as well as the potential implications.
- 6.3.2 Whilst indicative, a lot of time and effort has been spend refining the layout in conjunction with the agent and Bromford Housing. The later are understood to be looking to acquire the site and have had significant input into the indicative layout with a view to submitting this layout as a Reserved Matter.

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

#### 6.4 Impact upon highway safety

- 6.4.1 Whilst access is a reserved matter, there is no objection to the site access off Audley Avenue subject to the provision of sufficient visibility. The linear spine road has been made more sinuous, with feature squares used to naturally restrict vehicular speeds although more detail will be required at Reserved Matters to demonstrate how speeds will be controlled preferably to a maximum of 20mph.
- 6.4.2 The indicative layout provides 122 car parking spaces for the 61 dwellings shown. The site is more than 800m of the edge of the Newport Town Centre boundary meaning it falls with the 'Suburban Area' as defined in Appendix F. Parking Standards. As such the following standards would be applicable:
- 1.3 spaces per one bed dwelling,
  - 1.6 spaces per two bed dwelling, and
  - 2.3 spaces per three bed dwelling.
- 6.4.3 Accordingly, the scheme as shown indicatively would require the provision of 113 spaces calculated using the following method and this ensures potentially adequate provision:

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

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

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

## 6.5 Impact on protected trees

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

6.5.2 The scheme has been amended to provide an acceptable stand-off from these trees with the dwellings previously sited to the east omitted. The indicative scheme illustrates a two storey apartment block (Plots 39 and 40) containing 4 one-bed units to the north-east of the most northerly tree. Officers retain some concern regarding the outlook from the windows in the rear elevation particularly the units in the southern half of the building. However this could be mitigated through internal design with bedrooms and bathrooms sited in the rear.

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

part of the amenity green space of the development rather than a private garden for dwellings as previously proposed.

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

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

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

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

#### 6.7 Impact on residential amenity

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

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

6.7.3 An amended noise report was produced to assess the amended scheme which confirms that the erection of standard 2m high close boarded fence around the gardens of the properties will ensure that the external noise levels will fall within the guidelines of the relevant British Standard. The effectiveness of the noise mitigation measures will be validated by a post development, pre-occupation noise report, which will require any additional work if necessary. It is accepted that occupants of the site will not be exposed to any unacceptable levels of noise generated outside of the site.

6.7.4 Notwithstanding noise, officers previously had concerns in respect of the adverse amenity that occupants of the proposed dwellings would be subjected to. These included the dominance of the protected oaks over the gardens of Plots 35-41, the poor acoustic environment created by the sea of frontage parking with little or no landscaping and the proximity of the dwellings fronting

Audley Avenue. However, these have all been addressed by the amended indicative layout and officers are content that the scheme is capable of providing good standard of amenity for future occupants at Reserved Matters stage in accordance with the requirements of Policy BE1 to contribute positively to making places better for people.

## 6.8 Other technical issues

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

## 6.9 Planning Obligations

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

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

6.9.2 In addition, account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the financial contributions set out below meet the relevant tests.

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

- Healthy Spaces - £33,000 to increase capacity of existing children’s play area at Shukers Field, Newport. (720 metres along Audley Avenue).
- Affordable Housing - 35% of units proposed at Reserved Matters with a tenure split of 80% social or affordable rented and 20% shared ownership (with a minimum 25% initial equity stake).
- Education - £201,803 (total) towards the changing room facilities projects at Newport Primary School (£145,788) and Burton Borough Secondary School (£56,015) to mitigate the impact of the development.

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

## 7.0 **CONCLUSION**

7.1 The principle of residential development on this brownfield site within the Newport boundary is supported as it would involve the reuse and regeneration of previously developed, brownfield land located in a sustainable urban location on the edge of Newport. The proposal is capable of providing a safe

access onto Audley Avenue with no detrimental impact on the local highway network.

- 7.2 Following amendment to the indicative layout, Officers are satisfied that in principle the site is capable of providing up to 61 residential units without resulting in a cramped and contrived layout and appearance. Amendments to the indicative streetscene reduce the dominance of hard surfaced parking areas which could be softened with landscaping. This will be beneficial to the acoustics of the scheme with the soft landscaping mitigating any reverberation along the main access. Subject to some further refinement the scheme could result in a high quality design and a good standard of amenity for future occupants.
- 7.3 Facilitated by a reduction in the number of units, the indicative layout has removed development, including retaining walls, from within close proximity of the root protection areas of veteran oak trees. The applicant has agreed to conditions requiring the installation of protective fencing around the RPA's prior to any machinery entering the site which would remain in place for the duration of the proposed works. Confirmation has been received that there is no requirement for cut and fill in the area surrounding the most northerly tree. The indicative proposal is now deemed acceptable as it provides appropriate protection and future management of the existing veteran Oaks.
- 7.4 The amended indicative layout now provides a 1 metre off-set to the protective fencing that would run 5 metres parallel to the top of the watercourse. This provides room for construction without encroachment into the protected area which would have had an adverse impact on water voles a statutory protected species. Accordingly, Officers are satisfied that a development of up to 61 units could be delivered without an adverse impact on statutory protected species. Moreover, the provision of the off-line attenuation pond will enhance the ecology value of the site, this would be subject to a
- 7.5 Technical issues relating to drainage, land contamination and noise from the adjoining Lineal Construction site and A41 can be satisfactorily dealt with by condition.

## **8.0 RECOMMENDATION**

- 8.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be GRANTED to the Delivery Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to;
- A) The submission of satisfactory drainage information,
- B) The applicant/landowners entering into a Section 106 Agreement with the Council (with indexation applicable to contributions from the date of committee resolution to grant outline permission), terms to be agreed by the Development Management Service Delivery Manager, relating to:

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

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

**(ii) Affordable housing**

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

**(iii) Education**

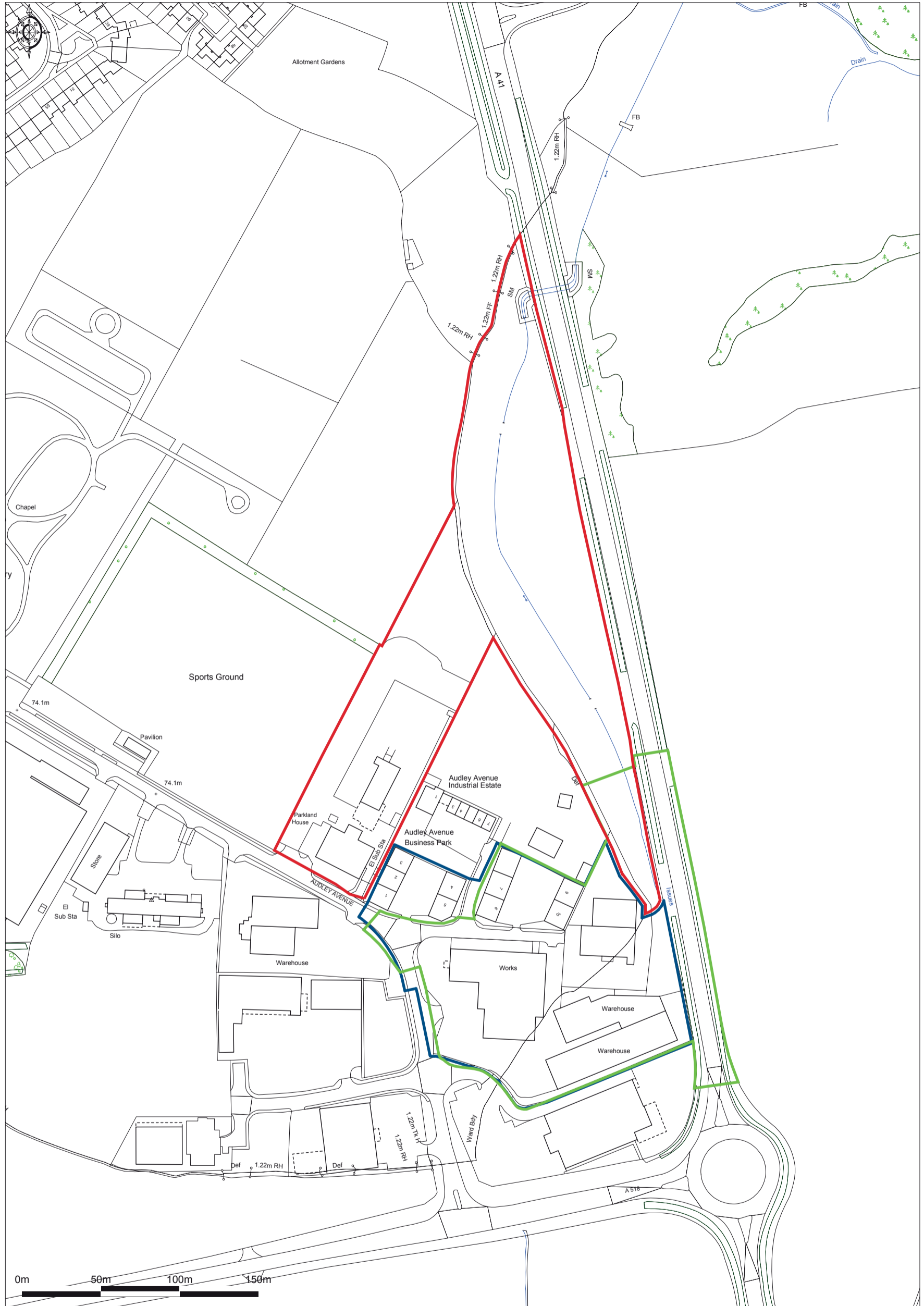
- Contributions (£201,803 total) towards the changing room facilities projects at Newport Primary School (£145,788) and Burton Borough Secondary School (£56,015) to mitigate the impact of the development.

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

1. A02 Time Limit – Reserved Matters
2. A03 Time Limit - Submission of Reserved Matters
3. B001 Standard Outline - all matters reserved
4. B004 General Details amended
5. B005 Conditions details access (amended)
6. B011 Samples of Materials
7. B012 Sample Brick Panel
8. B045 Travel Plan (Measures Only)
9. B057 Land Contamination
10. B076 SUDS Management Plan
11. B079 Scheme of foul and surface water drainage
12. B121 Landscaping Reserved Matter to include Landscape Design
13. B126 Long Term Landscape Management Plan
14. B129 Landscape detail of publically accessible open space
15. B139 Tree Protective Fencing (Custom)
16. B139 Appointment of Arboricultural Clerk of Works
17. B143 Habitat Creation and Management Plan
18. B149 Buffer zone – Water Vole
19. B150 Site Environmental Management Plan
20. C040 No approval of layout
21. C071 Soil levels
22. C050 Completion of noise attenuation
23. C079 Tree Preservation Order Suitable Contractor
24. C091 Works in accordance with ecological survey
25. C109 Erection of artificial nesting/roosting boxes
26. C109 Lighting Plan
27. C38 Development in accordance with plans
28. D11 Construction hours
29. D11 No development on Bank or Public Holidays
30. D01 Removal of all permitted development

Informatives

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



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**Key**  
— Site boundary  
— Land under applicant's ownership

**Project** Land at Audley Avenue, Newport  
**Title** Site location plan  
**Client** Audley Avenue Business Parks

**LPA** Telford & Wrekin Council  
**Date:** 08.06.16  
**Scale:** 1:2500@A3  
**Project No:** 14780014  
**Drawing No:** 14780014/01  
**Drawn By:** TH

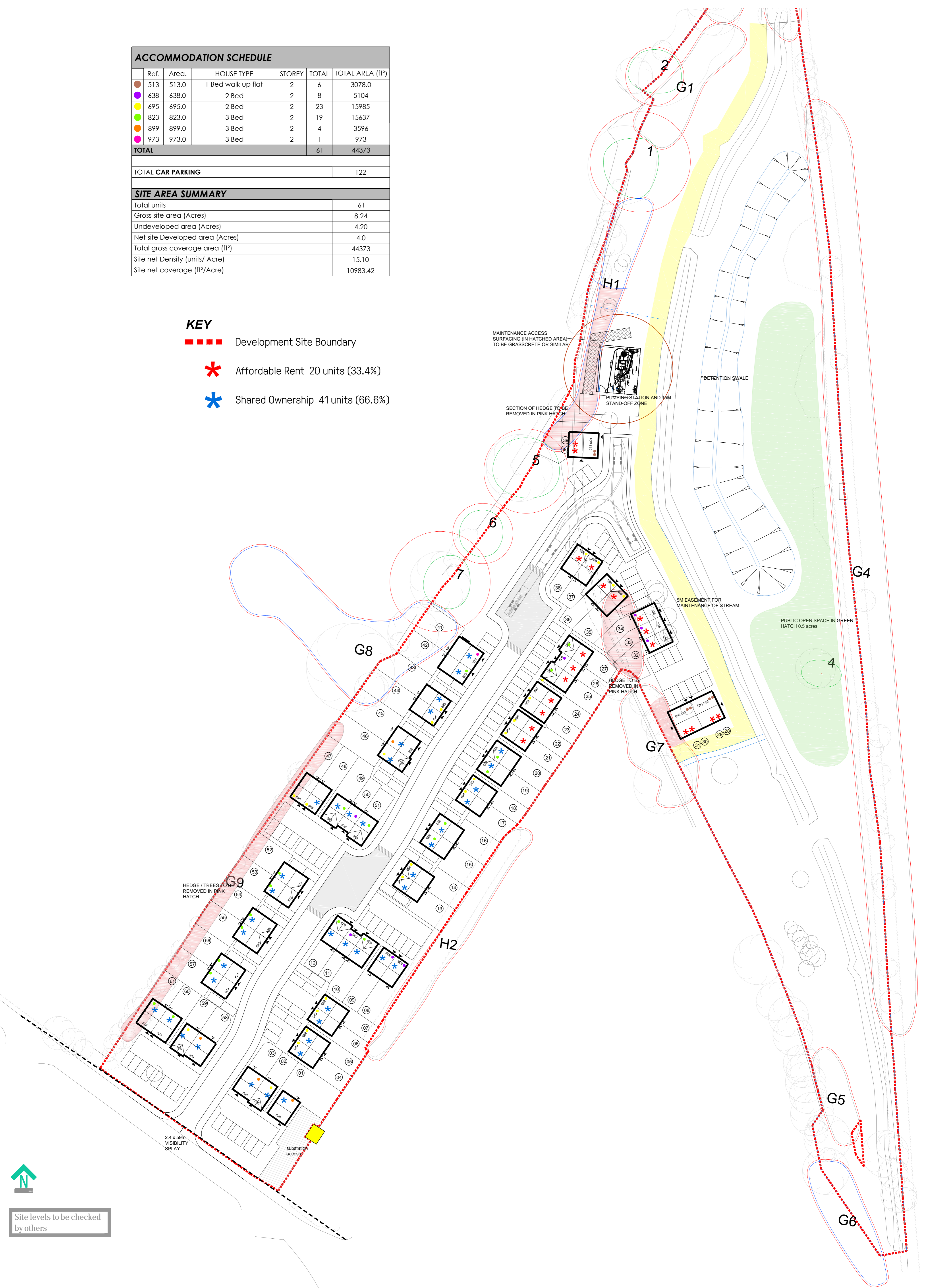
**Indigo Planning Limited**  
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 F 020 8605 9401  
 info@indigo-planning.com



ACCOMMODATION SCHEDULE					
Ref.	Area.	HOUSE TYPE	STOREY	TOTAL	TOTAL AREA (ff <sup>2</sup> )
513	513.0	1 Bed walk up flat	2	6	3078.0
638	638.0	2 Bed	2	8	5104
695	695.0	2 Bed	2	23	15985
823	823.0	3 Bed	2	19	15637
899	899.0	3 Bed	2	4	3596
973	973.0	3 Bed	2	1	973
<b>TOTAL</b>				<b>61</b>	<b>44373</b>
<b>TOTAL CAR PARKING</b>					122
SITE AREA SUMMARY					
Total units	61				
Gross site area (Acres)	8.24				
Undeveloped area (Acres)	4.20				
Net site Developed area (Acres)	4.0				
Total gross coverage area (ff <sup>2</sup> )	44373				
Site net Density (units/ Acre)	15.10				
Site net coverage (ff <sup>2</sup> /Acre)	10983.42				

**KEY**

- Development Site Boundary
- \* Affordable Rent 20 units (33.4%)
- \* Shared Ownership 41 units (66.6%)



Site levels to be checked by others

Notes - Copyright in this drawing remains the property of BMS Architecture Limited. - Do not scale this drawing. - Work to signed dimensions only. - Contractors and consultants are to advise BMS Architecture Limited of any discrepancies.	Revision Q. Plots 33 - 45 repositioned. Mix changed. R. Redrawn. S. Tree group G9 indicated for removal. T. Redrawn. U. Amendments to road hammer head, tracking added, redrawn generally at northern end of site (2 plots omitted), change to mix of sales units. Vis splay noted. V. Amendments to northern end of site. 1 plot gained (now total = 61)	Date 22/03/18 09/04/18 13/04/18 31/05/18 01/06/18 04/06/18	By IDF IDF IDF IDF IDF IDF	Chkd - - - - - -	Project LAND AT AUDLEY AVENUE NEWPORT TELFORD	Drawing PROPOSED SITE LAYOUT	Client Bromford Group
	Scale 1:500@A1	Dated 06.06.17	Job No. 53090	Drawing No. D02	Drawn by RB	Checked IF	GISB Element FEASIBILITY

## INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2016/1152
Site address	Site of Parkland House, The Car Auction Ltd & Land north of Audley Avenue Industrial Estate, Audley Avenue, Newport, Shropshire
Proposal	Outline planning application for up to 61 dwellings with all matters reserved **ADDITIONAL INFORMATION RECEIVED**AMENDED PLANS**
Recommendation	Outline Grant

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

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

### 2.0 CONCLUSION

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

- A) The submission of satisfactory drainage information,

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

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

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

**(ii) Affordable housing**

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

**(iii) Education**

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

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

1. A02 Time Limit – Reserved Matters
2. A03 Time Limit - Submission of Reserved Matters
3. B001 Standard Outline - all matters reserved
4. B004 General Details amended
5. B005 Conditions details access (amended)
6. B011 Samples of Materials
7. B012 Sample Brick Panel
8. B045 Travel Plan (Measures Only)
9. B057 Land Contamination
10. B076 SUDS Management Plan
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13. B126 Long Term Landscape Management Plan
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20. C040 No approval of layout
21. C071 Soil levels
22. C050 Completion of noise attenuation
23. C079 Tree Preservation Order Suitable Contractor
24. C091 Works in accordance with ecological survey
25. C109 Erection of artificial nesting/roosting boxes
26. C109 Lighting Plan

27.C38	Development in accordance with plans
28.D11	Construction hours
29.D11	No development on Bank or Public Holidays
30.D01	Removal of all permitted development

### Informatives

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

TWC/2017/0406

Land rear of Cedar Lodge, Waters Upton, Telford, Shropshire  
Erection of 8no. dwellings (including 3no. affordable units) with creation of new  
access \*\*\*AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED\*\*\*

**APPLICANT**

John Brown

**RECEIVED**

17/05/2017

**PARISH**

Waters Upton

**WARD**

Edgmond and Ercall Magna

**OFFICER** Matthew Thomas

**THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON  
WEDNESDAY 28<sup>TH</sup> FEBRUARY 2018 IN ORDER FOR ISSUES REGARDING THE  
PROPOSED ACCESS TO BE EXPLORED.**

**1.0 UPDATE TO COMMITTEE MEMBERS**

- 1.1 This planning application was heard at the Planning Committee on Wednesday 28<sup>th</sup> February 2018 following a member site visit. At the meeting members resolved to defer the application in order for issues regarding the proposed access to be further explored, in particular matters relating to the suitability of the site for adoption, amount of on-site car parking and the access being shared with agricultural vehicles.
- 1.2 Following on from this, officers met with the agent acting on behalf of the applicant to discuss possible amendments to the access. The agent confirmed that he did not have authority to make amendments to the application due to the site land being part of the probate to the late Mr J. Brown (applicant).
- 1.3 The applicant has submitted a supporting highways statement (submitted by Woodsyde Developments Limited) to address the key issues raised. This is summarised below:
- There is no fixed guidance for how an adoptable road should be laid out. The designs are very much on a site to site basis and significant weight is given to the location of the site. Guidance provided in the nationally used Manual for Streets 1 & 2 is not prescriptive and provides the designer the opportunity to be more sympathetic to the natural surroundings and the needs of users other than motor traffic.
  - Access to the second phase is shown as a new cul-de-sac from the turning head to Phase 1. The initial length here is again laid to adoptable standards with suitably sized turning head to accommodate the Council's refuse vehicle. Pedestrian facilities are protected, with a continuation of facilities from Phase 1 to Phase 2. The layout arrangements do not compromise the turning head to Phase 1 but tends to provide an element

of self-enforcing traffic speed control. It is considered that the layout arrangements are compliant with the guidance in Manual for Streets.

