

TWC/2021/0637

Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire  
Erection of 3no detached dwellings and communal building for shared plant room

**APPLICANT**

L Jones

**RECEIVED**

28/06/2021

**PARISH**

Lilleshall

**WARD**

Church Aston and Lilleshall

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR. ANDREW EADE**

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?Applicationnumber=TWC/2021/0637>

**1.0 SUMMARY RECOMMENDATION**

1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

**2.0 APPLICATION SITE**

2.1 The site subject to this application is located in Lilleshall. Lilleshall is located within Telford, situated approximately 6.1 miles North of Telford Town Centre. Lilleshall is located within the rural area of Telford and due to its close proximity to the market town of Newport, has good access to facilities for residents to use such as shops, schools and doctors surgeries. The site is roughly triangular in shape and accessed off Barrack Lane through palisade fencing and gates. To the south of the site are open fields, to the west is the extensive and densely wooded curtilage of Old Coppice Lodge and located immediately to the east is the Hutchison Way Public Right of Way (PRoW) with land and buildings associated with New House Farm immediately beyond the PRoW.

2.2 The site has a long planning history and has been formerly occupied by a builder's yard and previously used by Shropshire County Council in connection with limestone stabilisation works. Outline Planning Permission for 1no. dwelling has been previously refused in 1995 and 2016, and Outline Planning Permission for 3no. dwellings has been previously refused in 1981 and 2015. The decisions in 1995 and 2016 were both Appealed by the then Applicant(s) and both were Dismissed. The latest Appeal Dismissal from 2017 forms a material consideration in this determination of this application and is discussed in more detail below (Section 8.2).

- 2.3 In 1981 a Certificate of Lawful Use was applied for and granted confirming that the right to use the site as a builder's yard (sui generis Use Class) had been established. In 2019 the current applicant had laid a hardcore surface across the site and was using it for the storage of items such as trailers and containers and applied for a Certificate of Lawful Use on the site, seeking to establish its Use for general B8 storage purposes. During the consideration of this certificate application the LPA became aware of a County Minerals application relating to a limestone mine stabilisation project (1994/96 – see W91/1022 and W94/0815 under Planning History), dating back to the time when the site sat within Shropshire County Council's administrative area. It is the Council's view that the effect of this minerals consent being granted and implemented was that any use as a builder's yard could not be resumed. Further, it was concluded in 2019 that the right to use the site for B8 storage Uses had not been accrued which left the site with a 'nil' Use in planning terms. The application for a Certificate of Lawful Use was refused.
- 2.4 An Enforcement Notice was served in 2020 requiring cessation of storage use, the removal of the items being stored on the site, restoration of the site to its previous condition by removing the hardcore surfacing and some bunding. This Notice was upheld on appeal with the Planning Inspector agreeing that there was no right to Use the site for B8 storage purposes.
- 2.5 The Applicant has removed all items from the site but the Council has allowed bunds/hardstanding to remain for the time being because they could be utilised should the current planning application be approved.
- 2.6 For these reasons the site is unusual in its use and planning context. On the one hand it is within the rural area as identified on the Local Plan Proposals Map and is considered to have a nil use in planning terms which conjures an impression of an untouched site with typically rural characteristics and no signs of development. Conversely, it is evident from its planning history and appearance over time that its visual characteristics are not typical of open countryside and it is the Officer's view that the site can be considered as previously developed land as it has accommodated uses for periods of time that would typically be associated with a brownfield status.
- 2.7 When considering the current application Members need to be aware of the planning history and previous uses of the site as these present material considerations to be given appropriate weight as part of the planning balance of making this decision.

### **3.0 APPLICATION DETAILS**

- 3.1 This application seeks Full Planning Permission for the construction of 3no. detached dwellings and communal building for shared plant room. Given the site's location within the rural area the Applicant is seeking to achieve planning consent via Policy HO10 which relates to Residential Development in the Rural Area and states that the Council will support a limited amount of infill housing in the five named settlements within the borough, of which Lilleshall is one.
- 3.2 Where a site is not considered to represent an infill site the Council may support residential development within the rural area provided it meets one of four exception criteria within Policy HO10. This application is seeking approval under HO10(iii) which states that proposals must 'represent exceptional quality or innovative design.' For this reason the application is a design-led scheme created bespoke for the site and drawing on innovative technologies to meet the Climate Change Emergency/Agenda.
- 3.3 The 3no.dwellings and their plant room have drawn inspiration from the historic limekilns embedded within the adjacent woodland on the opposite side of the Hutchison Way PROW to create a 'biophilic' design approach which seeks to explore the relationship between architecture and nature. This is discussed in more detail below.
- 3.4 The application also proposes 12no. parking spaces, a range of sustainable building methods and technologies (including Electric Vehicle Charging Points for each dwelling), habitat enhancements and appropriate noise mitigation measures.

#### **4.0 PLANNING HISTORY**

- 4.1 W80/0920 - Outline application for 3no. dwellings - Outline Refused 26 January 1980
- 4.2 W81/0655 - Certificate of Lawfulness for Use as a Builder's Yard - Certificate Granted 30 September 1981
- 4.3 W91/1022 - Drilling Of Probe Holes To Aid In The Investigation Of Abandoned Limestone Mine Workings - County Matter Granted 13 December 1991
- 4.4 W94/0815 - Drilling Of Probe Holes To Aid In The Investigation Of Abandoned Limestone Mine Workings - County Delegated No Objections 6 October 1994
- 4.5 W95/0644 - Outline application for 1no. dwelling - Outline Refused 27 September 1996

- 4.6 Planning Appeal (Ref. APP/P3230/A/97/280382) against refusal of Outline application for the erection of 1no. dwelling - Appeal Dismissed 31 July 1997
- 4.7 W2005/1533 - Erection Of A Steel Framed, Steel Clad Storage Shed - Full Granted 20 March 2006
- 4.8 TWC/2015/0132 - Outline application for the erection of 3no. detached dwellings and detached double garages, with all matters reserved - Outline Refused 24 September 2015
- 4.9 TWC/2015/1105 - Outline application for the erection of 1no. dwelling and garage with all matters reserved - Outline Refused 21 March 2016
- 4.10 Planning Appeal (Ref. APP/C3240/W/16/3158277) against refusal of Outline application for the erection of 1no. dwelling and garage with all matters reserved - Appeal Dismissed 17 January 2017
- 4.11 TWC/2019/0293 - Application under Section 191 for a Lawful Development Certificate for an existing use as a storage or distribution area (Use Class B8) - Section 191 Existing Use - Certificate Refused 16 December 2019
- 4.12 Planning Enforcement Appeal (Ref. APP/C3240/C/20/3252614) against Enforcement Notice served on 16 April 2020 for alleged unauthorised change of use of the land from a nil planning use to the storage and distribution of trailers, vehicles and storage container units (Use Class B8), the laying of hardstanding and the formation of earth bunds - Enforcement Notice Upheld (Note: Appeal succeeds on grounds f) and g) and fails on grounds b) c) and d)) 30 September 2020
- 4.13 TWC/2020/1087 - *Site of Fernlea, Barrack Lane* - Conversion of existing bungalow into 2no. bungalows with associated external wall insulation works and the erection of 2no. new houses and associated car parking - Full Granted 28 May 2021