- It may be desirable to re-arrange the turning head for Phase 1 so that the road runs through to Phase 2 and the turning head on Phase 2 serves as the main turning head for the overall development. This would render the residual area of the turning head for Phase 1 to be closed as public highway and returned as private. This may be considered extreme for a small development and ultimately should not affect the nature or adoption of the roads.
- There are no planning or highway related issues with the design layouts for Phase 1 and 2 and there is no reason why they should not be adopted if the layout and construction are compliant to existing guidance and requirements.

1.4 The Local Highway Authority has considered this additional supporting information and has provided a response. The key issues have been summarised below:

- The turning head provided does not satisfactorily accommodate the refuse wagon manoeuvre. The area shown to accommodate the manoeuvre beyond the footway will simply be used as an extension to the adjacent driveway. The positioning of the turning head centrally, as opposed to at the end of the road, would lead to vehicles having to reverse more than 30m to manoeuvre in the event that they proceeded to the end of the road.
- Although these road widths may be acceptable in some instances, vehicular access for agricultural vehicles is required through the site and the road geometry is not suitable to accommodate such vehicles. The narrow road with tight radii would likely result in agricultural vehicles overrunning verges, footways and private drives, especially when taking into consideration the potential for opposing development traffic and parked vehicles.
- The access road and turning head do not provide direct access to any plots and as such it is seen as no public benefit to adopt.
- Whilst it is acknowledged that the access off the turning head provides 'an element of self-enforcing traffic speed control', it is suggested that this is something that is already adequately achieved by the narrow widths and tight radii and as such the addition of this further access contributes to an incoherent road layout which would ultimately become a redundant turning head facility.

1.5 The Local Highway Authority has confirmed that amendments would be required in terms of road geometry in order for any highway adoption of the road layout to be considered. If the scheme is to proceed in its current form, it would have to remain privately maintainable. If the proposed scheme is to proceed the following conditions are required:

- Parking to be provided prior to occupation
- Construction details of new roads, footways, accesses, Public Right of Way to be submitted
- Details of off-site highway works to be submitted

## 2.0 PLANNING CONSIDERATIONS

- 2.1 The applicant's agent has declined to submit any amendments to the proposed scheme and has requested that the application be returned to committee as it was originally presented. The Local Highway Authority (LHA) has confirmed that due to the layout and geometry of the proposed access layout, the site would not be suitable for adoption and therefore would have to remain privately maintainable.
- 2.2 The proposed development cannot be delivered until the access and access road approved under planning reference TWC/2015/0994 (land to the north) has been delivered. The LHA has confirmed that as the application currently stands there are no specific defensible grounds for a highways refusal of this scheme. It is considered that the PM-peak vehicular trips associated with a development of 8no. houses will be small, with no detriment to the safe operation of the adjacent adopted highway network. A number of conditions have been requested relating to details of on-site and off-site highway works and provision of car parking prior to occupation of the new dwellings.
- 2.3 Whilst the access to the retained agricultural land is to remain as part of the current proposal the applicant's agent has confirmed that it is envisaged that 1 farm vehicle will use the agricultural access through the site every couple of days with 2 passing places available along the access route. The applicant's agent has been made aware of the LHA's position and they are aware that should the development proceed as currently proposed, it would have to remain privately maintainable.
- 2.4 The parking guidance as set out in the Telford & Wrekin Local Plan requires 20 car parking spaces to be provided and there is a shortfall of 3 spaces. However when considering the overall scale of development and type of dwellings proposed (including 3no. affordable) this shortfall is not of significant concern. The LHA has confirmed that there are no specific defensible grounds for a highways refusal of this scheme and therefore the Local Planning Authority's original recommendation remains unchanged.

## 3.0 RECOMMENDATION

- 3.1 The recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:
- A) The applicant entering in to a Section 106 Agreement with the Council relating to:
- 37.5% provision of affordable housing (3 dwellings) made available for affordable rent (through a Registered Provider). All lettings should be made through 'Homes Direct' with priority for initial lettings and future relets be given to people in housing need who are long term residents

of, or who have a strong local connection with, the parish of Waters Upton.

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

Conditions

1. Time Limit – Full 3 years
2. Samples of materials
3. Details of new roads/footways/access/PRoW
4. Details of off-site highway works
5. Parking prior to occupation
6. On-site construction plan
7. Foul & Surface water drainage
8. Details of enclosure
9. Tree protection plan
10. Landscaping implementation
11. Erection of artificial nesting/roosting boxes
12. External Lighting Plan
13. Affordable housing provision (Plots 1, 5 & 6)
14. Removal of Permitted development rights
15. Development in accordance with plans

Informatives

S106 Agreement  
Ecology  
Fire Authority  
Secure by Design

\*\*\*\*\***ORIGINAL UPDATE TO COMMITTEE ON FEBRUARY  
28TH**\*\*\*\*\*

1.0 UPDATE

- 1.1 Since preparation of the committee report the applicant has agreed to enter in to a S106 agreement with the Council to secure the delivery of affordable housing (37.5% provision). The recommendation has therefore been amended accordingly.

2.0 RECOMMENDATION

- 2.1 The recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

- A) The applicant entering in to a Section 106 Agreement with the Council relating to:
- 37.5% provision of affordable housing (3 dwellings) made available for affordable rent (through a Registered Provider). All lettings should be made through 'Homes Direct' with priority for initial lettings and future relets be given to people in housing need who are long term residents of, or who have a strong local connection with, the parish of Waters Upton.
- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

16. Time Limit – Full 3 years
17. Samples of materials
18. Details of new roads/footways/access/PRoW
19. Details of off-site highway works
20. Parking prior to occupation
21. On-site construction plan
22. Foul & Surface water drainage
23. Details of enclosure
24. Tree protection plan
25. Landscaping implementation
26. Erection of artificial nesting/roosting boxes
27. External Lighting Plan
28. Affordable housing provision (Plots 1, 5 & 6)
29. Removal of Permitted development rights
30. Development in accordance with plans

Informatives

- S106 Agreement
- Ecology
- Fire Authority
- Secure by Design

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

**WATERS UPTON PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE**

OBJECTIONS RECEIVED: YES

**1.0 THE PROPOSAL**

- 1.1 This full planning application seeks permission for the erection of 8no. dwellings on a piece of land situated to the east of 'Cedar Lodge' within the village of Waters Upton. The proposed development will provide 3no. 2 bedroom properties (plots 1, 5 & 6) which will be made available as affordable units and 5no. detached dwellings (plots 2, 3, 4, 5 & 8) which will be provided for the open market. The open market dwellings will all provide 3 bedrooms apart for plot 4 which will be a 4 bed unit.
- 1.2 The application site measures approximately 0.33ha which equates to a density of 24 dwelling per hectare. The site is set back approximately 35m away from the highway and behind 'Cedar Lodge'. Access is to be provided off the highway and is to be shared with the adjacent development to the north of the site. The proposed access will extend some 36m back from the highway before branching off to serve the proposed cul-de-sac. On-site car parking will be provided for each dwelling together with private gardens areas to the rear. A detached garage will be provided for plot 3.
- 1.3 Amended plans have been submitted during the course of this planning application, primarily to include the provision of affordable housing, and the Local Planning Authority undertook a second round of consultation. Together with the application form and indicative site layout plan the application is supported by the following documents:
- Design & Access Statement
  - Arboricultural Impact Assessment
  - Extended Phase 1 Habitat Survey

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site sits in the rural area of the Borough within a central location of Waters Upton village, to the east of 'Cedar Lodge' and south of the Saint Michael's Church. The site is located to the west of the stretch of the A442 which runs between the north of Telford to the A53 at Market Drayton to the north east and A41 to Whitchurch to the north-west. There is an existing Public Right of Way which runs along the southern boundaries of the site.
- 2.2 The site measures approximately 0.33ha and comprises a fairly flat parcel of managed grassland which is essentially part of the former stack yard of a working farm. The adjacent concrete yard, which houses former corn silos and a modern agricultural shed, has planning permission for the construction of 8no. dwellings. Boundary treatments comprise predominantly of established hedgerows and a number of semi-mature trees with post and rail fencing along the eastern boundary. There is an existing sandstone wall abutting the highway which falls outside of the red line boundary of the site.
- 2.3 Existing developments within the immediate area comprise mainly of detached properties set on large plots and comprise a mixture of styles including late 19<sup>th</sup> century brick dwellings as well as more recent developments. There are a number of facilities in the village including a Public House, village stores and Post Office, butchers, Village Hall and

Church. Crudgington Primary School is positioned to the south around 800 metres away. A bus stop is located approximately 350m away from the site, outside the village stores, which is serviced by the 'Wrekin Rider' which provides limited connections to Wellington during the week.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 TWC/2014/0761 (Part of a wider parcel of land) – Erection of 130no. dwellings and associated garages, 8no. commercial units for use class A1 and B1 and further commercial unit at use class D1 with associated highway infrastructure, pathways, multi-use games area and landscaping following the demolition of existing agricultural barns – Full Refused (18/12/2014)
- 3.2 TWC/2011/0575 (adjacent site to the south of St Michael's Church) – Outline planning application for the erection of 8no. dwellings with associated access and amenity space and church parking provision -Outline Granted (15/08/2013)
- 3.3 TWC/2015/0994 (adjacent site to the south of St Michael's Church) – Reserved Matters application for the erection of 8no. dwellings with associated access and amenity space – Reserved Matters Granted (29/07/2016)

### **4.0 PLANNING POLICY CONTEXT**

- 4.1 National Planning Guidance:  
National Planning Policy Framework
- 4.2 Telford & Wrekin Local Plan (2011-2031):  
SP3 Rural area  
SP4 Presumption in favour of sustainable development  
HO10 Residential development in the rural area  
NE1 Biodiversity & Geodiversity  
NE2 Trees, hedgerows and woodlands  
C3 Impact of development on highways  
BE1 Design Criteria
- 4.3 Waters Upton Neighbourhood Plan:  
WUH1 New Housing  
WUH2 Affordable Housing  
WULC2 Local Character

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

#### Standard consultation responses

- 5.1 Waters Upton Parish Council: Object
- The Parish Council strongly object to the application and wish for it to be heard at planning committee

Following a second round of consultation, the following response was received:

- The Parish Council continue to strongly object to the application and wish for it to be heard at planning committee
- The proposal is against the TWLP and does not conform to the NPPF and more importantly it is contrary to the Waters Upton Neighbourhood Plan
- The site is not an infill plot and there is no access to the site until the adjacent site has been completed
- No evidence of 'need' for the proposed affordable homes
- It is not appropriate that large agricultural farm vehicles should access the fields to the rear through the housing estate
- There is an established right of way across the land and there has, to date, been no consultation on a diversion route, or to change its status

#### 5.2 Highways: Comment

- The siting of yet another farm access at the end of the road may suggest potential for further development in the future – The Local Highways Authority would not encourage this
- The proposed layout is not considered adoptable as there would be no public benefit in adopting a residential road that will be used as a through road for an agricultural store and agricultural traffic. As such, the development in its current form would have to remain private
- The proposed development cannot be delivered until the access and access road approved under planning reference TWC/2015/0994 (land to the north) has been delivered; therefore, any conditions pertaining to access visibility and associated off-site highway works will be included as part of this highways recommendation
- There are no specific defensible grounds for a highways refusal of this particular scheme. It is considered that the PM peak vehicular trips associated with a development of 8no. houses will be small, with no detriment to the safe operation of the adjacent adopted highway network, and as such, the following highways conditions are requested:
  - Parking to be provided prior to occupation
  - Construction details of new roads, footways, accesses, PRow to be submitted
  - Details of off-site highway works to be submitted

#### 5.3 Drainage: Support subject to conditions

- Foul and surface water drainage

#### 5.4 Ecology: Support subject to conditions

- Erection of artificial nesting/roosting boxes
- Lighting Plan
- Informative – nesting wild birds

#### 5.5 Arboriculture: Comment

- Details required regarding tree protection measures

#### 5.6 Affordable Housing: Comment

- It is proposed to provide 3 homes [38%] for affordable rent (through a Registered Provider) as part of a mixed tenure development of 8 homes. These would be dormer-bungalow properties, with a bedroom and a bathroom on each floor. These are innovative property types with the potential to meet varied housing needs, including older people and families containing a disabled adult or child. They would also enable people to remain living in Waters Upton or to move closer to family within the parish
- The number of people in Telford & Wrekin Borough aged 65 or over is projected to increase from 28,100 in 2015 to 41,000 by 2031 (a 45.9% rise). 18.2% of households across Telford and Wrekin are either singles or couples aged 65 years or over (2011 Census). Older singles and couples represent 24.3% of households in the Rural Area. National research shows that the majority of older people want to stay in their own homes, with help and support when needed. It is important to continue that the range of older persons' housing provision in the borough continues to increase and diversify. This also has the potential to free-up larger family accommodation
- The latest Strategic Housing Market Assessment (SHMA) [2016] highlights the requirement for 88 additional affordable homes each year in the rural part of the borough
- It should also be a firm requirement that these homes should remain as affordable and not just be affordable at the outset. A Local Lettings Plan should be agreed with Telford & Wrekin Council and Waters Upton Parish Council, including an appropriate process to confirm the eligibility of applicants. As part of this, all lettings should be made through 'Homes Direct' with priority for initial lettings and future relets be given to people in housing need who are long term residents of, or who have a strong local connection with, the parish of Waters Upton. This may subsequently cascade to adjacent rural parishes within Telford & Wrekin, other rural parishes within Telford & Wrekin and then to the wider borough.

#### 5.7 Shropshire Fire Service: Comment

- Include Fire Authority informative

#### 5.8 West Mercia Police: Comment

- Condition Secure by Design

#### Neighbour consultation responses

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

- Waters Upton Neighbourhood Plan (WUNP) does not support such applications and the adjacent site for 8 homes would not have been granted planning permission if the WUNP had been in place at the time
- There is no identified need for new homes in this location – if there is a need, this has already been met by other planning approvals within the village

- This is not a suitable infill plot or brownfield land and opens up rear fields for more development in the future
- Application is contrary to the National Planning Policy Framework (NPPF) in particular para 17 and 196
- The target for rural housing has consistently been exceeded for many years
- In the Parish of Waters Upton, which has just over 360 dwellings, applications are currently approved for 175 further dwellings, an increase of almost 50%. In the Village of Waters Upton comprising of less than 100 dwellings over 30 new dwellings are either under construction or have planning approval. Many houses in the Village remain unsold and are rented
- Members are urged to visit the site and other recent developments nearby
- Strongly recommend that the developer checks with the Telford and Wrekin Rights of Way department the exact line of the definitive footpath and to upgrade the route to a bridleway

Following a second round of consultation a single letter of objection was received however no new issues were raised.

## **6.0 PLANNING CONSIDERATIONS**

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

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

### The principle of residential development on this site

6.2 Section 38 (6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Since the application was registered, the Telford & Wrekin Local Plan (2011-2031) has now been formally adopted and therefore supersedes the Wrekin Local Plan and Core Strategy 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 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 Policy HO10 of the Telford & Wrekin Local Plan (TWLP) identifies Waters Upton as one of the villages where new development is to be focussed due to its range of services. Within these villages the local plan affirms that the Council will 'support a limited amount of infill housing' however definitions of infill sites or limited infilling are not provided. By focussing housing, employment, and service and facility development within these settlements, a pattern of development should be created that maximises the accessibility of services and facilities to rural residents, whilst reducing the need to travel by car and enhancing local identity and character. This policy also contributes towards achieving the objectives of policy SP4 of the plan which states that there will be a presumption in favour of sustainable development.
- 6.5 Policy WUH1 of the Waters Upton Neighbourhood Plan supports new housing in the village on 'small infill sites or plots that do not cause a visual intrusion into open countryside'. Policy WUH2 supports the provision of affordable housing where it is demonstrated that it 'meets identified local need'. Meanwhile policy WULC2 requires development to 'retain or enhance features that characterise the village'.
- 6.6 The application site is located within the core of the village and its services and facilities including a primary school, church, village shop and post office, butchers and a Public House. A bus stop is located approximately 350m away from the site, outside the village stores, which is serviced by the 'Wrekin Rider' which provides limited connections to Wellington during the week. There are existing developments to the north, south and west of the site including land south of St Michael's Church which has recently been granted outline and subsequent reserved matters consent.
- 6.7 The boundaries of the application site are well defined and officers do not consider that the proposed development would result in an encroachment into the open countryside or cause a visual intrusion into the adjacent open countryside. The LPA considers the site to be a natural progression of the land immediately to the north which has recently benefited from planning consent for the construction of 8 no. dwellings. The development of this application site would round off this part of the village and with the retention of existing boundary treatments, particularly along the eastern boundaries, officers are satisfied that there would be no extension into the open countryside.
- 6.8 The proposed development will not result in a built up frontage of the site, something which is traditionally associated with 'infill' development, however there are existing developments to the north and west and farm buildings to the south and therefore this will not be an isolated form of development or one which encroaches into the open countryside or would be a visual intrusion into open countryside. Taking the above into consideration, the Local Planning Authority is satisfied that the proposal represents a sustainable form of development within the core of one of the named villages identified as suitable for a limited amount of housing and the principle of development is therefore supported subject to the usual planning considerations which will be discussed below.

## The impact on the character and appearance of the area

- 6.9 Policy BE1 of the TWLP 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.
- 6.10 When considering the well-defined boundaries of the site, its location behind and adjacent to existing residential development and its position set back from the highway, the overall contribution the site makes to the character of the street scene is considered to be somewhat limited. Furthermore the proposal will not be an isolated form of development or one which encroaches in to the open countryside or would be a visual intrusion into open countryside. The proposed development would equate to a density of approximately 24 dwellings per hectare and whilst this immediate part of the village is typically of a lower density, this would not be too dissimilar to other developments elsewhere in the village. Incidentally, the piece of land to the north where development is due to commence, has a density of approximately 20 dwellings per hectare. Therefore, in this instance, the scale of development proposed is considered to be acceptable.
- 6.11 The application site and its immediate surroundings are largely flat and somewhat featureless with hedgerows and a few semi-mature trees, typically found along the boundaries. The boundaries to 'Cedar Lodge' will remain largely unaffected and the 5no. trees, including 3 common lime trees subject to tree preservation orders, will be retained and protected during construction. The proposed layout of the new dwellings provides opportunities for further planting of hedging, shrubs and trees as well as other forms of soft landscaping which will provide enhanced visual amenity.
- 6.12 There are four different house types proposed, including 6no. detached dwellings and 2no. semi-detached. Each of the new houses have been designed sensitively to reinforce the local vernacular with features including dormers, chimneys, well-proportioned windows with glazing bars, small porches and stone window detailing.
- 6.13 Plots 5 & 6 will comprise the 2no. two bedroom dormer bungalows which are to be made available for social rent and designed to be incorporate lifetime home principles. Whilst the gardens available for these two dwellings are limited in size, a good standard of living accommodation will still be achieved. Plot 4 is the largest of the proposed dwellings and will provide further variation with the introduction of a catslide roof which merges in to the front porch. This plot will be the stop end of the development, an imposing farmhouse style dwelling with well-proportioned windows openings with headers and sills and prominent chimneys. The proposed variation in style and design will provide a bespoke form of development which will positively influence the character and appearance of the local environment.

- 6.14 Conditions can be imposed to the decision notice to ensure a suitable pallet of finishing materials are used to include appropriate forms of boundary treatments and implementation. Therefore, taking the above in to consideration it is concluded that the development of this site would not result in any conflict with TWLP policy BE1. This policy seeks appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

The impact on the living conditions of neighbouring properties

- 6.15 Policy BE1 of the TWLP requires development proposals to demonstrate that there will be no significant adverse impacts on nearby neighbouring properties. The objectives of this policy is reflected in the NPPF which requires the provision of a good standard of amenity space for all existing and future occupants of land and buildings.
- 6.16 Due to the positioning of the site, being set back away from the highway and other existing neighbouring properties, the overall impact on the living conditions of the occupants of these houses as a result of the proposed development is considered to be relatively minimal. The closest relationship to consider is that of the existing dwelling, 'Cedar Lodge', a single storey bungalow, and plot no.8, a detached two storey dwelling which will be side on to this property. There will be a separation distance of approximately 13.5m between the rear elevation of 'Cedar Lodge' and the side elevation of plot 8, which has also been positioned as far back in to the plot as reasonable to further reduce any significant impact on this existing dwelling. When considering that there will be no windows in the side elevation of plot 8, and with the existing boundary treatment being retained, officers are satisfied that there will be no significant adverse impact on these residents by virtue of any loss of light, privacy or outlook.
- 6.17 Whilst the development of the adjacent site to the south of the Church, north of the site, is yet to commence, the Local Planning Authority understands this is due to take place within the near future and therefore it is also necessary to consider what impact the proposed development may have on this previously approved scheme. Officers note that where dwellings are directly facing each other, a minimum separation distance of 20m will apply and where dwellings are side on to each other, there will be a minimum separation distance of 12m.
- 6.18 Officers have also considered the relationship of the proposed 8 dwellings with each other and have concluded that there is also adequate separation distances between the new houses. With there being no topography issues to consider on this site, together with adequate boundary treatments, the LPA is satisfied that the relationship between the two developments will be acceptable and adequate and a good standard of amenity space will be provided for all future occupants. Accordingly, the proposed development is considered compliant with local policy.

## Other Constraints

### *Access and impact on highways*

- 6.19 Policy C3 of the TWLP seeks development which does not adversely affect highway/pedestrian safety. It is proposed for the access to be taken directly off the highway, within close proximity to the River Lane junction. A single width road will be provided for approximately 35m and it will then branch off to the north for the previously approved development to the south of St Michael's Church and to the south to the site subject to this application. There are good levels of visibility between the two sites and vehicles will be able to enter/exit the highway without causing any obstructions.
- 6.20 The Local Highways Authority has no objection to the principle of a shared access however all highways related conditions imposed to the permission for the adjacent site will be imposed to any forthcoming permission to ensure that adequate visibility splays provided and to ensure the development does not adversely affect highway safety. The LHA has stated that they would not be in a position to support further housing following this scheme as this would result in an unacceptable intensification of the new access off the highway.
- 6.21 The parking guidance of the TWLP requires approximately 20 car parking spaces to be provided for this scheme. There is a shortfall of 3 spaces provided within this site, however this is not of significant concern and officers are satisfied with the level of parking provided for each plot. It is therefore concluded that there would be no conflict with policies BE1 and C3 of the TWLP. These policies seek adequate access and car parking provision to new development which preserves highway safety. The policy aims are consistent with the National Planning Policy Framework.

### *Drainage*

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

### *Ecology & Trees*

- 6.23 The application is supported by an Extended Phase 1 Habitat Survey and an Arboriculture Impact Assessment. These reports conclude that the proposed development can be carried out without any significant impact on local wildlife or trees. The Council's Ecologist has assessed the submitted report and offers support for the application subject to conditions and similarly the Council's Tree Officer has requested further information regarding tree protection measures and this can be conditioned accordingly. A suite of conditions relating to wildlife protection and enhancement to include measures for tree protection will be imposed to the decision notice to ensure the scheme is compliant with local policies.

### *Consultation responses*

- 6.24 Officers have taken in to consideration the letters of objection received by both the Parish Council and local residents. One of the primary reasons for these objections appear to be in relation to the principle of development and that it is contrary to the Waters Upton Neighbourhood Plan (namely policy WUH1) local planning policies as well as the NPPF. For the reasons previously discussed, the application site is considered to be an appropriate infill site and one which is located within one of the rural villages identified as suitable for a limited amount of housing. The TWLP and Waters Upton Neighbourhood Plan do not specify the amount of development which the Council will support however in this instance, the scale of development is considered appropriate and will not detract from the character and appearance of the village.
- 6.25 Further concerns have been raised regarding the need for affordable housing in Waters Upton and how this has not been evidenced. Under local planning policy, the applicant is not obliged to provide any level of affordable housing for a scheme of this size, however this provision has come about through negotiations during the planning process where officers felt that the delivery of 3 affordable dwellings would provide some valued local benefit. The applicant has worked closely with the Council's Affordable Housing Officer in terms of ensuring the layout of these homes are fit for purpose.
- 6.26 It is acknowledged that Waters Upton has seen some growth in recent years and officers note that residents have advised that many houses are made available for rent or remain unsold. This alone is not a material planning consideration and the proposed development will help meet the target for the delivery of new homes within the Borough. These dwellings are to be made available for social rent and the Council's Affordable Housing Officer has confirmed that the latest Strategic Housing Market Assessment (SHMA) [2016] highlights the requirement for 88 additional affordable homes each year in the rural part of the borough. The proposed development will therefore assist in achieving this requirement.
- 6.27 Finally, with regards to the existing right of way, this has been retained as shown on the accompanying plans. It is noted that some local residents/rambling groups would like to see the footpath upgraded to a bridleway however this is something for the applicant/future developer to consider at the appropriate time.

## **7.0 CONCLUSIONS**

- 7.1 Waters Upton is identified within policy HO10 of the Telford & Wrekin Local Plan as one of the Borough's rural villages where a limited amount of infill housing will be focussed. Definitions of infill sites or limited infilling are not provided in the Development Plan and therefore development proposals must be considered on a case by case basis. The scale of development proposed on this site is not dissimilar to other recent types of development in the village including the adjacent site which is of similar size where planning permission has recently been granted for the same number of dwellings.

- 7.2 When considering the well-defined boundaries of the site, its location behind and adjacent to existing residential development and its position set back from the highway, the overall contribution the site makes to the character of the village and street scene is considered to be somewhat limited. In this instance the proposed density of development has been considered acceptable as has the individual designs of the houses. Accordingly, officers are satisfied that there will be no significant adverse impact on the character and appearance of this village or encroachment into the countryside. In addition, the living conditions of occupants of existing and future developments will not be adversely affected by the proposed development by virtue of any significant loss of light, privacy or outlook.
- 7.3 The Council's Highways and Drainage officers have assessed the proposals and have raised no objections subject to the inclusion of conditions. The proposed access and on-site parking appear to be acceptable and will not result in any significant adverse impact on highway safety. Similarly, the development of this site is achievable without causing any adverse impact on local wildlife or to any trees subject to the inclusion of conditions. Accordingly, the application is recommended for approval subject to conditions.

## **8.0 RECOMMENDATION**

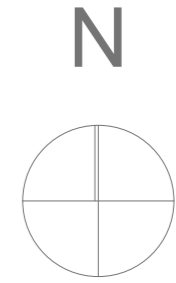
- 8.1 Based on the conclusions above, it is recommended to GRANT FULL PERMISSION subject to the following:

### Conditions

31. Time Limit – Full 3 years
32. Samples of materials
33. Details of new roads/footways/access/PRoW
34. Details of off-site highway works
35. Parking prior to occupation
36. On-site construction plan
37. Foul & Surface water drainage
38. Details of enclosure
39. Tree protection plan
40. Landscaping implementation
41. Erection of artificial nesting/roosting boxes
42. External Lighting Plan
43. Affordable housing provision (Plots 1, 5 & 6)
44. Removal of Permitted development rights
45. Development in accordance with plans

### Informatives

Ecology  
Fire Authority  
Secure by Design



A	10.05.17	General revision to ownership boundary	AT	-
Rev No.	Date	Rev.	By	Chk.

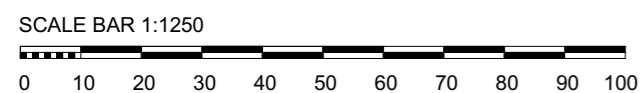
**PLANNING**

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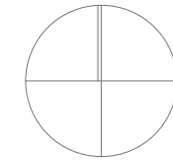


Project Title.	<b>THE STACK YARD</b>		
Client.	<b>MR BROWN</b>		
Drawing Title.	<b>LOCATION PLAN</b>		
Project No.	<b>BA1747</b>	Drawing No.	<b>PL-001</b>
		Revision.	<b>A</b>

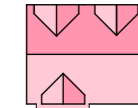
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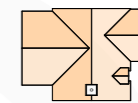
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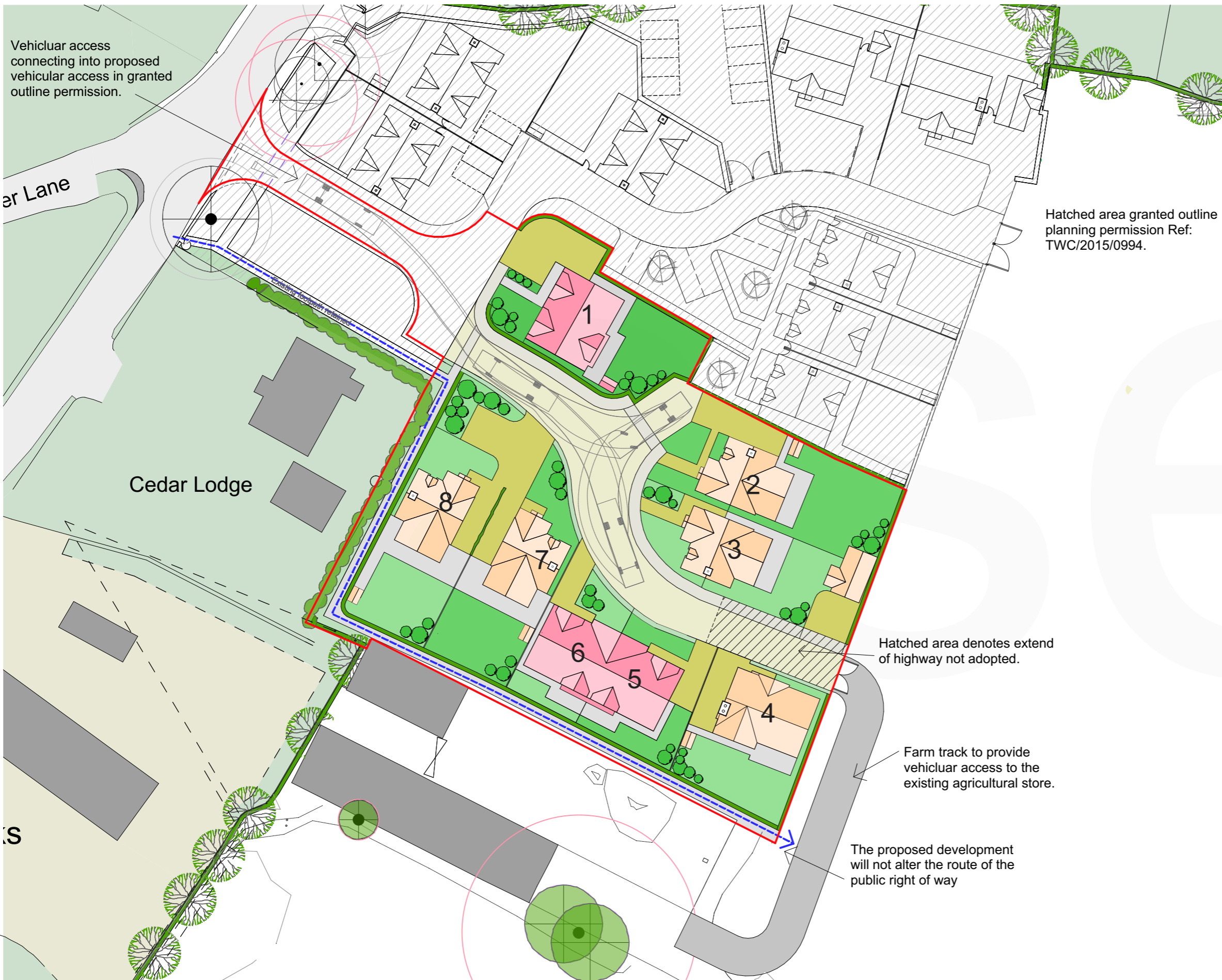
**House type Key**



2 bedroom Affordable M4(2)  
Category 2: Accessible & adaptable dwellings



3 & 4 bedroom market dwellings.



Vehicular access connecting into proposed vehicular access in granted outline permission.

er Lane

Hatched area granted outline planning permission Ref: TWC/2015/0994.

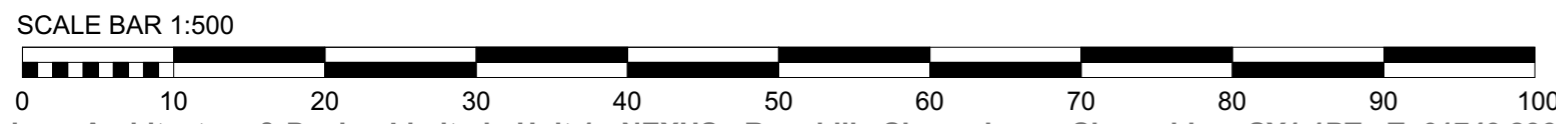
Cedar Lodge

Hatched area denotes extend of highway not adopted.

Farm track to provide vehicular access to the existing agricultural store.

The proposed development will not alter the route of the public right of way

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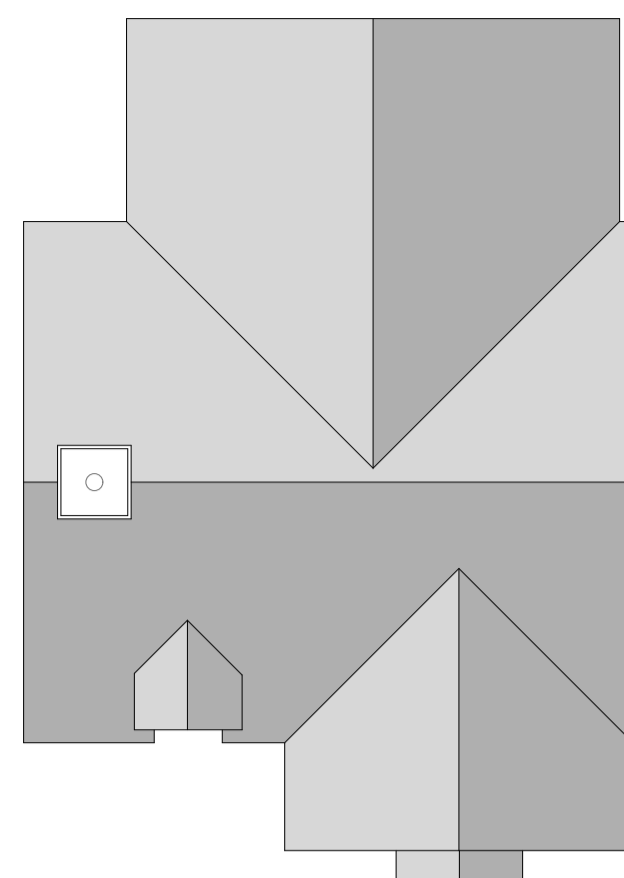
B	13.02.18	Revision to red line boundary to extend up to the highway as requested by the Local Authority.	AT	CH
A	16.11.2017	Revision to layout of plot 4 & 5 following correspondances with Local Authority. Revision to layout of plot 1, 5 & 6 following correspondances with Local Authority. Revision to layout of plot 1 following correspondances with Local Authority.	AT	CH
Rev No.	Date	Rev.	By	Chk.

**PLANNING**

Scale:	1:500 @ A3	Date:	Nov 2016	Drawn by:	AT	Chk:	DO
Project Title: <b>THE STACK YARD</b>							
Client: <b>MR BROWN</b>							
Drawing Title: <b>SITE LAYOUT</b>							
Project No.	BA1747	Drawing No.	PL-010	Revision:	B		