## 5.0 **RELEVANT POLICY DOCUMENTS**

- 5.1 National Planning Policy Framework (NPPF) (2021)
- 5.2 Telford and Wrekin Local Plan (2011-2031):
  - SP3: Rural Area
  - SP4: Presumption in Favour of Sustainable Development
  - NE1: Biodiversity and Geodiversity
  - NE2: Trees, Hedgerows and Woodlands
  - HO1: Housing Requirement

HO4: Housing Mix  
HO10: Residential Development in the Rural Area  
C3: Implications of Development on Highways  
C5: Design of Parking  
BE1: Design Criteria  
BE8: Archaeology and Scheduled Ancient Monuments  
ER1: Renewable Energy  
ER11: Sewerage Systems and Water Quality  
ER12: Flood Risk Management

### 5.3 Lilleshall Parish Neighbourhood Plan, 2018

Policy DEV1: Infill Housing in Lilleshall Village  
Policy DEV2: Design of Residential Infill Development  
Policy D1: Sympathetic Design  
Policy D2: Sustainable Design  
Policy LE2: Ecology and Landscape  
INF1: Connecting the Parish  
TA1: Linkages and Connections  
TA2: Car Parking In Lilleshall

## 6.0 NEIGHBOUR REPRESENTATIONS

- 6.1 The application has been publicised through a site notice, press notice and direct neighbour notification.
- 6.2 The Local Planning Authority received 15no. public representations supporting the scheme on the basis of the first consultation. The following summarised comments were made in support:

### *Design and Character:*

- The surrounding village is made up of houses from many different periods, Victorian, early twentieth century social housing, 1960s, 70s & 80s 'modern' detached and semi-detached houses as well as recent 'faux' traditional house;
- The addition of some contemporary house that work with traditional forms from the historic context would bring delight and further variety to the village;
- This is the perfect location for these high quality sustainable houses.

### *Housing:*

- Scheme represents positive diversity in future housing;

- It is all too easy for developers to revert to traditionally focused bland new build identikit boxes and this scheme should be welcomed.

#### *Innovation and Quality:*

- It is hoped the views of the Design Review Panel are embraced;
- Proposals are revolutionary, pioneering and forward thinking;
- Proposals are imaginative and high quality;
- This bold and innovative design should be embraced as an example of a high quality, eco-friendly development, pushing the boundaries of rural domestic architecture;
- These unique architectural forms they will really enhance the landscape and bring something amazing to the locality.

#### *Heritage:*

- Historic influence of the limekilns is fresh, exciting and refreshing;
- Good to see contemporary designs that build on the heritage of the kiln structures that were on the site.

#### *Climate Change and Sustainability:*

- These dwellings would have less environmental impact than traditional houses and they respond to the current climatic and social situation;
- The modern fresh design carefully considers the sustainability required in order for our generation to address climate change;
- There has never been a greater need than today to start building sustainable homes that strive towards carbon neutral living;
- The sustainability of its future energy requirements offer a glimpse of what is achievable when one thinks outside the box.

#### *Landscaping:*

- Site provides opportunity for planting indigenous trees as part of landscaping which would improve habitat better than fences;
- A brave, thoughtful development carefully sited within its landscape.

#### *Public Right of Way:*

- There is no Public Right of Way through the site;
- Hikers use Hutchison Way and this development will make it interesting.

*Noise, Odour and Pests:*

- Previous owners and people employed on the site comment no environmental issues have ever been witnessed regarding noise, odours or pests.

*Drainage:*

- Previous owners and people employed on the site comment site has good natural drainage.

*Highways:*

- Previous owners and people employed on the site comment no issues with highways or access have been experienced.

6.3 The Local Planning Authority received 87no. neighbour representations from 56no. addresses objecting to the scheme on the basis of the first consultation. The following summarised issues were raised:

*Policy:*

- Proposal is contrary to Local Plan, Lilleshall Neighbour Development Plan and NPPF;
- Development does not comply with Building for a Healthy Life guidance;
- Site is outside village boundary in LNDP and is not sustainable;
- Site should be considered to be part of the village just as New House Farm, 4&5 Shop Cottages and Old Coppice Lodge are;
- Site is neither isolated nor infill;
- The dwellings would be isolated rural dwellings;
- No pre-application engagement with community;
- It is not brownfield land, it has a nil use and should stay as open countryside;
- There has been a previous appeal on this site;
- This application would set a precedent if approved.

*Design, Materials and Technology:*

- Dwellings are identical, mainstream and standard;
- Dwellings are too futuristic, incongruous and out of character;
- Dwellings are not unique and do not look like limekilns;
- Dwellings should look like Duke of Sutherland-style properties;
- Dwellings are too big and executive;
- The shared plant room could become a fourth dwelling;

- The site is a buffer between the village and the farm;
- The dwellings would not significantly enhance immediate setting;
- The dwellings would be out of sight and visually enclosed in the site;
- The materials are not innovative, technology proposed not new and design is 'un-eco';
- Lack of boundaries;
- Biomass and solar panels not new or enough;
- Development would include carbon burning boiler;
- Site would be shaded;
- Costings have not been provided;
- Garden do not propose boundaries between properties;
- Site should have no development at all and be replanted with trees and wildflowers.

*Amenity:*

- Occupants in the gardens of the proposed dwellings would overlook Old Coppice Lodge during winter;
- Proposal would conflict with operations of New House Farm due to noise, odour and pests, possibly threatening future of farm.

*Highways:*

- Resultant increase in traffic especially since permission granted at Fernlea;
- Lack of ease of access for emergency vehicles;
- National Cycle route;
- TWC are not responsible for Barrack Lane;
- Access route to site already serves 4&5 Shop Cottages and New House Farm.

*Public Right of Way (PRoW):*

- Hutchison Way isn't shown on plans and goes across site;
- Hutchison Way is shown on plans in the wrong position.

*Drainage:*

- Will effluent from the reed bed drain down to Old Coppice Lodge?
- No soakaway tests submitted;
- No drainage plans have been submitted;
- Sewerage treatment system.