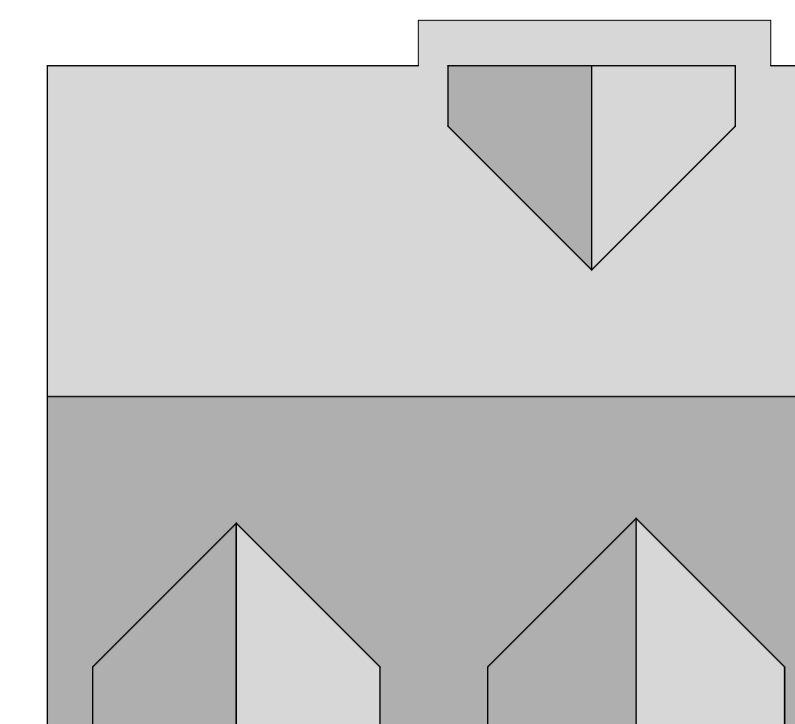
FRONT ELEVATION



ROOF PLAN



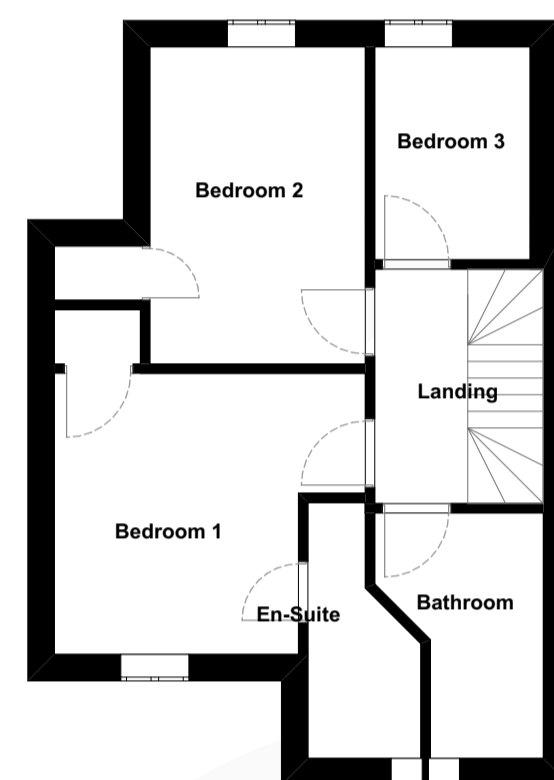
FRONT ELEVATION



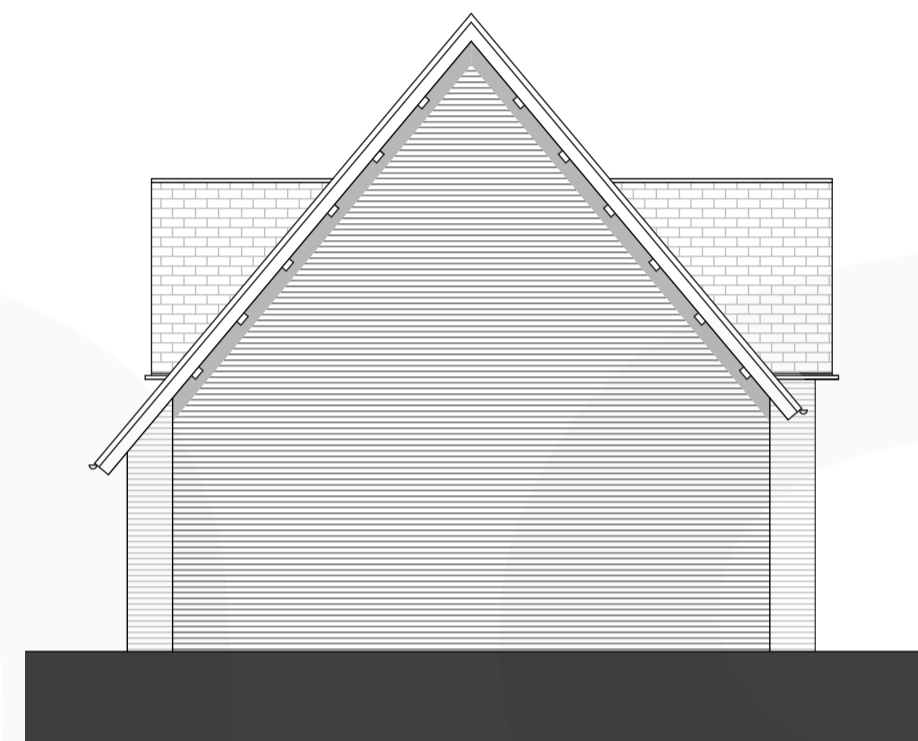
ROOF PLAN



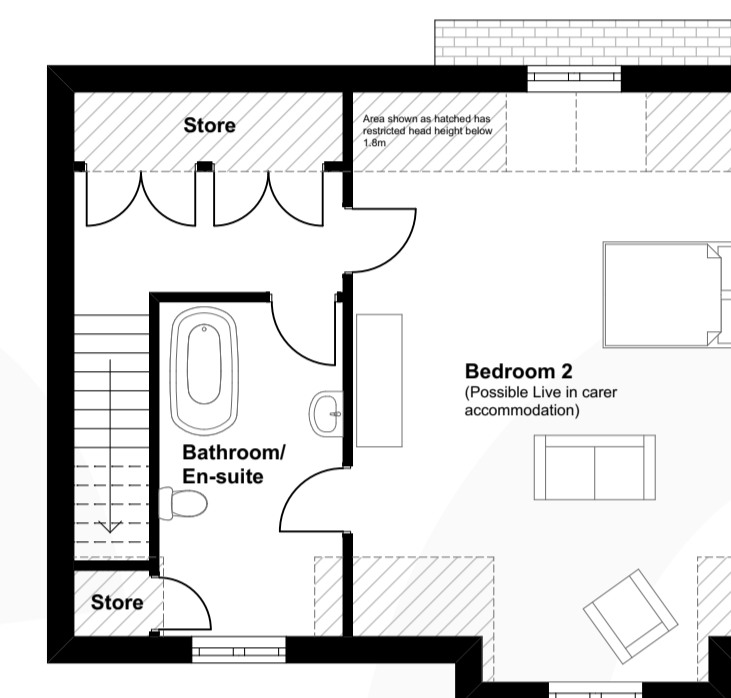
SIDE ELEVATION



FIRST FLOOR PLAN



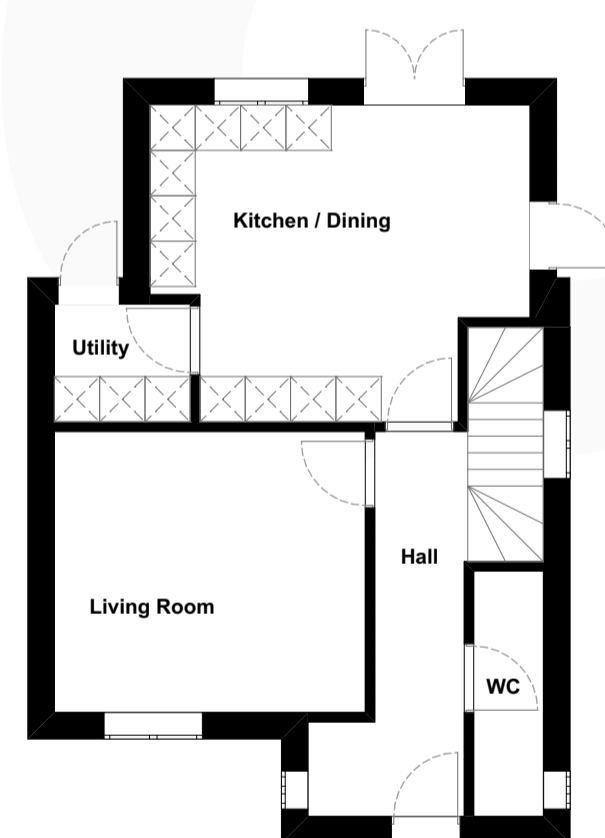
SIDE ELEVATION



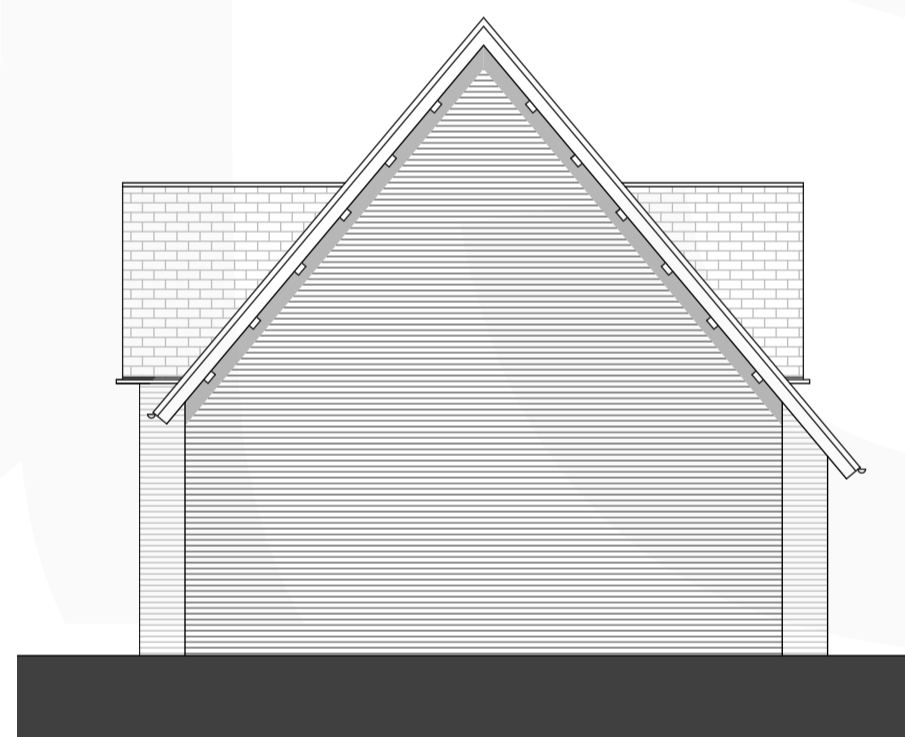
FIRST FLOOR PLAN



SIDE ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

**3 BEDROOM DETACHED HOUSE - HOUSE TYPE 1**

PLOTS: 2 & 7

Ground Floor GIA: 52m<sup>2</sup>  
First Floor GIA: 49m<sup>2</sup>

Total GIA: 101m<sup>2</sup>



REAR ELEVATION

**2 BEDROOM DETACHED HOUSE - HOUSE TYPE 2**

(M4(2) Category 2: Accessible and adaptable dwellings compliant)

PLOT: 1

Ground Floor GIA: 68m<sup>2</sup>  
First Floor GIA: 63m<sup>2</sup>  
Total GIA: 131m<sup>2</sup>

Rev No.	Date	Rev.	By.	Chk.
A	16.11.17	Amendments to unit house type numbering. House type 2 amended following planners comments.	AT	CH

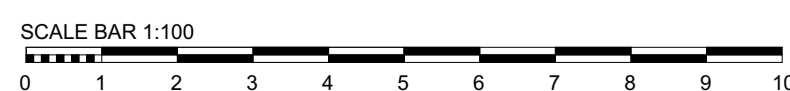
**PLANNING**

Scale	Date	Drawn by	Chk.
1:100 @ A1	Nov 2016	AT	DO



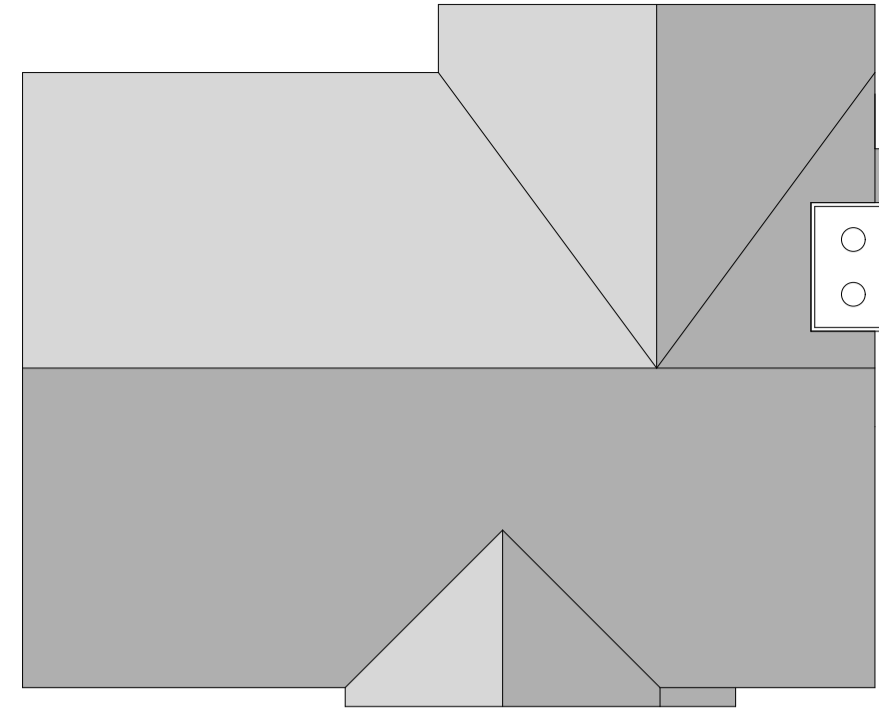
Project Title.	THE STACK YARD		
Client.	MR BROWN		
Drawing Title.	HOUSE TYPE 1 & 2		
Project No.	BA 1747	Drawing No.	PL-020
		Revision.	A

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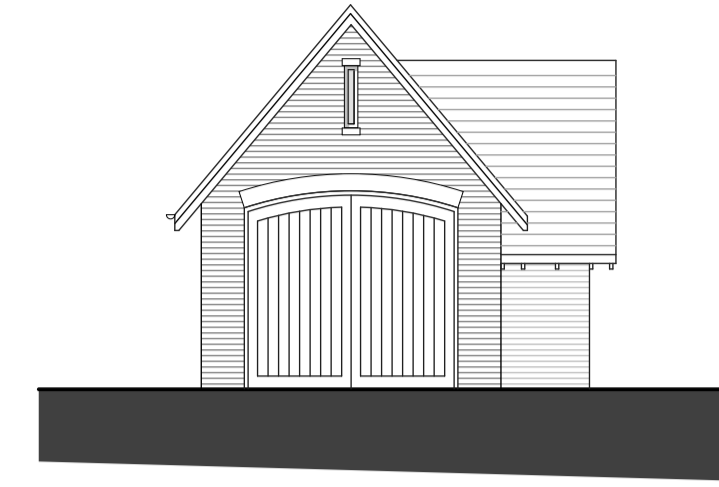




FRONT ELEVATION



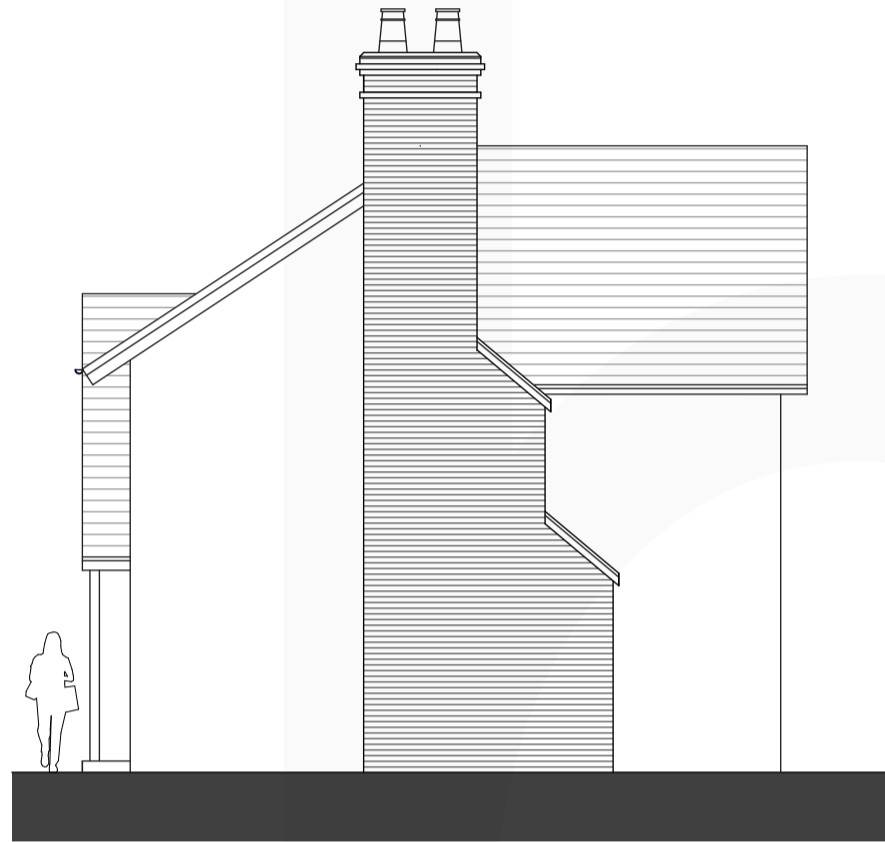
ROOF PLAN



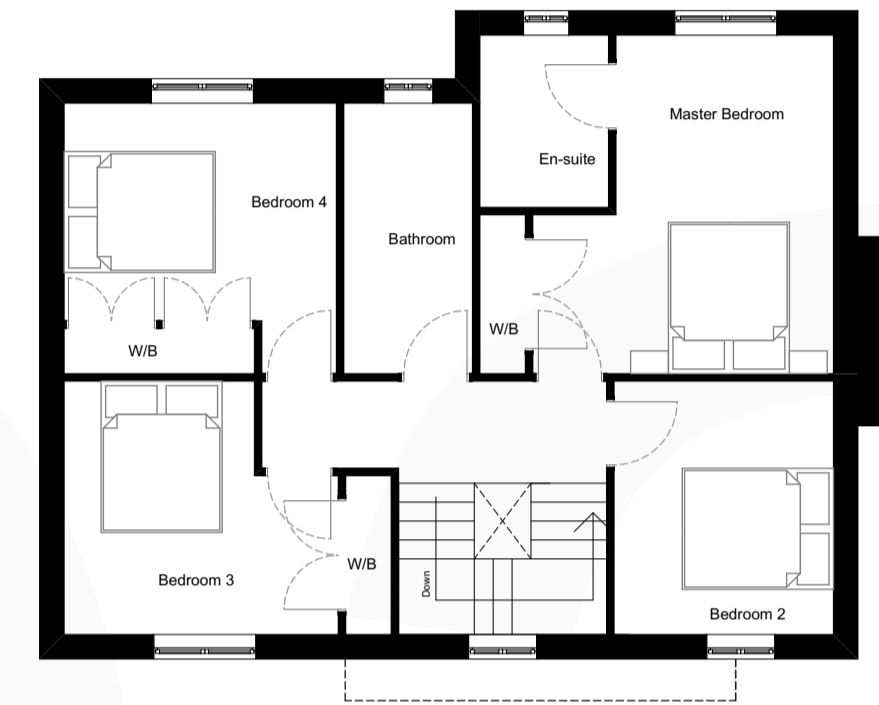
FRONT ELEVATION



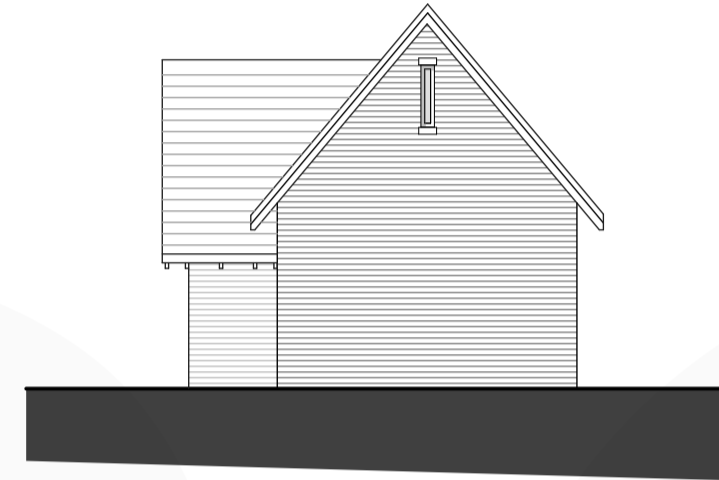
SIDE ELEVATION



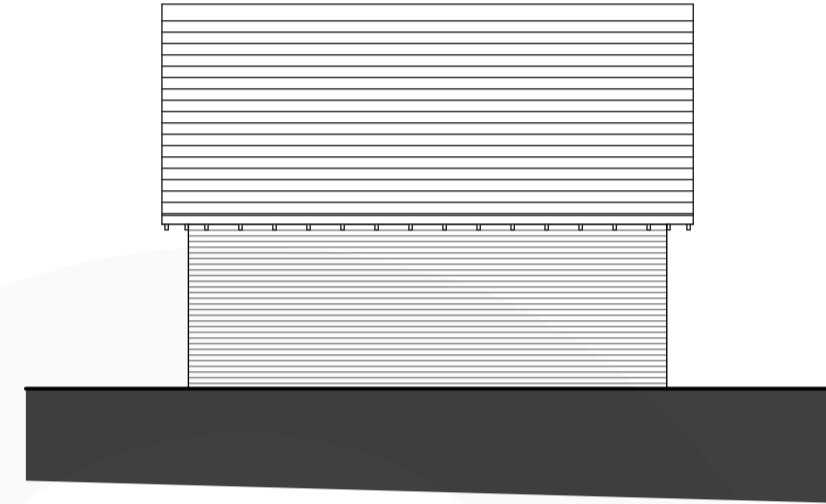
SIDE ELEVATION



FIRST FLOOR PLAN



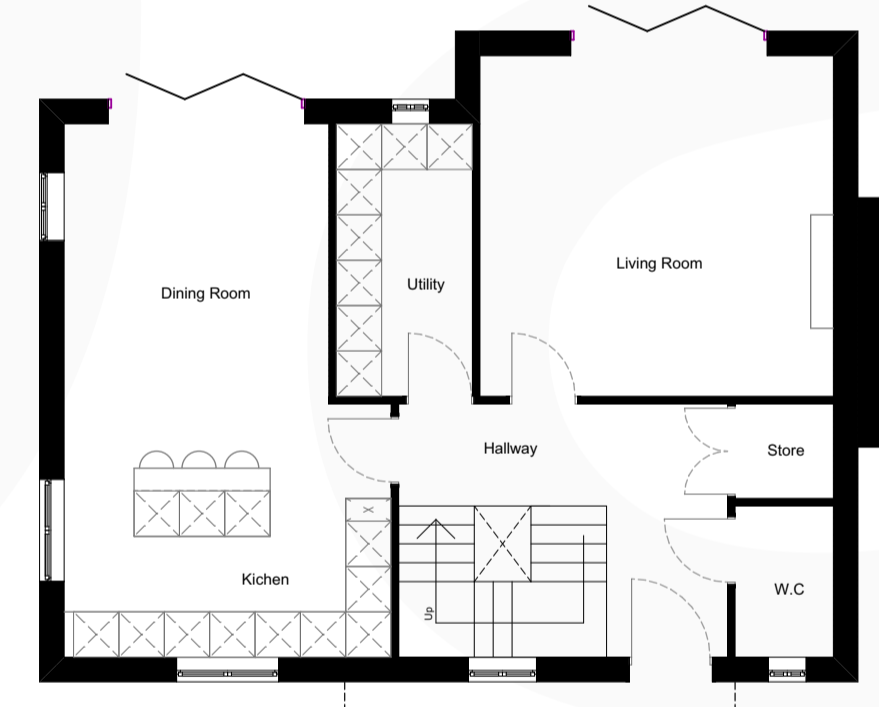
BACK ELEVATION



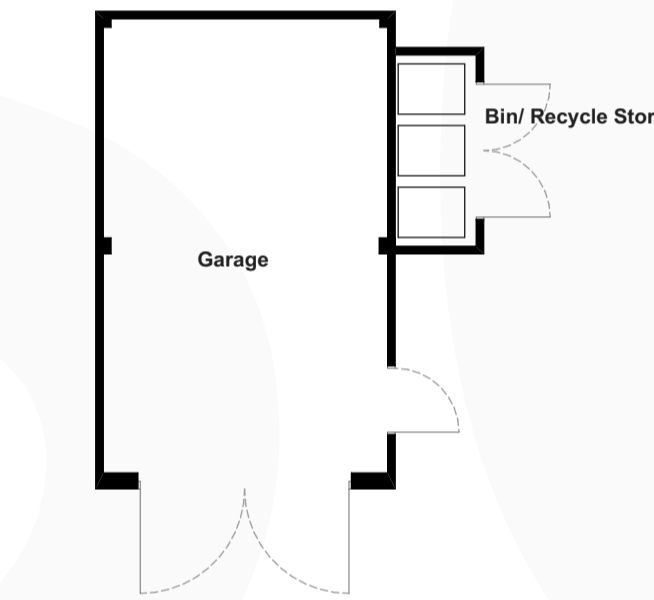
SIDE ELEVATION



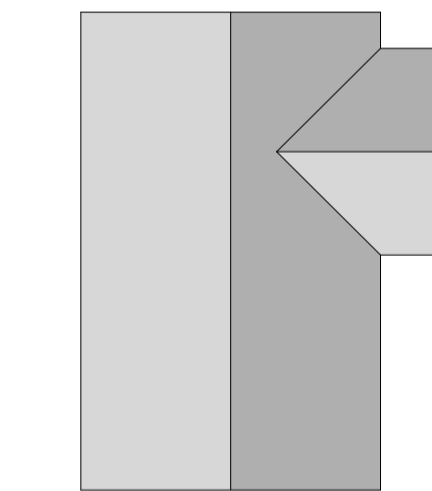
REAR ELEVATION



GROUND FLOOR PLAN



GROUND FLOOR PLAN



ROOF PLAN



SIDE ELEVATION

**4 BEDROOM DETACHED HOUSE - HOUSE TYPE 3**

**PLOT: 4**

Ground Floor GIA: 76m<sup>2</sup>  
First Floor GIA: 70m<sup>2</sup>

Total GIA: 146m<sup>2</sup>

Rev No.	Date	Rev.	By.	Chk.
B	14.09.17	4 Bedroom Detached House Type 3 amended to new proposed layout.	AT	CH
A	10.05.17	Amendments to unit house type numbering.	AT	

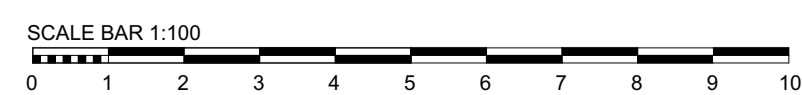
**PLANNING**

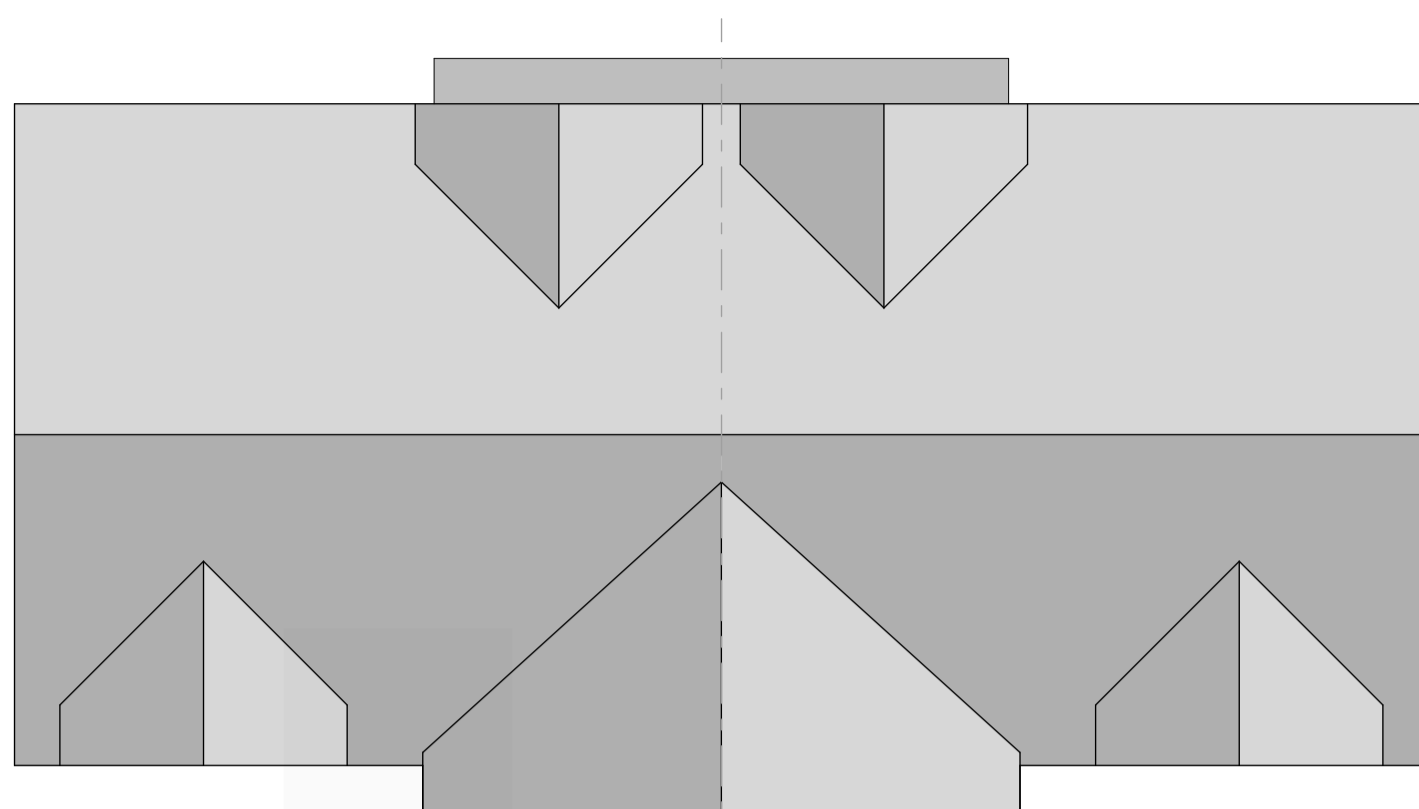
Scale.	Date.	Drawn by.	Chk.
1:100 @ A1	Nov 2016	AT	DO



Project Title.	<b>THE STACK YARD</b>		
Client.	<b>MR BROWN</b>		
Drawing Title.	<b>HOUSE TYPE 3 &amp; Garages</b>		
Project No.	Drawing No.	Revision.	
<b>BA 1747</b>	<b>PL-021</b>	<b>B</b>	

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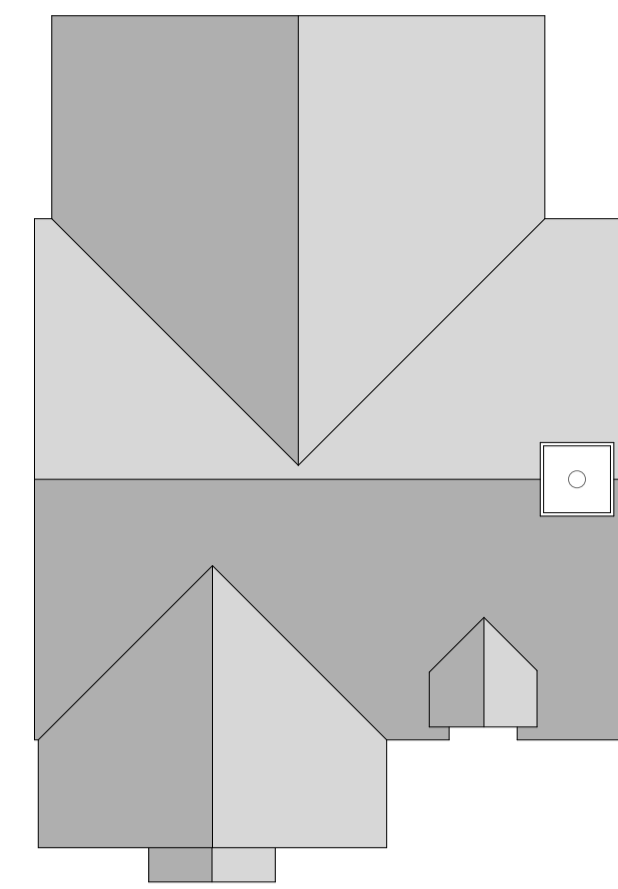




ROOF PLAN



FRONT ELEVATION



ROOF PLAN



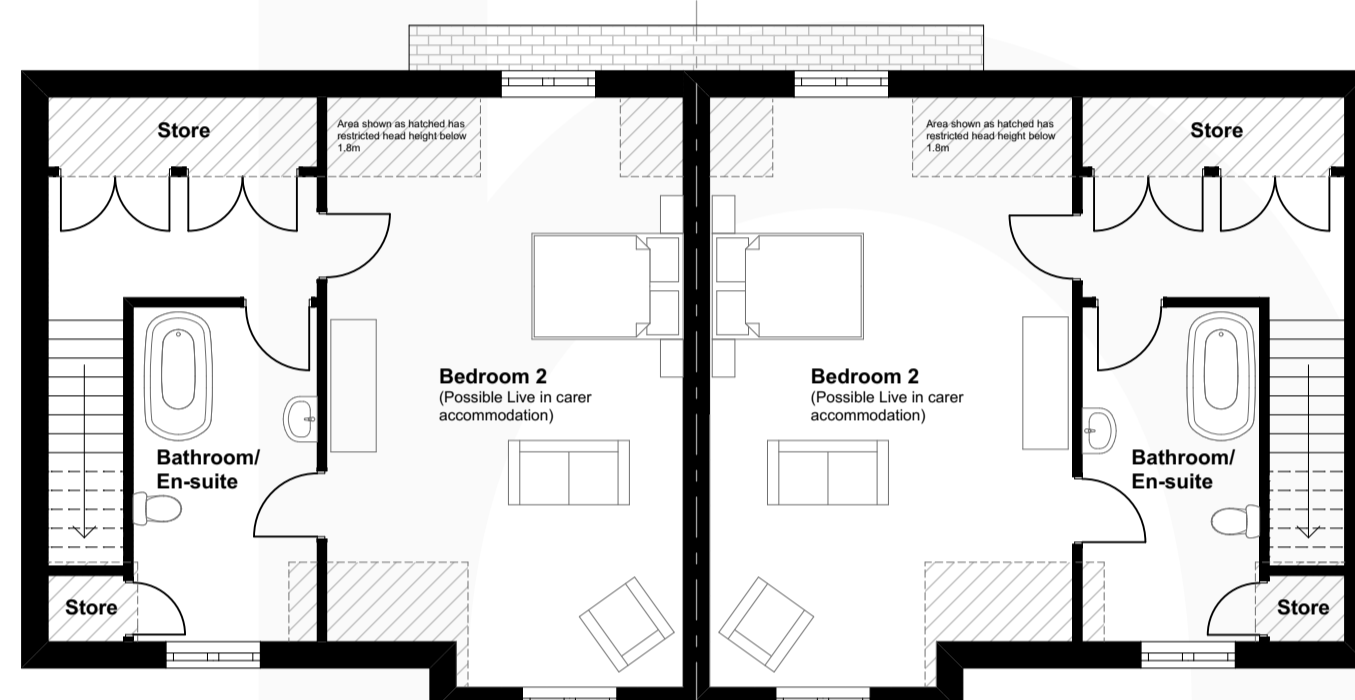
FRONT ELEVATION

**3 BEDROOM DETACHED HOUSE - HOUSE TYPE 1 (HANDED)**

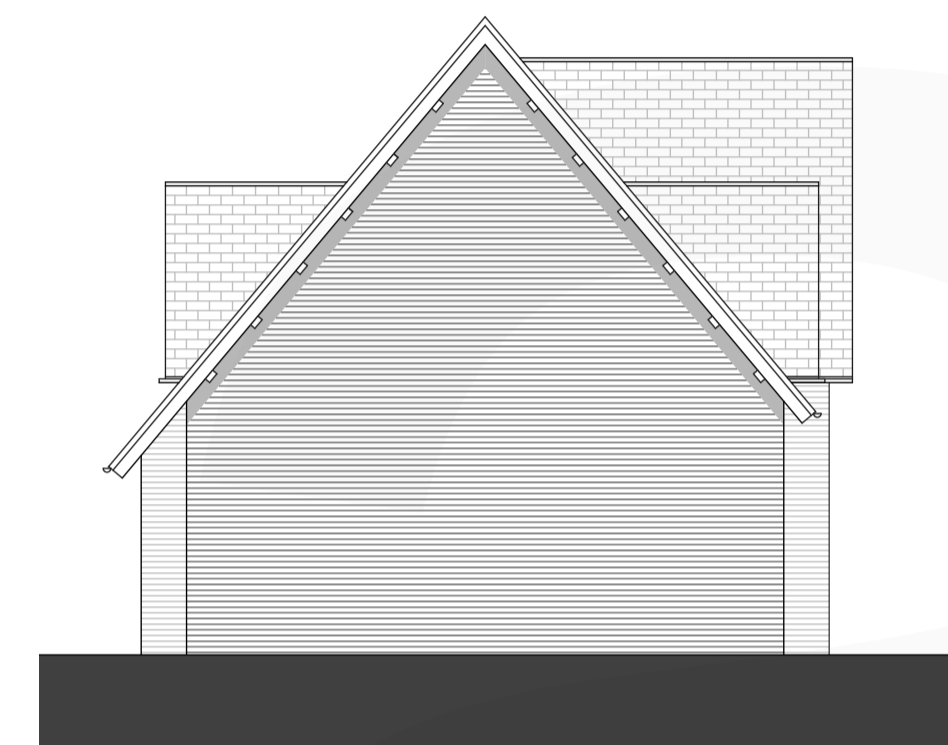
UNITS: 3 & 7

Ground Floor GIA: 52m<sup>2</sup>  
First Floor GIA: 49m<sup>2</sup>

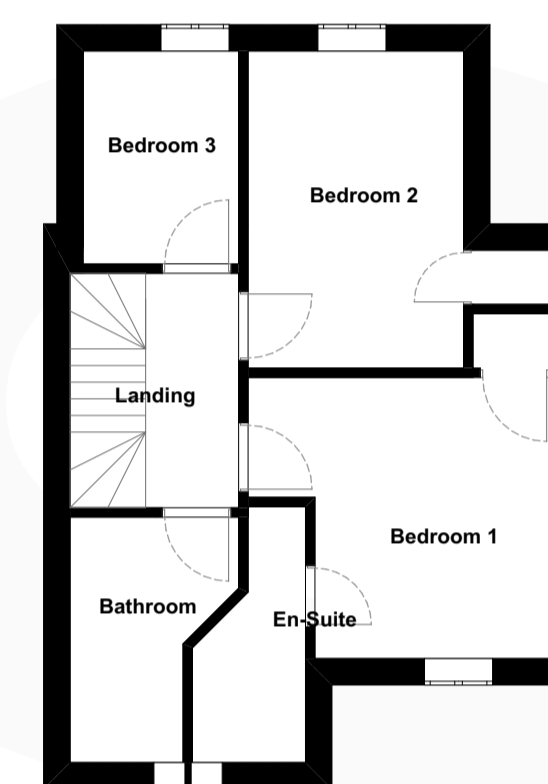
Total GIA: 101m<sup>2</sup>



FIRST FLOOR PLAN



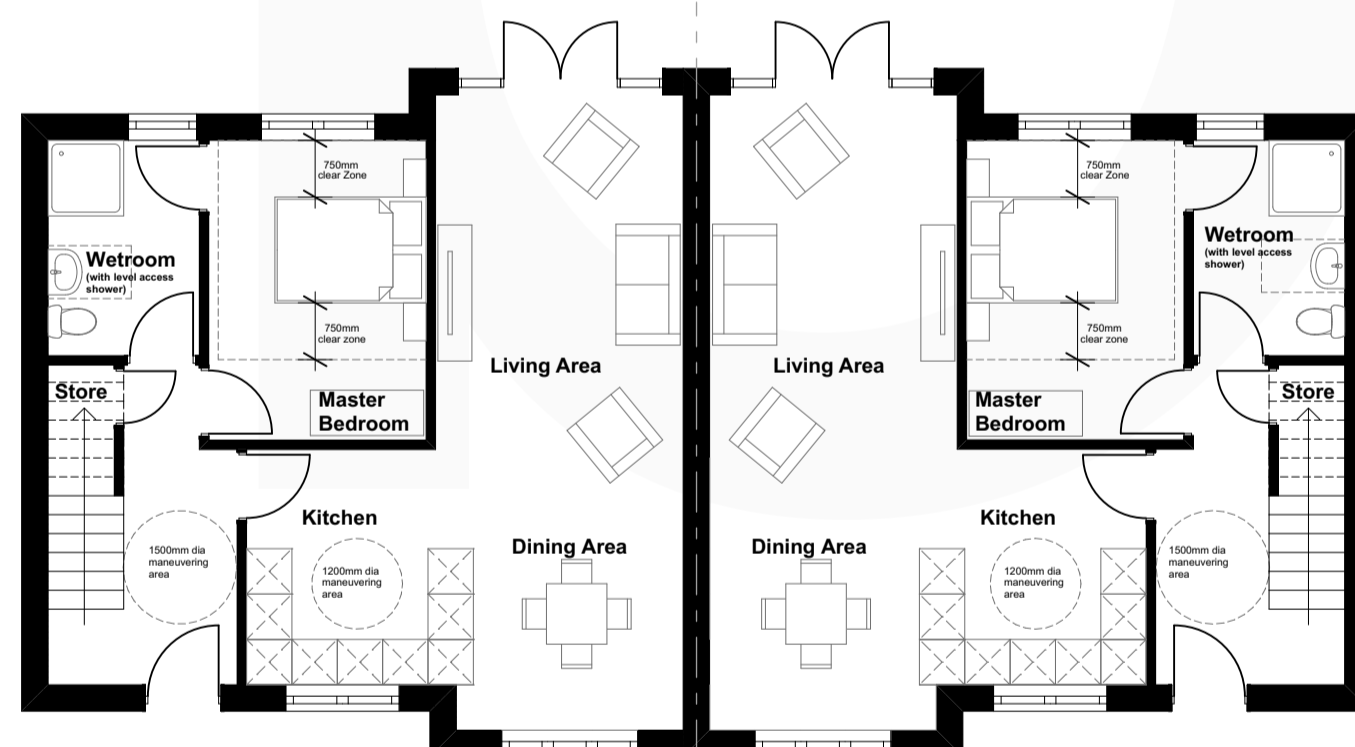
SIDE ELEVATION



FIRST FLOOR PLAN



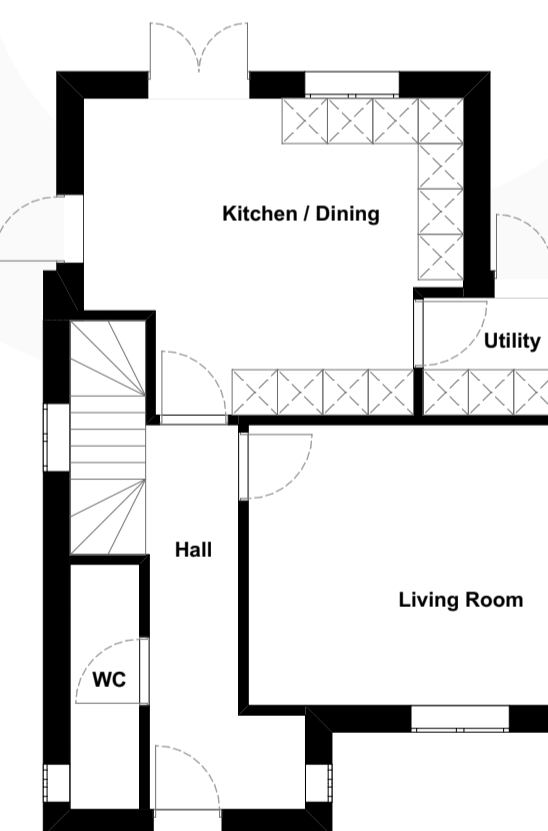
SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