*Environmental:*

- Concerned about biomass facility causing fire hazard.

*Trees/Landscape/Ecology:*

- TPO's have not been taken into account.

*Contamination:*

- Site is suspected to contain contaminated waste on land and within bunds.

*Mining:*

- Site was not treated as part of Lilleshall mining infill programme and may need stabilisations works.

*Inaccuracies:*

- Submitted reports and information is out-of-date;
- Site area incorrect.

*Enforcement:*

- There have been planning beaches on site and application should not be considered;
- Nothing has been done to reinstate the site following Inspector's enforcement appeal decision, which should have been complied with by June 2021;
- Enforcement notice requires removal of bunds and hardstanding.

*Land Ownership:*

- Easement/covenant to maintain road;
- Application encroaches on NHF land.

*Other Matters:*

- Children could leave gates open and cows from the farm could escape;
- Not required to meet housing needs of families in Lilleshall;
- Occupants may disagree about boundaries and upkeep of community elements;
- Did TWC attend Design Review Panel?

- Applicant has submitted objection on New House Farm application for new cattle shed (TWC/2021/0494) drawing attention to potential odour and pest issues;
- Section 11 of the Application Form – the applicant has ticked that there is no watercourse within 20m; however, in the Design Review Panel (DRP) report it states, “a watercourse lines the eastern boundary”. Have the DRP been given alternative information?
- Design Review Panel didn’t do a site visit and did they have all the facts about the site’s history?
- Photos don’t storage containers and give an inaccurate impression of site as it is now empty.

6.4 The Council’s Climate Change and Sustainability Co-ordinator has written in support of the application:

- Nationally, the UK Government has committed to reduce greenhouse gas emissions to net zero by 2050. The Council has declared a Climate Emergency and made a commitment for the Council’s operations and activities to be carbon neutral by 2030 with an aspiration for the Borough to be the same;
- Climate change commitments are reflected in revisions to the National NPPF;
- The application support these commitments as well as:
  - Air source heat pumps
  - Electric vehicle charging points
  - Allotment space for growing fresh fruit and vegetables.
- Application meets TWLP policies SP4, BE1 and ER1

6.5 The Applicant has responded with the following summarised comments:

- Applicant is willing to agree to a Construction Environmental Management Plan via Condition;
- Access road is not exclusive to the farm, as it serves the woodland/collier side quarry, the application site, and Shop Cottages as well as New House Farm. There are adequate passing points, no ‘sheer drops,’ and no recorded issues by any of the aforementioned neighbours with regard to traffic safety, pedestrian safety, or access;
- The applicant has complied with the enforcement notice in respect of the removal of storage containers from the site. The removal of the bund material and hardcore to the western boundary, is in abeyance by agreement with the LPA, until the outcome of this application;
- The bunds do not contain toxins or hazardous waste and any imported hardcore was licensed, provided by Cartwrights who also supplied the Council;

- The proposals will provide three high quality A Rated Low Carbon Homes, within an eco-environment, with the following features:
- In response to public objections regarding the biomass boiler the plans have been amended to show air-source heating for each dwelling
- Reed beds have been omitted from drainage proposals
- A swept path analysis has been undertaken in response to the Fire Service's comments and the site plan updated to show sufficient access width and turning space for an emergency vehicle.

## 7.0 STATUTORY REPRESENTATIONS

### 7.1 Ward Member Cllr. Andrew Eade: **Object**:

- The proposals do not comply with Local Plan Policy HO10(iii) in that they do not represent exceptional quality or innovative design;
- Inappropriate for siting within historic and sensitive ancient woodland;
- The proposed development does not comply with NPPF (published Feb 2019) para. 79(e) in that the design is not truly outstanding or innovative, does not reflect the highest standards in architecture, or help to raise standards of design more generally in rural areas. Neither does the design significantly enhance its immediate setting, or is sensitive to the defining characteristics of the local area;
- Ground conditions due to land stability and unrecorded and un-grouted mineshafts;
- Does not fit in with the traditional and historic housing style of Lilleshall.

### 7.2 Lilleshall Parish Council: **Object**:

- The proposed development does not comply with the Telford & Wrekin Local Plan Policy HO10(iii) or the outstanding design criteria set out in Para 80 of the National Planning Policy Framework (NPPF);
- The proposal is not considered an infill development and does not comply with the Lilleshall Parish Neighbourhood Plan Policy Dev1;
- The proposal also fails to comply with the design criteria in Policy Dev2;
- This proposal does not respond in any way to local character and surrounding landscape, nor does the design and materials used preserve or enhance the surrounding countryside and the local setting, contrary to Policy D1 of the Lilleshall Parish Neighbourhood Plan;
- Earthwork operations carried out by the current owner in 2019 included removal of topsoil and random heaps of construction waste. This material was dozed into bunds around the site, with the result that the material intended for the "green visual" connection is in fact contaminated topsoil due for treatment under the current enforcement order. Likewise, the imported builder's rubble, bituminous and other waste material spread

over the site prior to its unapproved usage is still to be removed and the site reinstated.

- The footpath reference no. 3 on the application layout drawing is an incorrect representation of the route and show the path approximately 15 metres or more east of the true alignment.
- The application incorrectly refers to the site as a builder's yard. This is incorrect as the site has been designated as "nil use" by the Borough Council;
- Past limestone mining has left a risk of subsidence that could result in serious damage to any properties built;
- The proposal conflicts with paragraph 79 of the NPPF which requires that housing should be located where it will enhance or maintain the vitality of the rural community.

7.3 Highways and Built Conservation: **No Objection**

7.4 Drainage, Arboricultural, Ecology and Environmental Health: **Support Subject to Condition(s)**

7.5 Shropshire Archaeology: **Support Subject to Condition(s)**

7.6 Shropshire Fire Service: **Comment**: It is vital a robust Swept Path Analysis is undertaken throughout this development, in order to accurately track the suitability of access for fire appliances. This access must be fully compliant with the Building Regulations Approved Document B, Volume 1- Dwelling houses. Note that consideration should be given to the 'Fire Safety Guidance for Commercial and Domestic Planning Applications' document.

## 8.0 **PLANNING APPRAISAL**

8.1 Having regard to the Development Plan Policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development (incl. Assessment of 2017 Appeal and Policy HO10(iii))
- Design and Heritage
- Impact Upon Amenity of adj. Properties and Uses and Future Occupants
- Highways Impacts and Public Right Of Way (Hutchison Way)
- Drainage
- Ecology and Trees

8.2 Principle of Development (incl. Assessment of 2017 Appeal and Policy HO10(iii))

8.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Telford & Wrekin Local Plan (TWLP) which was adopted in January 2018 and the Lilleshall Parish Neighbourhood Plan (LPNP). The National Planning Policy Framework (NPPF) is also a material planning consideration.