GROUND FLOOR PLAN



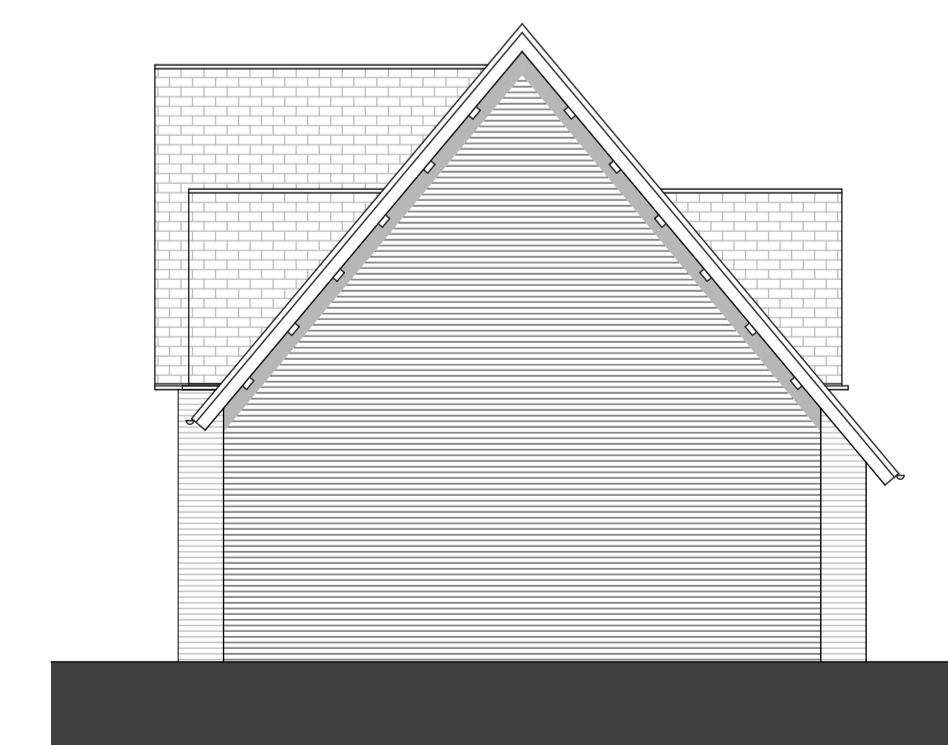
SIDE ELEVATION

**2 BEDROOM SEMI-DETACHED DORMA BUNGALOW - HOUSE TYPE 4**

UNITS: 5 & 6

Ground Floor GIA: 62m<sup>2</sup>  
First Floor GIA: 59m<sup>2</sup>

Total GIA: 121m<sup>2</sup>



SIDE ELEVATION



REAR ELEVATION

Rev No.	Date	Rev.	By.	Chk.
A	16.11.17	Handed 4 bedroom detached house type 3 replaced with 4 bedroom detached house type 4. Handed House Type 3 floor plans & elevations omitted. New House Type 4 plans & elevations added.	AT	CH

**PLANNING**

Scale	Date	Drawn by	Chk.
1:100 @ A1	May 2017	AT	DO



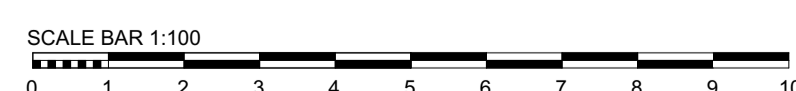
Project Title: **THE STACK YARD**

Client: **MR BROWN**

Drawing Title: **HANDED HOUSE TYPE 1 & HOUSE TYPE 4**

Project No.	Drawing No.	Revision.
BA 1747	PL-022	A

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## INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2017/0406
Site address	Land rear of Cedar Lodge, Waters Upton, Telford, Shropshire
Proposal	Erection of 8no. dwellings (including 3no. affordable units) with creation of new access ***AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED***
Recommendation	Full Grant

### Committee Update

(Accompanied by amended site plan [drawing no. PL-010 Rev D] and additional parking allocation plan [drawing no. PL-031 Rev A]).

Since preparation of the committee report an amended site plan has been received (drawing no. PL-010 Rev D) which seeks to address various concerns raised by members of committee when the application was first heard at committee on 28<sup>th</sup> February 2018.

#### Amount of on-site car parking

- Plot 4 has been reduced from a 4 bed dwelling to a 3 bed dwelling. This in turn has reduced the number of parking spaces required. The scheme now provides 23 car parking spaces whilst the parking standards outlined in the Telford & Wrekin Local Plan requires only 20 spaces. A separate parking allocation plan (drawing no. PL-031 Rev A) has been submitted which demonstrates that each dwelling will be served by a number of parking spaces equivalent to the number of bedrooms. With an over provision of car parking this addresses previous concerns and reduces the chances of vehicles having to park on the highway.

#### Suitability of the site for adoption

- The amended site plan clarifies that the road will not be adopted by the Council and will be controlled by a private management company. There is no policy requirement for the access road to be adopted. There is no statutory requirement for a refuse vehicle to proceed beyond the adopted highway and the operatives will be able to collect the bins from a newly proposed communal bin store positioned adjacent to the edge of the turning head. Elevational details of the bin store will be conditioned.

#### Shared access with agricultural vehicles

- Highways Officers have confirmed that the concerns regarding agricultural vehicles overrunning verges, footways and private drives is only applicable if having to pass opposing traffic and parked vehicles. The scheme now makes an over provision of on-plot parking spaces reducing the need for on-street parking. The amended site plan demonstrates two vehicular passing places as well as sufficient visibility allowing a car to wait in one of the two passing places. Furthermore, the likelihood of this occurring is limited as the applicant has confirmed that agricultural vehicles would only infrequently access the field (one every 2 days). As such, officers are satisfied that the amended scheme now demonstrates an integrated design approach combining access and parking which will maintain the free flow of traffic.

#### Purchase of affordable units by a Registered Provider (RP) off an un-adopted highway

- Concerns have recently been raised relating to whether Registered Providers would be willing to purchase the 3 affordable units off an un-adopted highway. This has been investigated and officers can confirm that 'Bromford', a local RSL, have confirmed in

writing that an un-adopted access road would not prevent them from purchasing the affordable units. Confirmation has now also been received by 'Severnside Housing'.

### Conclusion

Accordingly, the recommendation to committee members remains unchanged, albeit an additional condition has been included relating to details of the proposed communal bin store.

### **RECOMMENDATION**

- The recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:
  - A) The applicant entering in to a Section 106 Agreement with the Council relating to:
    - 37.5% provision of affordable housing (3 dwellings) made available for affordable rent (through a Registered Provider). All lettings should be made through 'Homes Direct' with priority for initial lettings and future relets be given to people in housing need who are long term residents of, or who have a strong local connection with, the parish of Waters Upton.
  - B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

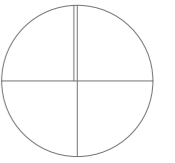
#### Conditions

1. Time Limit – Full 3 years
2. Samples of materials
3. Details of new roads/footways/access/PRoW
4. Details of off-site highway works
5. Parking prior to occupation
6. On-site construction plan
7. Foul & Surface water drainage
8. Details of enclosure
9. Tree protection plan
10. Landscaping implementation
11. Details of communal bin storage area
12. Erection of artificial nesting/roosting boxes
13. External Lighting Plan
14. Affordable housing provision (Plots 1, 5 & 6)
15. Removal of Permitted development rights
16. Development in accordance with plans

#### Informatives

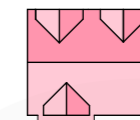
S106 Agreement  
Ecology  
Fire Authority  
Secure by Design

N

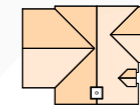


Hatched area granted outline  
planning permission Ref:  
TWC/2015/0994.

### House type Key



2 bedroom Affordable M4(2)  
Category 2: Accessible &  
adaptable dwellings



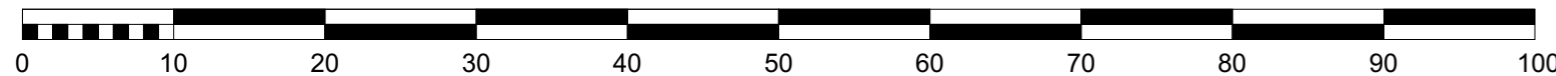
3 & 4 bedroom market  
dwellings.

### Parking Allocation:

Plot	No. Bedrooms	Parking Spaces Allocated
Plot 1	2 Bedrooms	3 Spaces
Plot 2	3 Bedrooms	3 Spaces
Plot 3	3 Bedrooms	3 Spaces
Plot 4	3 Bedrooms	4 Spaces
Plot 5	2 Bedrooms	2 Spaces
Plot 6	2 Bedrooms	2 Spaces
Plot 7	3 Bedrooms	3 Spaces
Plot 8	3 Bedrooms	3 Spaces



SCALE BAR 1:500



A	07.06.18	Changes in accordance with parking standards	CW	CH
Rev No.	Date	Rev.	By	Chk.

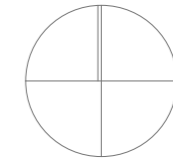
### PLANNING

Scale.	1:500 @ A3	Date.	May 2018	Drawn by.	AT	Chk.	DO
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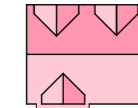
**base.**  
ARCHITECTS

Project Title.	<b>THE STACK YARD</b>		
Client.	<b>MR BROWN</b>		
Drawing Title.	<b>PARKING ALLOCATION</b>		
Project No.	<b>BA1747</b>	Drawing No.	<b>PL-031</b>
Revision.	<b>A</b>		

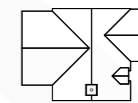
N



**House type Key**



2 bedroom Affordable M4(2) Category 2: Accessible & adaptable dwellings



3 & 4 bedroom market dwellings.



Indicates vehicular passing place



Hatched area granted outline planning permission Ref: TWC/2015/0994.

Vehicular passing place

Private Road to be controlled by a management company

Farm track to provide vehicular access to the existing agricultural store.

The proposed development will not alter the route of the public right of way

Rev No.	Date	Rev.	By	Chk.
D	12.06.18	Vehicular passing places/ communal bin storage area added and amendment to plot 1 boundary following planning officers comments.	AT	CH
C	07.06.18	Changes in accordance with parking standards	CW	CH
B	13.02.18	Revision to red line boundary to extend up to the highway as requested by the Local Authority.	AT	CH
A	16.11.2017	Revision to layout of plot 4 & 5 following correspondances with Local Authority. Revision to layout of plot 1, 5 & 6 following correspondances with Local Authority. Revision to layout of plot 1 following correspondances with Local Authority.	AT	CH

**PLANNING**

Scale	Date	Drawn by	Chk.
1:500 @ A3	Nov 2016	AT	DO



Project Title	<b>THE STACK YARD</b>		
Client	<b>MR BROWN</b>		
Drawing Title	<b>SITE LAYOUT</b>		
Project No.	BA1747	Drawing No.	PL-010
		Revision.	D

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SCALE BAR 1:500



TWC/2017/1018

Land adjacent 4 Tunnel Cottages, Aqueduct Lane, Stirchley, Telford, Shropshire  
Outline application for the erection of upto 2no. dwellings with all matters reserved

**APPLICANT**

Wrekin Housing Trust, Martin James

**RECEIVED**

19/12/2017

**PARISH**

Stirchley and Brookside

**WARD**

The Nedge

**OFFICER** Amy Howells

**THIS APPLICATION HAS BEEN CALLED IN BY STIRCHLEY & BROOKSIDE  
PARISH COUNCIL WHO OBJECT TO THE PROPOSALS.**

**1.0 THE PROPOSAL**

- 1.1 This application seeks outline consent for the erection of up to 2 dwellings with all matters reserved on the land adjacent to No. 4 Tunnel Cottages on Aqueduct Lane in Stirchley. Full Planning consent was granted in 2007 for the erection of one detached dwelling which was not implemented. A further application for three terraced dwellings was deferred at Planning Committee and was later withdrawn. The plot has therefore remained vacant and undeveloped.
- 1.2 Amended plans have been received throughout the application process to amend the indicative layout and visibility splay to meet the requirements set out by the Council's Highways Officer.
- 1.3 The indicative block plan proposes a pair of semi-detached houses with vehicular access off Aqueduct Lane. On-site parking and turning is proposed on the most up to date amended plan to be in the centre of the site as a shared driveway. Previous plans indicated two separate driveways to the side of each plot. There would also be private gardens provided to the rear.

**2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is flat and located between a row of traditional terraced properties and the 'Elms' playing field which forms part of Telford Town Park. The frontage of the site is made up predominantly of a thick roadside hedge. There is currently a gap in the hedge, which can be used as a pedestrian access to the site.
- 2.2 The site has been cleared for development in the past which was never implemented, and since then a number of trees have grown back and there are thick weeds and shrubs across the site. There is a Local Nature Reserve situated at the East of the site which forms part of the Telford Town Park.

- 2.3 There are existing residential properties on the opposite side of the road, constructed in approximately the 1970's. The application site is directly opposite the junction for Knightsbridge Crescent.
- 2.4 Aqueduct Lane is a quiet, no through road in the centre of the defined Telford urban area, and due to its proximity to the Town Park, has a relatively rural appearance despite its central location. The site is within easy access of several local centres, including Stirchley, Aqueduct and Brookside. Telford Town Centre is located approximately 2.4 miles away.

### **3.0 CONSULTATIONS**

#### **3.1 Standard consultation responses**

##### Stirchley & Brookside Parish Council: Object:

- Obstructed views over Telford Town Park
- Encroachment on green spaces and loss of amenity space for residents
- Site access and highways issues. Lack of safety for drivers along the lane.
- Trees and conservation issues
- Unsuitable development as there is no bus route serving Aqueduct Lane, no pedestrian walkway or street lighting. Not close enough proximity to schools, shops and services.

##### Highways: Initially object: Now support.

- Initially the indicative layout could not be supported as a visibility splay of 2.4m by 43m could not be achieved.

##### Following re-consultation: Support subject to conditions:

- Condition for revised visibility splay of 2m by 33m should be provided prior to commencement. Details of parking submitted to and approved in writing prior to commencement.
- Comment stating that in accordance with the Telford & Wrekin Council Local Plan a property in a suburban area such as the proposed development offering car parking for 2 vehicles we would expect the property to offer 2 bedrooms, a 3 bedroom development in that location would have to provide parking for 2.3 vehicles.

##### Drainage: Support subject to conditions:

Scheme of foul and surface water drainage.

##### Arboricultural: Support subject to conditions:

There would be no objection subject to replacement trees being planted which are more suited to the site and new site surroundings.

##### Ecology: Support subject to conditions:

- A lighting plan
- The erection of artificial roosting and nesting boxes.
- Ecological Mitigation Strategy and Method Statement.
- Requirement for tree planting along the boundary between the site and the LNR to act as a buffer.

Informatives for Nesting birds, bats, trees and disturbance of debris and rubble.

Contaminated Land (Environmental Health): Support subject to conditions:  
Contaminated land condition.

Healthy Spaces: Comment:

- Two boundaries of the site meet the Telford Town Park; the boundary abuts a Local Nature Reserve. There should be no encroachment on this boundary.
- The site also abuts a Green Guarantee Site and there should be no encroachment on this land.

Shropshire Fire Service: Comment

Recommend fire safety informative

West Mercia Police: Comment:

Recommend secured by design informative.

### 3.2 **Neighbour consultation responses**

The Local Planning Authority consulted 8 neighbouring properties. Following consultation, there have been 46 letters of objection received, raising the following issues:

#### Material Planning Considerations

- Impacts upon highway safety and the narrow lane.
- Increase in traffic the new dwellings would introduce.
- Increased parking along the road opposite the junction for Knightsbridge Crescent.
- Insufficient parking provided for each property to prevent cars parking along the road.
- Access to the existing properties (Tunnel Cottages) is already dangerous.
- Lack of ability to achieve a suitable visibility splay.
- Lack of pedestrian footpath along Aqueduct Lane. Safety for pedestrians.
- Houses will be out of keeping with current traditional properties (Tunnel Cottages) and not sympathetic to the surrounding area.
- The scale and appearance of the new dwellings would be unacceptable.
- Loss of privacy and overbearing impact upon the existing dwellings.
- Access to the Silkin Way being obstructed.
- Lack of proximity to shops and schools. Not a sustainable location.
- Fears that by allowing developers to build 2 houses, this will set precedent to allow building on fields.
- Proximity to a Local Nature Reserve.
- Proximity to the 'Elms' Playing field and Telford Town Park.
- The application cuts into a section of the Town Park.
- Drainage infrastructure in place cannot cope with existing properties and does not have capacity for any further dwellings.

- The removal of any hedges is not acceptable and would spoil the appearance of the lane.
- The hedge running along Aqueduct Lane is part of the Green Guarantee and should be protected.
- Telford has exceeded its 5 year land supply and does not need any further new houses.
- The development site contains wildlife including newts, snakes and nesting birds.
- The Preliminary Ecological Report carried out should be discarded as it was conducted at a time of year when Great Crested Newts would not have been above ground.
- The removal of trees for the proposal is not acceptable.
- Loss of green space and amenity of the area.
- Brownfield land exists elsewhere and should be utilised for housing instead.
- References made to the previous applications on the site, predominantly TWC/2015/0566, the unacceptable nature of this application and how it was rejected.
- The site is formally agricultural / garden land and should not be built on. Garden grabbing has also been raised as an issue.
- Objections regarding the planning process including the lack of display of a site notice, non-consultation of neighbours who were consulted on previous applications and discipline of council staff during the last application.
- The construction traffic to build the dwellings would be unsuitable for the lane.

A number of objections were raised which are not considered to be material planning considerations:

- Loss of view of the Town Park from neighbouring properties.
- Suggestion that the land should instead be used as an extension to the existing nature reserve or community garden land.
- The query of why houses need to be built in an area where residents do not wish further houses to be built.
- The query of why another application has been submitted when previous applications have been rejected.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 Previous Planning Applications for the site include:

- TWC/2015/0566 Erection of 3no. Terraced dwellings with associated parking, landscaping and access \*\*\*amended red led line (to extend the plot) and additional information received\*\*\* Withdrawn: 21/04/2016. This application was heard at Planning Committee on 28/10/2015 and was deferred due to the submission of further amended plans. The Applicant chose not to proceed with the application following this and it was subsequently withdrawn.

- W2007/0990 Erection of detached dwelling with construction of a new vehicular access \*\*\*amended description\*\*\* Full granted: 17/09/2007. This application was granted, however was never implemented.
- W2004/1408 Residential Development (Outline). Full refused: 31/01/2005 This outline application for 3-5 dwellings was refused due to insufficient information, the site being of an inadequate size to accommodate the number of dwelling proposed without adversely affecting the character of the area and neighbouring properties, and the access not being adequate.