8.2.2 Where a Policy is not explicit on a matter requiring consideration, the Local Planning Authority must determine how much weight to attach to that policy in the context of the overall Development Plan. This is relevant in this case to LPNP Policies DEV1 and DEV2 (see para. 8.2.10 for more detail).

8.2.3 Other material considerations would include previous decisions on a site and the outcome of any appeal decisions resulting from refused applications. Members are asked to note that all previous applications for this site were determined under former Development Plans and therefore the adoption of a new Local Plan and the introduction of the Lilleshall Neighbourhood Development Plan represents a significant material consideration in assessing this application and whether circumstances have changed in planning terms to warrant reaching a different decision.

8.2.4 There have been four previously refused applications for residential use on this site dating from 1980 to 2015, resulting in Appeals in 1995 and 2017, both of which were dismissed. Being considerably more recent the 2017 Appeal Decision and the Inspector's reasons for Dismissal carry the greater weight of these two Appeals, although Members are asked to note that this decision also pre-dates the adoption of the current Development Plan.

8.2.5 Nonetheless, the 2017 Appeal decision is a material consideration and the current application should demonstrate it has overcome the reasons for the appeal being Dismissed in order to be recommended for approval. The Inspector's reasons for Dismissing the Appeal were:

- i. The development would not constitute infill as it is not part of a built up frontage and is not well related to other dwellings in the area;
- ii. The site is not an accessible nor sustainable location;
- iii. The proposal for 1no. dwelling would be harmful to the rural character and appearance of the area;
- iv. The noise, pest and odour assessments did not sufficiently demonstrate there would be no material harm to future occupants associated with the adjacent farm.

This section on the principle of development will consider the first two matters of (i) infill and (ii) sustainable location. The matters of (iii) visual appearance and (iv) amenity relating to New House Farm will be considered later on under the appropriate sections.

- 8.2.6 Under the current Development Plan Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 (Residential development in the rural area) outlines that the Council will support a limited amount of infill housing in the settlements of Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton. Lilleshall is one of these named settlements because it is considered to have a more sustainable location than other smaller and less well served settlements within Telford.
- 8.2.7 A material consideration to note at this point is that at the time of the Inspector's 2017 decision Lilleshall was not identified in the Development Plan as a sustainable rural location for new residential development. This weighed significantly in the Inspector reaching the conclusion that the site was not sustainable or accessible. This situation has changed with the adoption of the current Local Plan and Policy HO10, where Lilleshall is identified as appropriate for rural residential development. These are material considerations in judging whether the site location may now be classed as accessible and sustainable when compared against the Inspector's 2017 decision.
- 8.2.8 The Inspector's decision in 2017 did not consider this site to be an infill site, stating '*it is not part of a built up frontage and is not well related to other dwellings in the area.*' Little has changed in the site's physical setting and Officers consider that, based on the Inspector's definition of an infill site being part of a built up frontage, it is reasonable to continue to class the site as not infill. Members are asked to note that the site's relationship to other dwellings in the area has improved since 2017, most recently with the approval in May 2021 of an additional 3no. dwellings at Fernlea (TWC/2020/1087) approx. 70 metres away opposite the site's access onto Barrack Lane. This does represent a material difference since the Inspector's decision as the site is now better related to other dwellings in the area than it was at the time of the appeal decision.
- 8.2.9 Where a site is not considered to represent an infill site the Council may support residential development within the rural area provided it meets one of four exception criteria within Policy HO10. This application is seeking approval under HO10(iii) which states that proposals must 'represent exceptional quality or innovative design.'
- 8.2.10 At this point Members are asked to note that the Lilleshall Parish Neighbourhood Plan (LPNP) contains a pair of policies relating to residential development within Lilleshall: Policies DEV1 and DEV2. Both of these expressly state that only infill development will be supported, subject to a number of other criteria such as character and appropriate mix of housing. The LPNP is limited in its explanation of how it will assess non-infill sites, such as those which Local Plan Policy HO10(iii) is designed to facilitate. As the site in question is not an infill site, the LPA must come to a view on whether the greater weight should be given to the LPNP policies which focus on infill

development only or the Local Plan policy which does make provision for a site and a scheme like this to be fully considered. The view of Officers is that the substantive Local Plan Policy HO10(iii) deserves to be given the greater weight when forming a planning judgement on the merits of the application because it sets out a framework by which to evaluate such proposals.

8.2.11 The Local Plan Proposals Map does not identify village development boundaries and therefore deciding what is considered to be within a village settlement, as opposed to outside of it, is a matter of planning judgement. This site is located in between Old Coppice Lodge and New House Farm, both situated on Barrack Lane. The site and New House Farm share the same short access onto Barrack Lane. Opposite this access is a ribbon of residential development, including the site at Fernlea, where Planning Committee resolved to grant planning permission for 2no. converted bungalows and 2no. new build dwellings on 19 May 2021 (TWC/2020/1087). The Fernlea permission was approved on the basis the application met the requirements of Policy HO10 as it represented a site within the village of Lilleshall as well as being an infill plot.

8.2.12 Members are asked to note the Fernlea site boundary is located only 74 metres from the edge of the application site, which is a material consideration in comparing whether the application site can be considered to be within the village also. Furthermore, the Fernlea site is no less accessible than the application site and no less sustainable in its location. Occupants of the dwellings at Fernlea would have access to all the same public services and facilities that would be available to any future occupants of the proposed dwellings. The need to use the car would be the same for both sites. Therefore, the approval of the application at Fernlea, which equates to an additional 3no. dwellings on that site, is a material consideration in determining whether the application site can now be considered acceptable in terms of accessibility and sustainability.

8.2.13 In addition to this, Members are also asked to consider the position of the application site in between Old Coppice Lodge and New House Farm. Both of these addresses are considered to be within the village of Lilleshall and therefore it follows that a site sandwiched in between them would also be classed as within Lilleshall. For these reasons Officers consider that whilst the application site may not be classed as infill it can be classed as within the village of Lilleshall and therefore eligible for consideration under the exception criteria for HO10.

8.2.14 Policy HO10(iii) requires an application to demonstrate that the proposed dwelling represents exceptional quality or innovative design. The Council's threshold for this is the application achieving the support of the regional

Design Review Panel, currently named Design:Midlands. The merits of the design are considered further in the next section, however, for the purposes of concluding this discussion on the principle of development it is mentioned here insofar as Design:Midlands have given their support to the scheme and recognise it as achieving the requirements of Policy HO10(iii).