## 5.0 RELEVANT POLICIES

- 5.1 National guidance:  
National Planning Policy Framework Para 6: Delivering a wide choice of high quality homes, 7: Requiring good design & 11: Conserving and enhancing the natural environment.
- 5.2 Telford & Wrekin Local Plan
- SP1 Telford
  - SP4 Presumption in favour of sustainable development
  - HO1 Housing requirement
  - HO4 Housing Mix
  - BE1 Design Criteria
  - NE1 Biodiversity and Geodiversity
  - NE2 Trees, hedgerows and woodlands
  - NE6 Green Network

## 6.0 PLANNING CONSIDERATIONS

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

- Principle of development
- Design
- Impact on Neighbour Amenity
- Highways/Access
- Ecology and Trees
- Drainage

### Principle of Development

- 6.1 Policies SP1 and HO1 of the Telford & Wrekin Local Plan indicate that the built up area of Telford should be where the majority of housing growth within the borough is centred. The site falls within Telford's urban boundary, is within the established residential neighbourhood of Stirchley and is situated within a sustainable location where there are public transport links to the wider area, local shops, schools, hospitals, recreational centres and other public facilities. Policy SP4 states that the Local Planning Authority should work in favour of sustainable development and it is considered that this development complies due to its access to services and its location within the urban boundary of the borough.

- 6.2 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.
- 6.3 Policy HO4 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.
- 6.4 Objections have been raised by neighbouring residents and the Parish Council, indicating that the area is unsustainable to permit further housing due to the lack of services and schools within the immediately surrounding area. There are a number of primary schools within close proximity to the site, including Aqueduct Primary School which is 1.2km away, and Windmill Primary School in Brookside is 1.4km miles away. Furthermore, The Telford Park School (Secondary education) is approximately 1.2km away. The site is also in close proximity to a number of local centres, including Stirchley, Aqueduct and Brookside which are all within a mile radius of the site. There is also an adequate Arriva bus route which runs along Southhall Road where both the No. 1 and No. 2 bus service stops. This road is 300m away from the application site and is considered to be a sufficient service to facilitate the existing residents and any new dwellings.
- 6.5 Overall, it is considered that the principle of erecting a dwelling in this urban location is acceptable as it complies with the policies discussed above. In addition it is considered to be a sustainable location for new housing as it provides adequate access to shops, services, schools and public transport.

### Design

- 6.6 The proposal is for the erection of up to 2 dwellings and would see the site split into Plots 1 and 2 with shared access centrally and parking situated at the front and amenity space to the rear.
- 6.7 Policy BE1 of the Telford & Wrekin Local Plan provides guidance to assess whether or not proposals are of an appropriate design, quality and relate positively their context. It advises the Council to assist in creating and sustaining safe places, strengthening local identity and projecting a positive image.
- 6.8 The proposed dwellings as indicated on the illustrative plan would be of modest proportions in relation to the size of the plots. The original submitted design showed the dwellings situated at the front of the plot, facing the highway and level with the existing cottages. However, the visibility splay requested could not be achieved as the parking was situated on either side of the dwellings and the view was obstructed by a hedge on one side and a

fence on the other, both out of the Applicant's ownership and control. The plans were therefore amended to show the dwellings set back.

- 6.9 Local residents and the Parish Council raised objections that the new dwellings would be out of keeping with the existing. However it is considered that at this stage Officers cannot comment on these issues as information regarding design and materials are a reserved matter. Officers would ensure at Reserved Matters stage that a suitable scheme was submitted which would not be out of character with the surrounding area.
- 6.10 The site is adequate to accommodate up to 2no. dwellings with vehicular access and as this is an outline planning application with all matters reserved, details of layout, scale, appearance, and landscaping will be for consideration at a later stage with the submission of a 'reserved matters' application with the view to a scheme that would attempt to blend in with the adjacent properties. Officers are satisfied that at Reserved Matters stage, that two suitably designed dwellings that are of an appropriate scale and that would complement setting could be achieved.

#### Impact on Neighbour Amenity

- 6.11 The land for development is level, bound by hedging and fencing providing adequate screening from the highway and the residential properties that adjoin the site. The indicative site plan shows that the application site could accommodate two dwellings with access whilst still maintaining an adequate amount of amenity space and not have a significant impact on the amenities of the adjoining property, No. 4 Tunnel Cottages.
- 6.12 Despite concerns being raised by local residents regarding the revised plan and the over-bearing impact and loss of privacy this may cause upon No. 4 Tunnel Cottages, Officers are satisfied that the set back is modest. As the plan is only an indicative site plan, full consideration of design and impact on amenity would be done at Reserved Matters stage. The layout design for the current dwellings also replicates that which was approved under the full 2007 consent. Furthermore, Officers would ensure at Reserved Matters stage that the design and position of the dwellings would not impact upon the amenity of neighbouring residents and that windows would also be placed sensibly to avoid any issues of overlooking.
- 6.13 There would be a distance of approximately 30m between the front boundary of the site and the dwellings situated opposite (No. 1 Knightsbridge Crescent and No. 23 Aqueduct Lane) which is considered to be acceptable and would result in no loss of privacy to those existing dwellings.
- 6.14 Residents raised objections regarding the loss of the view from their properties. Officers acknowledge that there will be a change in outlook for the properties opposite the site, however unfortunately Officers cannot consider this as part of the proposals as there is no right to a view.

- 6.15 Overall it is considered that two dwellings can be erected on the site in a manner which will not cause any adverse impacts upon neighbouring residents.

#### Highways/Access

- 6.16 The indicative site plan shows a new access off Aqueduct Lane with adequate parking and manoeuvring space for this proposal; each dwelling would have two parking spaces which is in accordance with the guidance set out in the Telford & Wrekin Local Plan. The existing hedge on the front elevation would need to be removed to accommodate the new access, however this would only be the hedge directly to the front of the site and would not include the hedge outside of the site boundary which continues to run along Aqueduct Lane.
- 6.17 The first plan submitted was objected to by the Highways Officer as the visibility splay of 2.4m by 43m could not be achieved. The parking spaces were shown to be positioned at either side of the dwellings and there were obstructions in place in the form of a hedge on the North elevation and a fence on the South elevation. In order to achieve the visibility splay here, a section of hedge on the adjoining land would need to be removed. The hedge outside the boundary of the site is now designated as part of the Green Guarantee and is within Council ownership. It was indicated to the applicant that in order to remove this hedge, an agreement would need to be put in place with the Council for the applicant to buy the hedge. Many objections were raised by local residents and the Parish Council regarding the importance of retaining the hedge.
- 6.18 Instead the Applicant chose to find another route which would avoid crossing over third party land. An amended layout plan was submitted, and the Applicant conducted a speed survey along Aqueduct Lane to measure the speed in which people travel on average. Following the submission of the survey, the results indicated that on average residents travelled at 25mph or less, which has resulted in the Highways Officer allowing a reduced visibility splay of 33m. The Applicant has indicated on a plan that this visibility splay is achievable without the need to cross onto third party land or remove any of the hedge within the Green Guarantee and therefore the Highways Officer has raised no further objection except to request conditions be included on any decision notice for planning consent.
- 6.19 Concerns have been raised by local residents regarding the impact that permitting further dwellings will have upon the highway network, the speed of travelling vehicles and the amount of traffic the dwellings will cause along Aqueduct Lane. Officers consider that due to the results of the speed survey, that the lane is not excessively busy and people on average travel at 25pmh or less, and that the addition of two further dwellings would not have an impact on the existing road network, despite the narrow nature of the road, as it already serves a large number of houses. The number of vehicles travelling along the lane would not increase excessively as a result of erecting two further dwellings and therefore Officers do not have concerns regarding this.

- 6.20 Objections have also been raised due to the lack of footpath along the front of the application site and in front Tunnel Cottages. However the road is not considered to be busy, and the results of the speed survey indicate that people on average travel below the speed limit. The Highways Officer has confirmed they have no further objection and that there is no requirement to provide a footpath.

### Ecology and Trees

- 6.21 Despite concerns raised by the Parish Council and local residents, Officers can confirm that the site does not form part of the Green Network, Telford Town Park or the Local Nature Reserve, all of which are alongside the rear boundary of the site. There are concerns raised by neighbours that the development would be an encroachment onto the green land within the Town Park. The land does not constitute open land, would not encroach into the Town Park and is considered to be a vacant site with unimplemented planning consent.
- 6.22 A Preliminary Ecological Appraisal has been conducted and following the submission of this, the Ecology Officer has confirmed they have no objection to the proposal, subject to a number of conditions and informatives be included on the decision notice of any planning consent granted.
- 6.23 The Ecology Officer has also confirmed that some tree planting would be required along the boundary between the site and the Local Nature Reserve to act as a buffer. In addition to this, the Tree Officer has confirmed they have no objection to the proposal and that felling of some trees would be acceptable, provided a scheme was put in place to encourage re-planting in more appropriate areas of the site which fits in with the development which can be conditioned.
- 6.24 Objections have also been raised stating that the development will not be of benefit to the community, resulting in the loss of amenity for local residents and the loss of a potential community area. There is the suggestion that the land could be used as a community garden. However, Officers can only consider the acceptability of the application before them, and not alternative, speculative uses. There have been further objections raised regarding a right of way through the site which would be lost, however Officers can confirm that the site is privately owned, and no right of way exists through the site. There is a right of way directly to the North of the site which would not be affected by the proposals.
- 6.25 Officers are therefore satisfied that the principle of the development in this location is acceptable, which would not encroach upon the adjacent Green Network, Local Nature Reserve or Town Park. This consideration would be in accordance with Policy NE1 Biodiversity and Geodiversity and NE6 Green Network of the Telford & Wrekin Local Plan and the NPPF.

### Drainage

6.26 The Council's drainage department have indicated that they have no objection to the proposal and have recommended conditions in order to ensure sufficient drainage on the site. These conditions are pre-commencement and will need to be submitted before any works can commence on site. Concerns have been raised by local residents regarding the inadequate drainage facilities in the immediate area, however the Drainage Officer has confirmed they have no objection.

## **7.0 CONCLUSIONS**

7.1 The principle of the development of two dwellings on this vacant plot of land in this sustainable urban location is considered to be acceptable. The indicative layout and scale of the development demonstrates that the site can accommodate the proposed form of development with adequate parking and private amenity space. Officers are satisfied that at Reserved Matters stage, a suitably designed scheme can be designed that respects the character of the area and does not adversely impact on amenity of neighbouring properties. Issues relating to ecology, trees and drainage have been resolved to the satisfaction of Officers and can be addressed by condition. The application is therefore considered to be in accordance with Policies SP1, SP4, HO1, HO4, BE1, NE1, NE2 and NE6 of the Telford & Wrekin Local Plan and National Policy Guidance.

## **8.0 RECOMMENDATION**

8.1 Based on the above conclusions it is recommended to GRANT OUTLINE CONSENT subject to the following conditions (and any others the Officer deems necessary):

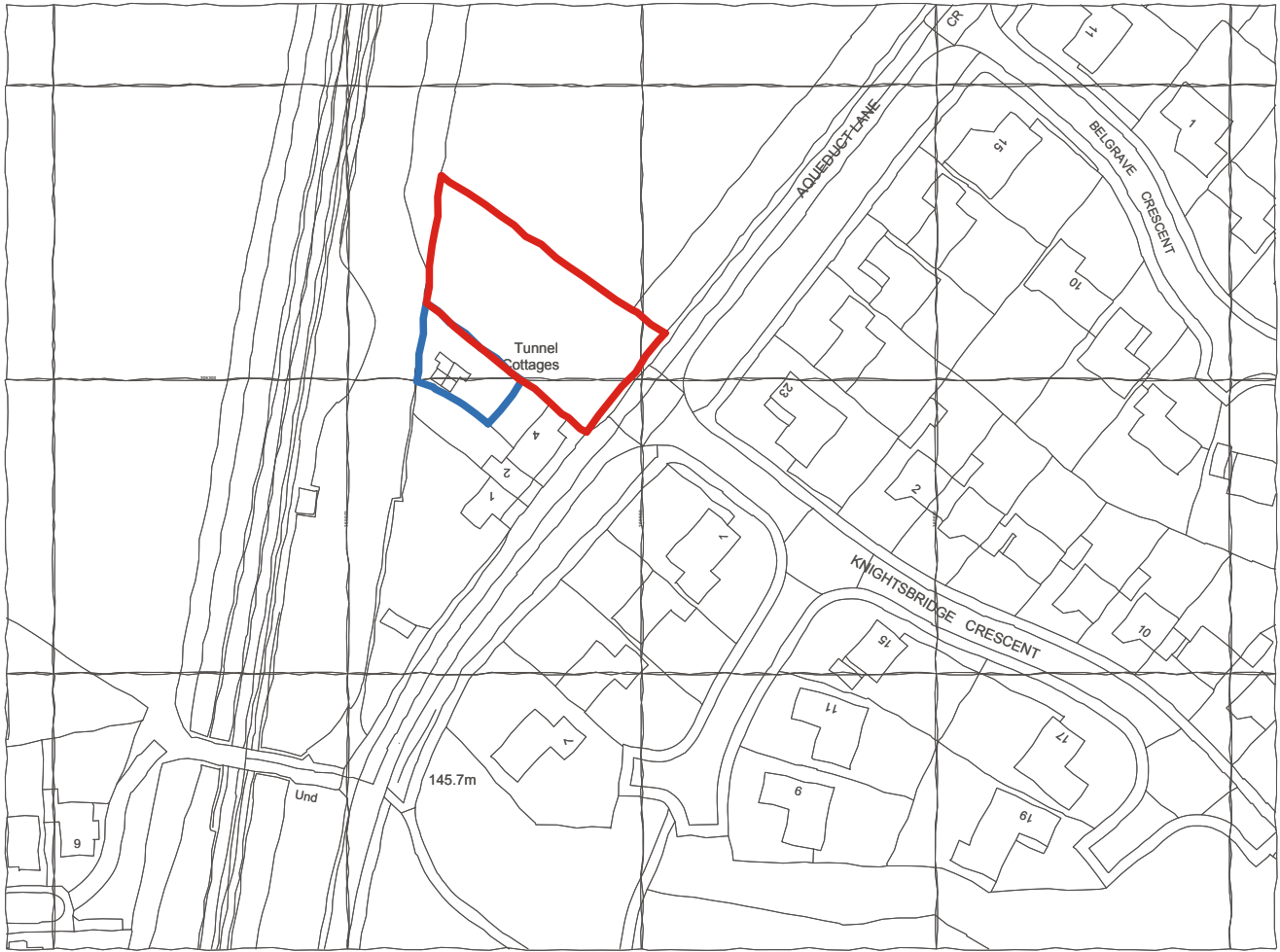
### Conditions (to be finalised)

- A01 Time limit Outline- 2 years
- A03 Time limit – Submission of Reserved Matters – 2 years
- B001 Standard Outline – all matters reserved
- B003 General Details required
- B011 Sample materials
- B30 Highways New Access
- B44 Details of parking
- B61 Foul and Surface water drainage
- B121 Landscaping Design
- B133 Tree replacement
- C014 Visibility splays
- C109 Erection of artificial nesting/roosting boxes
- C109 Lighting Plan
- Custom Ecological Mitigation Strategy and Method Statement
- C38 Development in accordance with deposited plans

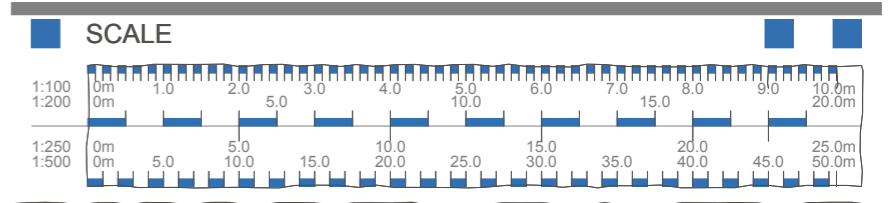
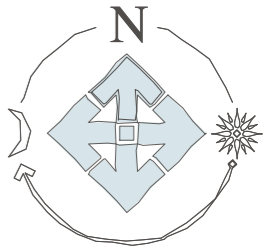
### Informatives (to be finalised)

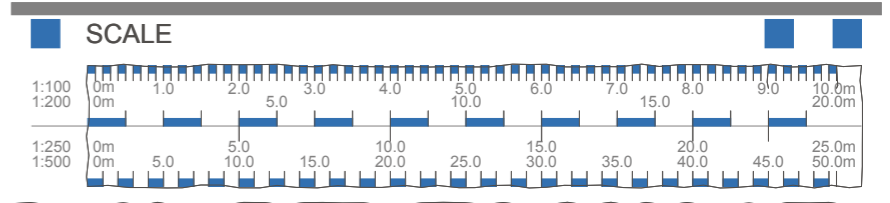
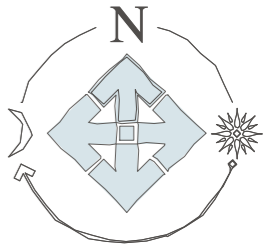
- I11 Highways

I25 Ecology Informatives  
I40 Conditions  
I44 Reasons for Outline Consent  
RANPPF1 Reasons for approval



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TWC/2018/0288

Land rear of Edgmond Foods, Units 6 -10 Audley Avenue Industrial Estate, Audley Avenue, Newport, Shropshire

Variation of Condition 9 of planning permission TWC/2017/0341 relating to submission of air quality information

**APPLICANT**

BP (Oil) UK Ltd,

**RECEIVED**

06/04/2018

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South and East

**OFFICER** Kate Stephens

**COUNCILLOR ANDREW EADE HAS REQUESTED THE APPLICATION BE CONSIDERED BY THE PLANNING COMMITTEE.**

**1. PROPOSAL**

1.1 This application seeks to vary condition 9, relating to air quality, on planning application TWC/2017/0341 that granted planning permission for a Petrol Filling Station (PFS) off a new access on the A41 and off Audley Avenue.

1.2 Condition 9 currently reads:-

*Prior to the commencement of development an investigation of the site is to be undertaken to address any air quality concerns. The scope of the air quality assessment needs to incorporate (but is not limited to):*

- *An assessment of construction dust impacts assessed using IAQM 'Guidance on the assessment of dust from demolition and construction';*
  - *A review of baseline air quality conditions at the application site and surrounding area using TWC monitoring data and Defra projected backgrounds;*
  - *A detailed assessment of traffic emissions impacts using ADMS Roads for NO<sub>2</sub> and particulate (PM<sub>10</sub> and 2.5); and*
  - *Identification of mitigation requirements.*
- a) *The commissioning of the development shall not take place until a scheme for the monitoring of air pollution in the vicinity of the development is submitted, and is approved in writing by the Local Planning Authority. The scheme shall include the measurement locations within the Local Authority's area from which air pollution will be monitored, the equipment and methods to be used and frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to commissioning of the development, and for the final measurement to be taken not more than 24 months after the commissioning of the development. The company shall supply full details*

*of the measurements obtained in accordance with the schemes, as soon as they become available.*

- b) *Should the Local Authority require continued monitoring of air pollution, the company shall extend the scheme approved pursuant to part a) above, for the period of up to 36 months from the date of the last measurement taken, pursuant to Condition a. The company shall supply full details of the measurements obtained in accordance with the schemes, as soon as they become available.*

*Reason: In order to protect public health and preserve amenity.*

- 1.3 The applicant notes that the condition seeks to monitor air quality in relation to three main factors – traffic emissions, construction dust, and monitoring air pollution in the vicinity of the site both pre and post-development for 36 months. The application considers that all of this together is too onerous in relation to the scale of the petrol filling station and its location, and what has been required of other planning development in the vicinity. However, the applicant considers that dust from construction should continue to be monitored.
- 1.4 In light of this and following the submission of additional information listed in 1.5 below, the applicant is proposing that condition 9 be amended to read:-

*“Development shall occur in accordance with the Construction Environmental Management Plan by Fox Construction (30th March 2018). All works which form part of the plan shall be implemented throughout the construction phase of the development unless otherwise approved in writing by the Local Planning Authority.”*

- 1.5 The application form and plans are also accompanied by the following documents:
- Covering letter
  - Air Quality Technical Note, prepared by Wardell Armstrong
  - Construction Environmental Management Plan, prepared by Fox Construction
  - Transport Technical Note, prepared by Markides Associates

## **2. SITE AND SURROUNDINGS:**

- 2.1 The 0.41ha brownfield site is located approx. 1.2kms south-east of Newport town centre, within the built up area of Newport (as defined on the Local Plan Policies Map) and within an established industrial area off Audley Avenue. The site once formed part of a larger site proposed for a supermarket, which was allowed on appeal in 2014 but which has not been built.
- 2.2 The A41 forms the eastern site boundary. There are industrial buildings to the west, and south is a vacant brownfield site that has recently been granted consent for retail development (TWC/2016/173), whose red line overlaps with this current application as the two proposals will share the same new access

off the A41. Further to the south is a recently constructed Aldi supermarket (on site of former Focus DIY store). This part of Audley Avenue is a commercial area which includes a range of industrial, retail and office uses, a John Deere Tractor showroom to the west and the Audley Avenue Enterprise Park to the north-west.