8.2.15 To summarise on whether the principle of development can be accepted on this site, specifically for this proposal, it needs to be considered against the context of the Inspector's 2017 appeal decision, which ruled the site at that time was not sustainable or accessible. It is evident that there have been several important changes in material considerations since then, namely:

- the adoption of the current Local Plan in 2018;
- the identification of Lilleshall as a sustainable location for rural dwellings;
- the approval of an additional 3no. dwellings at Fernlea in May 2021 under Policy HO10;
- the recognition that Fernlea forms part of the village of Lilleshall and represents a sustainable and accessible location for rural residential development;
- the proximity of Fernlea to the application site (74 metres);
- by extension, that the application site must be recognised as being in the village of Lilleshall and therefore eligible for consideration under Policy HO10(iii);
- the support of Design:Midlands specifically in regard to achieving the requirements of Policy HO10(iii) and their consideration of the scheme as 'refreshing,' 'unconventional' and 'unique.'

This final bullet point is important in specifying that the scope for the principle of development for this site is being limited to proposals under HO10(iii) and not the principle of developing the site for any wholesale purpose or use. For these reasons, the proposals would not be considered to be setting a precedent as such cases are taken very much on their own merits and site specific circumstances.

8.2.16 Taking the above discussion into account, the previously developed state of the site and considering all the material planning considerations that have changed in circumstance since 2017, Officers are of the view that there is sufficient evidence to demonstrate the first two reasons for the Inspector's Appeal Dismissal have been overcome through changes in the Development Plan, the approval of residential development in proximity to this site and the support of Design:Midlands for a scheme under Policy HO10(iii). The principle of developing this site specifically for rural residential development

representing outstanding quality or innovative design is therefore considered acceptable.

### 8.3 Design and Heritage

#### 8.3.1 Design Policies

The Local Plan contains two key design policies which are relevant to the consideration of this application, Policy HO10(iii) which seeks '*outstanding quality or innovative design*' and Policy BE1, which states that the Council will support development which:

- i. Respects and responds positively to its context and enhances the quality of the local built and natural environment;*
- ii. Demonstrates an integrated design approach from the outset combining layout, building form and design, landscape, green infrastructure, surface water management, access and parking;*
- iii. Respects the landscape setting and topography;*
- iv. Preserves and reinforces historic street patterns, layouts, traditional frontages and boundary treatments;*
- v. Maintains and exploits important landmarks, gateways, views to and from the site and respects or enhances the quality of the skyline;*
- vi. Promotes good links through the site and to the surrounding area for all users;*
- vii. Produces a secure environment which is legible, safe, attractive and convenient through the design and orientation of buildings, the integrated provision of hard external spaces, drainage, landscaping, open space and parking;*
- viii. Produces an environment which facilitates and encourages healthy living;*
- ix. Facilitates and promotes energy efficiency through layouts and design;*
- x. Demonstrates that sufficient investigation has been undertaken to ascertain the type and extent of any land contamination and land instability issues; and*
- xi. Demonstrates that there is no significant adverse impact on nearby properties by noise, dust, odour or light pollution or that new development does not prejudice or undermine existing surrounding uses.'*

The primary focus of this section is to explore how the proposals meet HO10(iii); the ways in which the scheme meets the criteria within Policy BE1 will be highlighted throughout this discussion.

- 8.3.2 Design Policies are also contained with the LPNP, namely Policy D1 and D2. Policy D1 seeks sympathetic design and for development proposals to provide a high level of design that reflects the identity of local surroundings and which preserves and enhances heritage assets, in particular identifying Duke of Sutherland style dwellings as a design cue for new development. Heritage assets can include traditional dwelling styles but are not limited to this alone and industrial or archaeological assets, such as the limekilns adjacent to this site, may also contribute to a site's heritage, identity and character. Policy D2 seeks sustainable design and states that development will be supported

where it incorporates environmental and ecological features to reduce energy and water consumption, with wildlife conservation and habitat protection being incorporated as appropriate.

- 8.3.3 A further material consideration is the NPPF, updated several times since the Inspector's 2017 Appeal Dismissal, most recently in July 2021 and containing a refreshed emphasis on design quality. Para. 80 advises that dwellings within the countryside should only be supported when one or more of five criteria apply. In this case criteria 80(e) is relevant, reflecting the wording of Policy HO10(iii), seeking that the design must be of exceptional quality in being truly outstanding and reflecting the highest standards in architecture, as well as enhancing its setting and sensitively reflecting the defining characteristics of the area.

#### Exceptional Quality or Innovative Design

- 8.3.4 The Council's benchmark of whether a scheme has successfully met the requirements of Policy HO10(iii) is whether it has received the support of Design:Midlands. Information submitted with the application confirms the scheme was presented to Design:Midlands twice, resulting in their letter of support commending the Applicant's Design Team for their refreshing, ambitious and aspirational landscape-led approach and expressing their confidence that the scheme resulting from *'the design approach, evolution and work undertaken'* meets the stringent requirements of Policy HO10(iii).
- 8.3.5 The starting point for any design is identifying the site's unique character and what makes it distinctive, and the Applicant has selected its landscape setting and the industrial heritage and archaeology of the nearby limekilns to influence the design approach for this proposal. Formerly this site was occupied by a branch of the terminus of the Donnington Wood Canal and immediately adjacent to this are the Lilleshall Limestone Workings. The branch of the Donnington Wood Canal connected the limestone quarries, mines, and kilns to the Lilleshall Ironworks and Lodge Furnaces at Donnington Wood. The Design and Access Statement notes, *'limekilns were formed into the landscape like caves with chimneys that sat atop like wells. A complex tramway system was built to transport limestone to the canal network.'*
- 8.3.6 From this it is evident that these activities and built forms are integral to the site's heritage and its historic character, making it a valid origin from which to evolve a site specific design. The development of designs based on less well explored forms of heritage asset creates a platform for innovation in the spirit to Policy HO10(iii) rather than repeating traditional types of development or a conservation-led approach.
- 8.3.7 As a palimpsest of landscape has developed over time, layers of vegetation have informed the boundaries of the site. The limestone kilns, now ruined, have inspired the physical materiality and asymmetrical shape of the proposed buildings and the layers of the landscape have stimulated a *'biophilic'* design approach, a first for Telford, which seeks to explore the concept of design through the relationship between architecture and nature, to

produce a landscape-led development for this site where sculptural, habitable forms are drawn from the landscape and historic surrounding context. Design:Midlands noted *'the biophilic approach to the relationship between buildings, manmade structures and nature [is] commendable.'*

- 8.3.8 Design:Midlands consider *'the architectural approach and design concept... to be positive, exciting and imaginative and described as concurrently having an ancient and futuristic quality'* with the proposed three building forms born from the landscape, site context and site history; establishing a three-dimensional form subdivided to create three sculptural objects within the landscape creates a *'unique'* and *'unconventional'* experience for the viewer. For these reasons the application is considered to meet the requirements of Local Plan Policy HO10(iii) as well as LPDP Policy D1 in terms of seeking a high level of design that reflects the identity of local surroundings and heritage assets.
- 8.3.9 Further to this, the NPPF (para. 126 and 130) also sets out a framework for achieving high quality, beautiful and sustainable buildings, which are visually pleasing as a result of good architecture, layout and landscaping. Para. 130(b) in particular encourages new development which is sympathetic to local history, character and landscape setting whilst not preventing or discouraging appropriate innovation or change. Members are asked to note that the comments from Design:Midlands demonstrate the application can be considered to meet Para. 130(b) in particular.
- 8.3.10 A key material difference between this application and the previous refusals is the layout of the site and the shift away from traditional plot layouts and housing design. Previous schemes saw the houses facing towards the site entrance and Barrack Lane (and therefore also facing towards New House Farm) whereas the current scheme orientates the dwellings facing towards the open fields to the south. This has the benefit of harnessing solar gain and wind direction for energy efficiency purposes as well as designing the dwellings to address the Inspector's concerns about potential noise disturbance from New House Farm. This layout has evolved in response to the site constraints to shape a development that responds to the locally distinctiveness characteristics of the site, and this contributes towards addressing the Inspector's reasons for Dismissal (iii) and (iv).
- 8.3.11 The 3no. dwellings and the utility hub are designed to be read as a cluster but with each dwelling telling its own story. All explore the same design ideas but these are physically shown in different ways to give each dwelling its own appearance and character within the design ethos. The biophilic approach encourages the idea of nature taking over, propagating through the cracks, and this follows through in the use of grasscrete and planting of herbs and heathers which produce a scent when trod or driven over.
- 8.3.12 The separate 'utility' building on site will act as the hub for all incoming services including broadband, water and electric, and will provide the space for a district heating or heat network system to create an energy efficient, or lower carbon, development. Composting and rubbish collection can also be accommodated within this building.

8.3.13 The Council's Built Heritage Officer raises no objection to the scheme and Shropshire Archaeology support the scheme subject to a Condition requiring a Written Scheme of Investigation. The scheme is therefore considered to meet the requirements of LP Policy BE1(i), (ii), (iii) and (iv) and LPNP Policies D1 and INF1.

8.3.14 A number of objections have been received saying the development should be traditional and pastiche and, whilst this might be in line with the thrust of conservation-led policies like LPNP Policy DEV1 and DEV2, it would fail to meet the requirements of the key Local Plan Policy HO10(iii) which seeks for innovation in design. As discussed above (para 8.2.10), Officers consider that the substantive Local Plan Policy HO10(iii) holds the greater weight in the consideration of this application than the LPNP policies which are limited in their scope for assessing innovative design. Members are also asked to note that previous applications on this site proposed traditional housing forms and received public objection nonetheless.

8.3.15 All 3 no. dwellings meet M4(2) building standards for accessible and adaptable housing, as well as meeting the NDSS space standards required by Local Plan Policy HO4. All gardens meet minimum space requirements sought by the LPA for new development. This also assists in meeting Policy BE1(viii) by facilitating healthy living for all.

#### Sustainable and Energy Efficient Design

8.3.16 The Design & Access Statement advises the development will ensure CO<sub>2</sub> emissions are in line with UK Government adopted climate change and energy standards, and this would also be in line with the aims of the Council's declared Climate Emergency which includes aspirations for the borough to be carbon neutral by 2030. The application proposes using the Government's Standard Assessment Procedure (SAP) 2012, which assess the energy performance of dwellings, to evaluate the final choice of building fabric, heating and hot water systems.

8.3.17 The design strategy will ensure that all homes are capable of utilising renewable energy and low carbon technology now and in the future. The 'utility hub' will house a Heat Interface Unit (HIU) which involves a central boiler providing hot water and heating to a multi-dwelling development 24 hours a day. This provides an affordable, sustainable heat source which is more energy efficient and less carbon intensive than the traditional approach of providing individual boiler in each dwelling.

8.3.18 Other energy efficient credentials of the scheme include solar panels on the utility hub to feed into the heating supply, Wastewater Heat Recovery Systems (WWHRS), Passive Ventilation with Heat Recovery (PVHR) and EVCPs for each dwelling. The performance of each dwelling will be assessed, and the regulated energy demand and CO<sub>2</sub> emissions calculated for space heating, water heating, energy used by pumps, fans, and lighting. The design and layout of the dwellings has considered the health and welfare of occupants and the risk of overheating by limiting solar gains in summer and

ensuring the provision of means to remove excess heat from the indoor environment. For these reasons the proposal is considered to meet the requirements of LP Policies ER1 and BE1(vii), (viii) and (xi) and LPNP Policy D2.

8.3.19 One objection has been received stating that the proposal does not meet the requirements Building for Healthy Life, the design guidance that replaces Building for Life. Officers can advise that Building for a Healthy Life is not usually applied to minor scheme due to their limited opportunity to provide major infrastructure; however, insofar as it is possible to consider the scheme in terms of this guidance, there are a number of criteria that a development of this scale can be compared against and which it is considered to meet. These include (but not limited to) anchoring a design to an existing heritage asset and creating a memorable place, for example.

8.3.20 In conclusion, therefore, as the application has the support of Design:Midlands who consider the proposals to be “refreshing” and “unique” in their biophilic approach it is considered to meet the requirements of Local Plan Policy HO10(iii), which is the key policy of significance for this application when set against the argument for the principle of development above. By virtue of addressing HO10(iii) the application naturally addresses the issues raised by the Inspector regarding impact upon the character and appearance of the area and therefore the third reason for Dismissal in the 2017 appeal. Other relevant policies within the Local Plan that this design satisfies are HO4, ER1, BE8 and BE1. In terms of the LPNP the proposal satisfies Policies D1, D2 and INF1.

#### 8.4 Impact Upon Amenity of adj. Properties and Uses and Future Occupants

8.4.1 The quality of amenity needs to be considered in two ways: the impact upon amenity for existing neighbours and the quality of amenity achievable for future occupants of the 3no. proposed dwellings, this latter point also needing to be considered in the context of the Inspector’s 2017 decision.