- 2.3 There is an undetermined outline application TWC/2016/1152 for housing (amended for up to 63 dwellings) abutting the site's northern boundary and which extends westwards onto Audley Ave and Parkland House/car auction.

### **3. RELEVANT PLANNING HISTORY**

TWC/2017/0341 - Erection of petrol filling station with sales building, canopy, car parking, 8no. fuel pumps, 2 no. underground storage tanks, air/water bay, vent stack, retaining structure, new access to A41, ancillary arrangements to forecourt and boundary treatment. Full granted 21/2/18

TWC/2011/0632 – Proposed Foodstore. Allowed on appeal July 2012.  
Note: This included the PFS site which was shown as the service area.

On adjacent/nearby sites:

TWC/2017/1073 Erection of 1no. foodstore, 4no. retail units and 1no. cafe/restaurant unit with formation of new access onto the A41 and associated parking, landscaping and servicing. Full granted 4/12/17. Note: This application shares the same new access onto the A41

TWC/2013/0889 Petrol filling station. Outline granted 25/6/14.

### **4. PLANNING POLICY CONTEXT:**

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

- Section 11: Conserving and enhancing the natural environment

4.2 Telford & Wrekin Local Plan

- SP2: Newport
- SP4: Presumption in favour of sustainable development
- BE1: Design Criteria

### **5. SUMMARY OF CONSULTATION RESPONSES:**

#### **Standard consultation responses**

- 5.1 Newport Town Council – No comment.

## 5.2 Ward Councillor Andrew Eade – Object

- Would oppose the removal of this condition which was put in place for public health and amenity reasons.
- If you are minded to approve Rapleys' proposals for removal, I would like this application to be determined by the Planning Committee.

## 5.3 TWC Public Protection - Support

Having reconsidered this on additional information received including:

- i. Air quality technical note dated the 4th April 2018
- ii. Transport technical Note dated 31st March 2018
- iii. Construction Environmental Management Plan 30th March 2018

The proposed variation to condition is reasonable.

## 5.4 Shropshire Fire Services – No Comment

## 6. PLANNING CONSIDERATIONS:

6.1 Planning permission has already been granted for the PFS under application TWC/2017/0341, so the principle of the development on this site has already been established. For that application the Council's Environmental Health Officer requested the imposition of condition 9. Officers were concerned about the proposed increase in housing development adjacent and near to the PFS site, and in particular benzene (a volatile organic compound found in stored fuels), and that there was no suitable local data available.

6.2 Condition 9 requires an investigation of the site to assess any air quality concerns that need to be addressed to include:

- An assessment of construction/demolition dust impacts
- Review of baseline air quality conditions at the site and surrounding area using TWC monitoring data and DEFRA projected backgrounds,
- Traffic emissions impacts using ADMS Roads for NO<sub>2</sub> and particulate (PM<sub>10</sub> and 25),
- Identify any mitigation requirements.

6.3 Air pollution monitoring would be required for 12 months before commissioning of the development and for 24 months after commissioning, with scope for further monitoring if the Local Authority considers it necessary. The applicant's agent has sought to address these concerns with the submission of additional information in para 1.5 and considers the timescale and all the requirements of the condition to be excessive and unjustified, taking into account the relatively small-scale nature of this particular PFS.

6.4 With regards traffic emissions, the applicant's agent considers that traffic monitoring is excessive, taking into account that much of the traffic visiting the PFS is likely to be already passing the site and that as a result, air quality impacts at the site will be insignificant. Also there is new housing development in the vicinity of the site that has been granted planning permission, and similar conditions have not be required for those

developments. Therefore any traffic emission monitoring will not necessarily distinguish between traffic created by the PFS or traffic that will be generated from the housing development.

- 6.5 The applicant's Air Quality Technical Note (prepared by Wardell Armstrong) advises that the site is not within or close to an Air Quality Monitoring Area (AQMA) or known area of air quality concern, either within Telford & Wrekin Council's area or within adjacent authorities. The concentrations of NO<sub>2</sub> (Nitrogen Dioxide) and fine particulate matter (PM<sub>10</sub>) at the site is 7.86 and 13.02 µg/m<sup>3</sup> respectively. This is below the annual mean air quality objective for both of these pollutants, which is 40 µg/m<sup>3</sup>. Therefore the applicant's supporting information concludes that any slight increase in pollutant concentrations as a result of the PFS alone will not cause any air quality levels to be reached or exceeded at existing or future receptor locations. Furthermore Benzene emissions are not considered to be significant as to cause concern.
- 6.6 With regards construction/demolition dust, the applicant's agent still proposes that this should be monitored. A Construction Environment Management Plan (prepared by Fox Construction) has been submitted that sets out on-site measures to suppress dust, such as spraying areas with water particularly on dry or windy days. The Council's Environmental Health Officer is now satisfied with these measures.
- 6.7 Much of this information was not presented at the time of assessing the PFS application and the applicant's agent has also spoken with the Council's Environmental Health Officer. Now that it has been submitted, the Council's Environmental Protection Officer is satisfied that traffic emissions are no longer an issue and baseline monitoring data has been provided. Therefore he is satisfied that the only element of condition 9 that requires monitoring is potential dust from demolition/construction. Hence he agrees to the proposed re-wording of Condition 9.
- 6.8 Planning officers concur with the applicant's agent that condition 9, as proposed to be re-worded, will not affect public health nor amenity in accordance with Policies SP4 (Presumption in favour of sustainable development) and BE1 (Design criteria)..

## **7. CONCLUSIONS**

- 7.1 Much of the information that has now been submitted with this variation of condition application was not presented at the time of assessing the PFS application. Now that it has been, the Council's Environmental Protection Officer is satisfied that traffic emissions are no longer an issue and baseline monitoring data has been provided. Therefore he is satisfied that the only element of condition 9 that requires monitoring is potential dust from demolition/construction. Hence condition 9 can be re-worded to read:  
*"Development shall occur in accordance with the Construction Environmental Management Plan by Fox Construction (30th March 2018). All works which form part of the plan shall be implemented throughout the construction phase*

*of the development unless otherwise approved in writing by the Local Planning Authority.”*

- 7.2 The effect of granting this variation of condition application is to issue a new decision notice for the PFS, with the imposition of conditions relevant to the PFS. However, some of the PFS pre-commencement conditions have already been discharged under the PFS application and need not be imposed again on this new decision. Therefore the conditions will need to be revised to address those that have been discharged already and those that still require discharging, but this had not been finalised at the time of writing this report.

## **8. RECOMMENDATION**

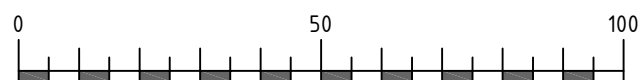
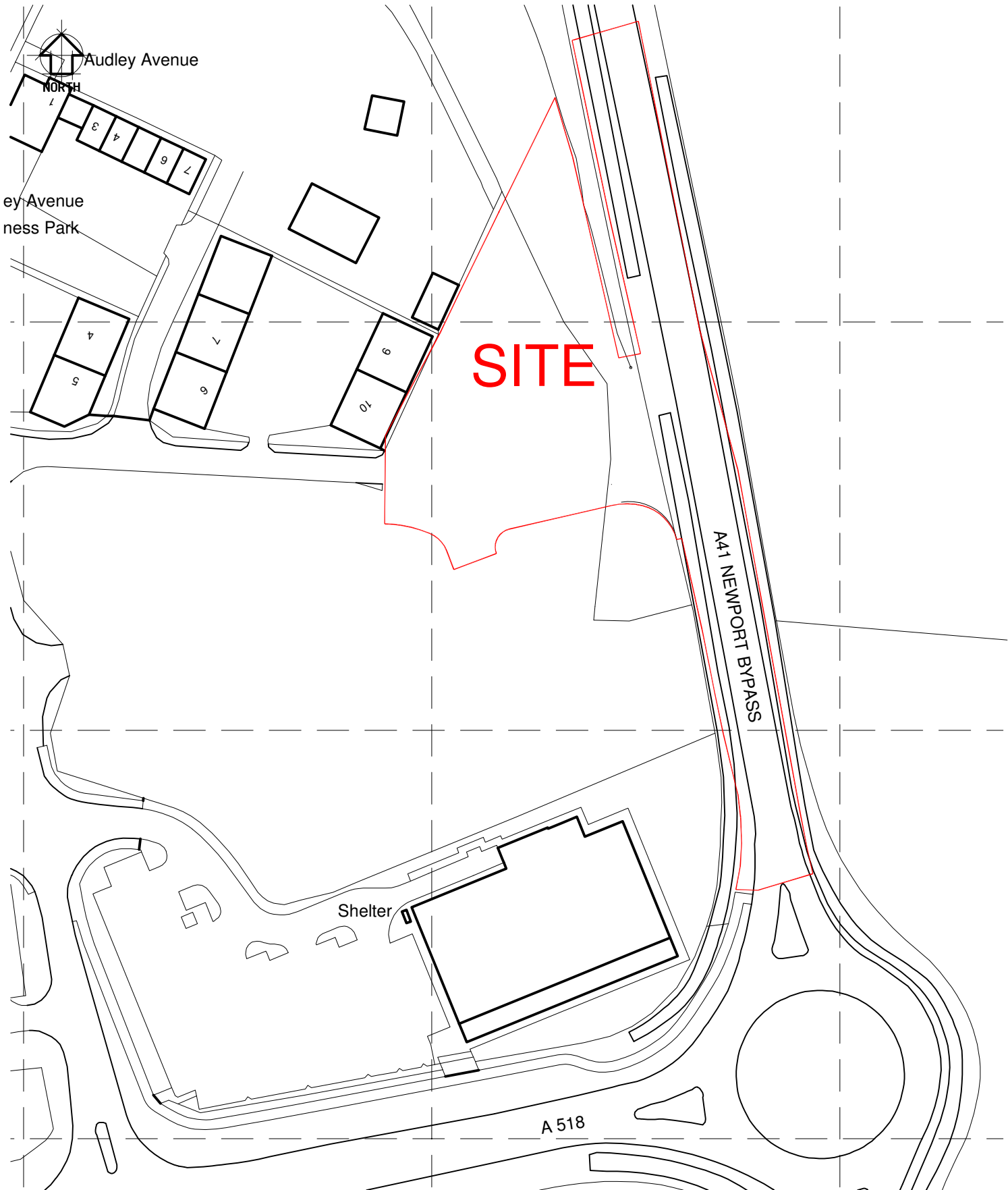
- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **PLANNING PERMISSION IS GRANTED** to:-

a) Vary condition 9 to read:-

*“Development shall occur in accordance with the Construction Environmental Management Plan by Fox Construction (30th March 2018). All works which form part of the plan shall be implemented throughout the construction phase of the development unless otherwise approved in writing by the Local Planning Authority”.*

And

- b) Subject to other relevant conditions from TWC/2017/0341, with delegated authority for officers to finalise conditions.



SCALE - METRES - 1:1250

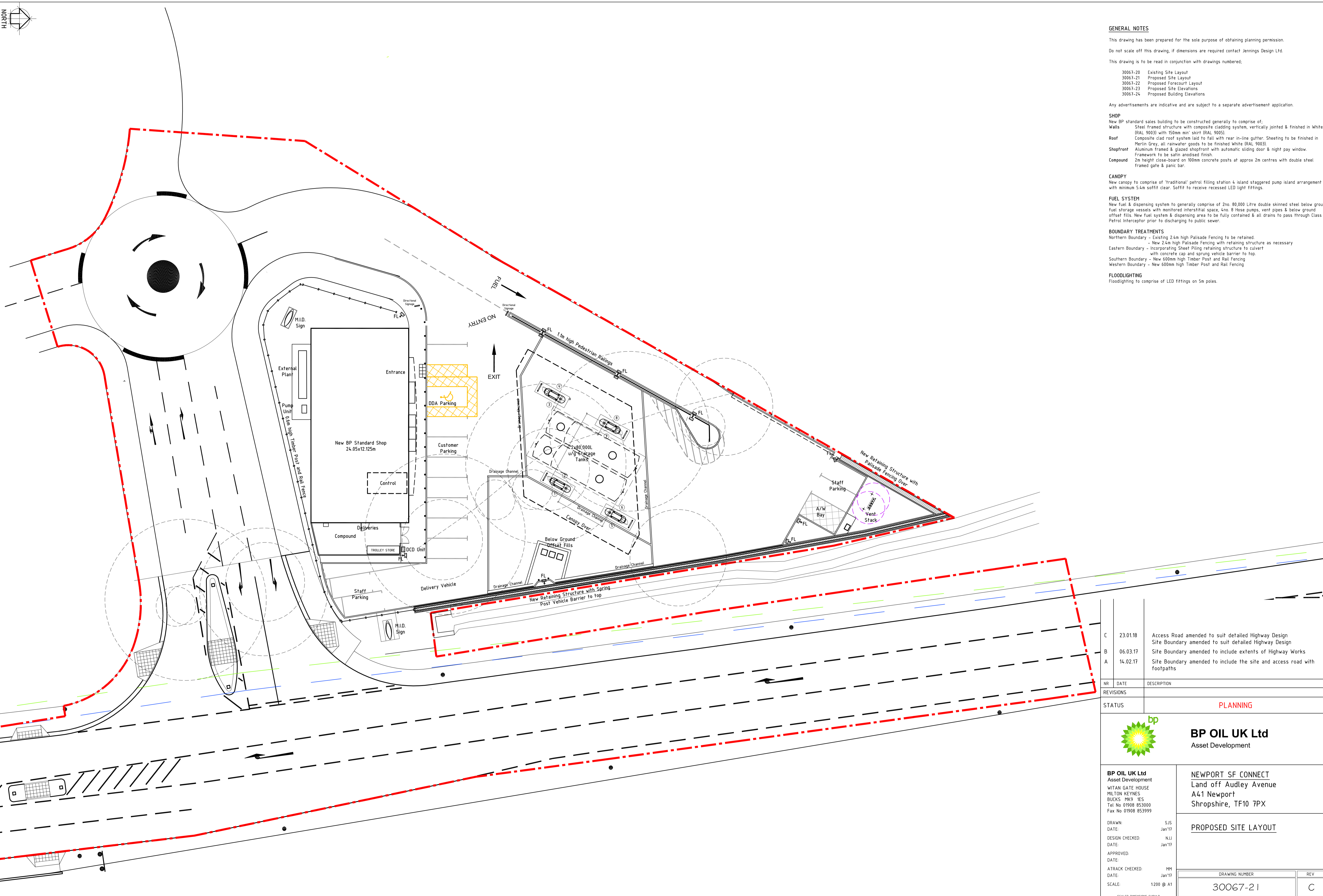
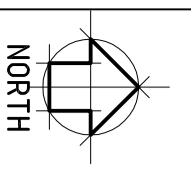
# SITE LOCATION PLAN

SCALE 1:1250 @ A4

DATE January '17

**NEWPORT SF CONNECT**  
**Land off Audley Avenue**  
**A41 - Newport**  
**Shropshire, TF10 7PX**

C	23.01.18	Site Boundary amended to suit detailed Highway Design
B	06.03.17	Site Boundary amended to include extents of Highway Works
A	14.02.17	Site Boundary amended to include the site and access road with footpaths



**GENERAL NOTES**

This drawing has been prepared for the sole purpose of obtaining planning permission.  
Do not scale off this drawing, if dimensions are required contact Jennings Design Ltd.  
This drawing is to be read in conjunction with drawings numbered:

- 30067-20 Existing Site Layout
- 30067-21 Proposed Site Layout
- 30067-22 Proposed Forecourt Layout
- 30067-23 Proposed Site Elevations
- 30067-24 Proposed Building Elevations

Any advertisements are indicative and are subject to a separate advertisement application.

**SHOP**

New BP standard sales building to be constructed generally to comprise of:

**Walls** Steel framed structure with composite cladding system, vertically jointed & finished in White (RAL 9003) with 150mm min skirt (RAL 9003).

**Roof** Composite clad roof system laid to fall with rear in-line gutter. Sheeting to be finished in Merlin Grey, all rainwater goods to be finished White (RAL 9003).

**Shopfront** Aluminum framed & glazed shopfront with automatic sliding door & night pay window. Framework to be satin anodised finish.

**Compound** 2m height close-board on 100mm concrete posts at approx 2m centres with double steel framed gate & panic bar.

**CANOPY**

New canopy to comprise of 'traditional' petrol filling station & island staggered pump island arrangement with minimum 5.4m soffit clear. Soffit to receive recessed LED light fittings.

**FUEL SYSTEM**

New fuel & dispensing system to generally comprise of 2no. 80,000 Litre double skinned steel below ground fuel storage vessels with monitored interstitial space, 4no. 8 Hose pumps, vent pipes & below ground offset fills. New fuel system & dispensing area to be fully contained & all drains to pass through Class 1 Petrol Interceptor prior to discharging to public sewer.

**BOUNDARY TREATMENTS**

Northern Boundary - Existing 2.4m high Palisade Fencing to be retained.

Eastern Boundary - Incorporating Sheet Piling retaining structure to covert with concrete cap and sprung vehicle barrier to top.

Southern Boundary - New 600mm high Timber Post and Rail Fencing

Western Boundary - New 600mm high Timber Post and Rail Fencing

**FLOODLIGHTING**

Floodlighting to comprise of LED fittings on 5m poles.

NR	DATE	DESCRIPTION
C	23.01.18	Access Road amended to suit detailed Highway Design
B	06.03.17	Site Boundary amended to suit detailed Highway Design
A	14.02.17	Site Boundary amended to include extents of Highway Works
		Site Boundary amended to include the site and access road with footpaths

REVISIONS	
STATUS	<b>PLANNING</b>



**BP OIL UK Ltd**  
Asset Development

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**NEWPORT SF CONNECT**  
Land off Audley Avenue  
A41 Newport  
Shropshire, TF10 7PX

**PROPOSED SITE LAYOUT**

DRAWN: SJS  
DATE: Jan'17

DESIGN CHECKED: NJJ  
DATE: Jan'17

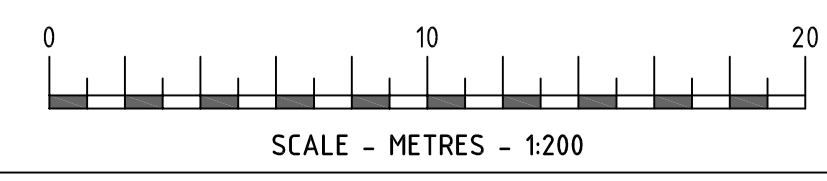
APPROVED: [Signature]  
DATE: [Date]

ATRACK CHECKED: MM  
DATE: Jan'17

SCALE: 1:200 @ A1

DRAWING NUMBER	REV
<b>30067-21</b>	<b>C</b>

ARCHITECT: JENNINGS DESIGN LTD



A1  
ORIGINAL  
PLOT SIZE

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