8.4.2 To firstly address the impact upon existing residential properties, it is considered that the proposal would not result in a significant loss of privacy or light to the nearest residential neighbours, including Old Coppice Lodge. The site is well enclosed by trees and although the dwellings may be a little more visible during the winter months the nature of this change is not considered harmful or contrary to Policy BE1(xi).

8.4.3 As has been discussed in para 8.3.10 the manner in which the site has been laid out has taken account of the previous Inspector’s Decision and orientated the dwellings away from New House Farm and this in itself goes part way towards alleviating concerns that a bespoke residential use on this site would conflict with the operations of the farm. This view is supported by the Council’s Environmental Health Specialist.

8.4.4 The application was originally accompanied by the odour, noise and pest assessment submitted with the 2015 planning application, which also formed

the basis of the Inspector's 2017 Appeal Dismissal and in particular reason (iv). In order to establish whether the current application can address the relationship of the site to New House Farm, the Applicant has submitted further information on odour, noise and pests during the course of the application.

- 8.4.5 A particular concern of the Inspector was noise and disturbance generated by New House Farm based on the farmer's submission that noisy farm operations began at 0330 every morning. It is evident from Appendix 1 of the original Noise Assessment that noise measurements were not taken at this time of day and therefore insufficient evidence was put forward previously to determine whether future occupants of the dwellings would experience an unacceptable level of disturbance.
- 8.4.6 The Council's Environmental Health Specialist considers that the layout of the site alongside the design and construction of the dwellings is sufficient in itself to overcome the previous Inspector's concerns, alongside conditions to ensure noise mitigation is carried out in accordance with recommendations. However, the Applicant has gone beyond this and to support the current application robust noise measurement data collected over a continuously rolling 24-hour period has been submitted.
- 8.4.7 The World Health Organisation (WHO) guidelines aim for 45db noise levels in sensitive indoor spaces like bedrooms between 2300 and 0700. In summary, the submitted data shows that the background noise level outdoors is 50-55db during the day at 45db during the night. When the mitigation impact of the bunds and acoustic screening is taken into account (a reduction of 10db), the mitigation impacts of the energy efficient windows taken into account (a reduction of 15db) and the increased distance of the dwellings from the noise monitoring point taken into account (a reduction of 6-10db depending on the distance for each dwelling) there is an overall reduction in noise levels of 31-35db. This means the external noise levels during the day would likely reduce to 35-39db and the internal noise level during the night would reduce to 10-14db, which is significantly inside the WHO guidelines. Even with a worst case scenario of 75db at night, the mitigation measures on site and within the dwellings would reduce the internal noise levels to 45db or less, bringing it in line with WHO guidelines.
- 8.4.8 The dwellings have been designed with Passive Ventilation with Heat Recovery (PVHR), a patented method of delivering a consistent flow of fresh air while dramatically reducing heat loss using natural ventilation systems, which means that windows do not need to be opened during hot weather to maintain an ambient temperature. Whilst the primary driver for this is designing the dwelling to be as low carbon as possible, it has the added benefit of improving the noise mitigation quality of the windows.
- 8.4.9 For these reasons it is considered that the design and layout of the site and dwellings, plus the additional noise assessment data submitted, represent significant material considerations that have changed since the Inspector's 2017 Appeal decision and the current application can be considered to have

overcome the noise aspect of the appeal Dismissal. The requirements of Local Plan Policy BE1(xi) regarding noise are considered met.

8.4.10 The Odour and Pest Assessments submitted and updated during the course of this application indicate that typically levels are low to non-existent and anything experienced above this would be temporary. This is also corroborated by the experience of Officers on site as well as representations made by the public. On balance, therefore, it is considered that concerns regarding odour and pests are not significant enough to demonstrate that the future amenity of occupants would be adversely impacted by the location of New House Farm or its operations, thereby meeting the requirements of Local Plan Policy BE1(xi).

8.4.11 Taking all of the above into account, there is little evidence to suggest that building the 3no. dwellings as proposed would compromise the business operations of the farm. The claimed risk of complaints has not been substantiated and previous owners of the site have commented that no such issues were encountered in their experience. On balance it is considered that, due to the merits and specifics of the proposed development, it would not undermine or prejudice the existing adjacent farming use and therefore complies with Local Plan Policy BE1(xi)

8.4.12 The distances between dwellings, principal windows and the garden sizes for each dwelling all meet the space standards which the LPA applies to new development and amenity is considered acceptable in this respect also, thereby meeting the requirements of Local Plan Policy BE1(xi).

8.4.13 To summarise the discussion in sections 8.2, 8.3 and 8.4, the four parts of the Inspector's Appeal Dismissal are considered to be overcome through material changes to adopted planning policies, the design, layout, updated technical information and the need to ensure consistency with planning decisions made near the application site.

## 8.5 Highways and PRoW

8.5.1 The Council's Highways Officer raises no objection to the application as the number of additional vehicular trips generated by 3no. dwellings is unlikely to have a detrimental impact upon the highway network. Furthermore, 12no. parking spaces are provided within the site, which is compliant with the Local Plan. The applicant has demonstrated that appropriate visibility splays can be achieved from the site access onto Barrack Lane, which is unadopted.

8.5.2 An identical amount of new development (i.e. 3no. additional dwellings) was considered acceptable for the application approved at Fernlea (TWC/2020/1087). Furthermore, the parking arrangements for the dwellings at Fernlea involved vehicles directly reversing onto or off the highway with the Highways Officer noting that, *'taking into account the nature of the access road in terms of traffic flow and speeds, it is not considered that this will result in any detriment to its safe operation in this instance.'* Any vehicles associated with the application site would be manoeuvring onto Barrack Lane in a

forwards direction given that there is ample parking and turning space within the site for each dwelling. These are further material considerations in the determination of this application to ensure consistency of decision-making.

8.5.3 The Council's Highways Officer therefore advises that the proposals are compliant with Local Plan Policies C3 and C5 of the Local Plan. The development also meets the requirements of LPNP Policy TA2, which requires residential properties of two bedrooms or more to have a minimum of 2no. parking spaces within the residential curtilage.

8.5.4 Part of the Hutchison Way, one of the Borough's strategic public footpaths, runs between a point to the north of the site and a point to the south of the site. The Council is seeking to ascertain the correct line of this section of the Hutchison Way. The evidence being considered relates to the following routes:

- (i) a route which is not marked on the ground but runs to the east of the site through the farm yard at New House Farm;
- (ii) the route which runs along the path which is currently open and available on the ground;
- (iii) a route which is not marked on the ground but runs down and across the site;
- (iv) the route drawn on the Definitive Map of Public Rights of Way.

If this planning permission were to be granted and a Public Right of Way were later found to exist along a line which prevents the development taking place, the Applicant will be able to apply for an order which diverts the route to a position which enables the development to take place. It is considered that the site is large enough to accommodate both the proposed dwellings and a public footpath to preserve the right of way connection. Therefore, if Members decide to grant permission, they should not be concerned that by doing so they will leave the Hutchison Way vulnerable to being severed. The application would therefore meet the requirements of Local Plan Policy BE1(v) and (vi) and LPNP Policy TA1.

## 8.6 Drainage

8.6.1 The Council's Drainage Officer has assessed the scheme and requested further information pertaining to soakaway tests during the course of the application. The applicant provided these and the Drainage Officer supports the scheme subject to conditions securing details of the foul and surface drainage and a SuDs management.

8.6.2 The application is therefore considered to meet the requirements of Local Plan Policies ER11 and ER12.

## 8.7 Ecology and Trees

8.7.1 Local Plan Policy NE1 refers to biodiversity and geodiversity. The Council's Ecology Officer has assessed the proposals and supports the application subject to Condition(s) requiring bird/bat boxes and landscaping details.

8.7.2 Local Plan Policy NE2 refers to trees, hedgerows and woodlands, The Councils Arboricultural Officer has assessed the proposals and supports the application subject to conditions. These include development being carried out in accordance with the approved protective fencing for the trees within the adjacent curtilage of Old Coppice Hall, which are the subject of a Tree Preservation Order.

8.7.3 LPDP Policy LE2 expects development to protect and enhance features of high nature conservation or landscape value including mature trees, species-rich hedgerows, ponds and existing areas of woodland. The proposal is considered by Officers to achieve this policy aim by protecting existing features such as the Tree Preservation Order, and enhancing the biodiversity offer by providing nesting and roosting boxes plus opportunities for rewilding.

8.7.4 The application is therefore considered to meet the requirements of the Development Plan in regards to ecology and trees.

## 8.8 Land Stability and Land Contamination Policy

8.8.1 Policy BE1(x) of the Local Plan states that the Council will support development provided that it *'demonstrates that sufficient investigation has been undertaken to ascertain the type and extent of any land contamination and land instability issues.'*

8.8.2 A Ground Investigation Report and Mining Risk Assessment has been submitted with the application and assessed by the Council's Geotechnical Specialist, who agrees with the conclusion and supports the scheme subject to conditions requiring intrusive site investigations prior to development.

8.8.3 The Council's Environmental Health Specialist has assessed the application with regards to contaminated land and supports it subject to a Condition requiring site investigations should the application be granted.

8.8.4 The application is considered to meet the requirements of Local Plan Policy BE1(x) on this basis.

## 8.9 Other Matters

8.9.1 With regards to land ownership, which is not a material planning consideration in any case, the applicant has served Certificate B on all appropriate landowners and has therefore fulfilled their statutory obligations as part of the planning process.

8.9.2 Officers did attend the Design:Midlands Panel Meeting to observe the discussion and set the planning context. In response to the objection regarding the reference to the watercourse in the Panel's letter, the Applicant did confirm twice during the Panel review that this was not the case but seems to have been mistakenly included as part of the letter.

8.9.3 Whilst the NPPF encourages community engagement it is reasonable for this to be proportionate to the size of the scheme and reflect the outcome of previous communications between the applicant and community where they have taken place.

## 9.0 CONCLUSION

9.1 This application seeks approval for 3no. dwellings and a communal utility hub that represent exceptional quality or innovative design under Policy HO10(iii) of the Telford & Wrekin Local Plan 2011-2031.

9.2 There has been a long and complicated planning history on the site. Whilst the site is technically rural area with a nil Use it has accommodated a variety of uses and is previously developed land, which is a material consideration to be given some weight in the planning balance. The planning history includes a number of refused permissions and two dismissed appeals for residential development. If the application is to be approved, Members need to be satisfied that there are sufficient changes in the material considerations to warrant reaching a different decision. The most significant planning decision in forming this judgement is the Inspector's decision from 2017, which Dismissed the Appeal on four grounds.

9.3 On balance, based on the detail discussion above, Officers consider there have been significant changes in the Development Plan and the planning context (through the approval of residential development at Fernlea) to warrant a reassessment of the Inspector's view that this site is not sustainable nor accessible.

9.4 Furthermore, the fundamental differences in the design approach of the current scheme plus the updated information submitted in terms of noise, odour and pests, are considered to overcome the Inspector's third and fourth reason for Dismissing the 2017 Appeal.

9.5 The Council's benchmark for determining whether such proposals are HO10(iii) compliant is the support of Design:Midlands, who do consider this scheme to represent 'exceptional quality or innovative design' and praise it for being 'unique,' 'unconventional,' 'exciting' and 'refreshing.'

9.6 For the reasons given above the principle of developing the site specifically for dwellings of innovative quality or outstanding design, influenced by the landscape and character of the site, is considered acceptable for this development. Officers do not consider this would set a precedent for developing other sites due to the unique qualities and merits of this case. Members are asked to note that Policy HO10(iii) requires development to

achieve either exceptional quality **or** innovative design and based on the discussion above Officers suggest that the proposals meet exceptional quality **and** innovative design, thereby going over and above what is needed to comply with Policy HO10(iii).

- 9.7 On balance, it is considered that sufficient changes in material considerations have occurred since residential development on this site was last considered to warrant Members reaching a different decision to the Inspector in 2017. All consultees either raise no objections or support the scheme subject to condition(s). The proposals are considered to meet the requirements of Local Plan Policies HO10(iii), HO4, ER1, C3, C5, BE8 and BE1. In the case of BE1 Members are asked to note that all eleven criteria are satisfied, which is unusual, and demonstrates further that these proposals achieve exceptional design and outstanding quality. In terms of the LPNP the proposal satisfies Policies D1, D2, TA1, TA2 and INF1.
- 9.8 The proposal is therefore deemed to be compliant with the Development Plan and the guidance contained within the NPPF.

## **10.0 DETAILED RECOMMENDATION**

- 10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:
- A) The following Condition(s) (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

### **Condition(s)**

Time Limit - Full  
Samples of Materials  
Conditions as requested by Drainage Officer (see para 8.6.1)  
Conditions as requested by Ecology Officer (see para 8.7.1)  
Conditions as requested by Arboricultural Officer (see para 8.7.2)  
Conditions as requested by Geotechnical Specialist (see para 8.8.2)  
Conditions as requested by Environmental Health Specialist (see paras 8.4.6 and 8.8.3)  
Conditions as requested by Shropshire Archaeology (see para 8.3.13)  
Restriction on use of hub as non-dwelling  
Construction Environmental Management Plan  
Development in Accordance with Plans