

TWC/2019/0252

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

Erection of 15no. dwellings and garages with associated access ***AMENDED DESCRIPTION & AMENDED PLANS RECEIVED***

APPLICANT

Shropshire Homes Ltd

RECEIVED

26/03/2019

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

COUNCILLOR STEPHEN BURRELL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

1.0 SUMMARY RECOMMENDATION

- 1.1 Grant Full Planning Permission subject to Condition(s), Informative(s) and s.106 Legal Agreement.

2.0 APPLICATION SITE

- 2.1 Tibberton is located around 5 miles west of the town of Newport. Within the Village is a Church, Primary School, a Public House and a local shop run by the community. There is a bus service that connects Newport with Shrewsbury.
- 2.2 The application site extends to approximately 0.93 hectares and is set back from the Back Lane in the rural village of Tibberton. The site comprises a single grassed field which is not currently in active agricultural use and has not been so many years. There is an existing vehicular access via a predominantly surfaced private lane leading between the site and the Back Lane. The site is not publicly accessible and does not contain any existing rights of way.
- 2.3 The site is positioned close to the core of the Village and between residential developments to the north and south, fronting Back Lane. The land is set back from the highway where grass verges form the boundaries to the front. The site has little landscape features and is bounded by intact hedgerows on most sides. There are a number of scattered trees around the edges, one of which is protected by a Tree Preservation Order.
- 2.4 There is a mix of development along Back Lane including traditional cottages, post-war detached and semi-detached dwellings as well as more recent new builds.

3.0 APPLICATION DETAILS

- 3.1 This full planning application seeks permission for the erection of 15No. dwellings and garages on land to the east of Back Lane. The proposal comprises nine detached dwellings, four semi-detached dwellings and two detached bungalows. 35% (5No. dwellings) will be allocated as Affordable Housing.
- 3.2 Access is proposed to be provided to the east of the development site via a separate parcel of land where Planning Permission has previously been granted for 25No. dwellings. This access, within the redline boundary of the site, will be served off Plantation Road.
- 3.3 Amendments have been submitted during the course of this planning application including the reduction in the number of houses from 16 to 15, alongside amendments to the layout and house types and the removal of a pedestrian footpath off Back Lane.
- 3.4 The application is supported by the following documents:
- Ecological Appraisal
 - Arboricultural Impact Assessment
 - Design & Access Statement

4.0 PLANNING HISTORY

- 4.1 TWC/2016/0785 - Outline application for residential development of up to 14no. dwellings, associated infrastructure and access, with all other Matters Reserved - Outline Refused 19 January 2017. Appeal Allowed 13 October 2017

5.0 RELEVANT POLICY DOCUMENTS

- 5.1 The Development Plan:
- Telford & Wrekin Local Plan (2011-2031)
- 5.2 Other material considerations:
- National Planning Policy Framework (NPPF)
 - Tibberton Neighbourhood Development Plan – area designated Jan 2019 (first step of process).

6.0 NEIGHBOUR REPRESENTATIONS

- 6.1 The Local Planning Authority has undertaken two rounds of public consultation. 10 letters of Objection were received from 8 addresses to the first round of consultation together with a single letter raising No Objection. 3 letters of Objection were received to the second round of consultation together with a single letter supporting the proposals subject to Condition(s). The Main Issues are summarised below:

- Significant impact on traffic in the village - proposal will exacerbate existing problems;
- Grass verges within the village are being destroyed as a result of traffic;
- Roads around the village are in a poor condition;
- Significant development has already taken place within the village;
- Local Primary School is already at maximum capacity;
- Overdevelopment / high density development;
- Adverse impact on living conditions of neighbouring properties as a result of loss of privacy, sunlight and overbearing impact;
- Adverse impact on the local character of this rural village;
- Unsuitable house types;
- Concerns regarding site levels and potential impact on neighbours;
- Adverse impact on local wildlife and trees;
- No requirement for footpath leading from Back Lane. This will result in additional parking on a narrow lane and concerns of pedestrian safety;
- Inadequate drainage to serve the proposed development;
- Development is of little benefit to Tibberton and its residents.

7.0 STATUTORY REPRESENTATIONS

7.1 Tibberton & Cherrington Parish Council: **Object**:

- Welcomes recent changes made, however revisions do not go far enough to address concerns. It is accepted that the Planning Inspector allowed a previous appeal for 14 dwellings. The current proposal for 15 dwellings would create the highest density in Tibberton and should be reduced to 14 as per the original Outline Approval;
- Concerns regarding ground levels, particularly Plots 7-10, which will require to be lifted considerably to enable the drainage to discharge via the adjacent site. Base levels should be noted before any work on site begins;
- Footpath is not needed or required and should be removed;
- Should the application be approved the Parish Council would look for a s.106 funding of £50,000 to specifically attend to the upgrade and protection of the road network on the two main roads into the village from the B5062 (the turnings into Bobaston Bank and Back Lane).

7.2 Highways: **Support** subject to Condition(s):

- Parking, loading, unloading & turning;
- Design and construction of new roads and footways;
- Development shall not be brought into use until access onto Plantation Road approved under planning ref.: TWC/2016/0446 has been constructed to adoptable standard with requisite visibility splays;
- s.106 contribution of £1,900 per dwelling towards a Traffic & Speed Management Scheme on the B5062 within the vicinity of the Back Lane/B5062 junction and a highway safety improvement scheme on the B5062 and Cherrington Road Junction and any other associated works.

7.3 Drainage: **Support** subject to Condition(s):

- Scheme of Foul and Surface Water Drainage;
- SUDs Management Plan.

7.4 Ecology: **Support** subject to Condition(s):

- Works in Accordance with Protected Species Survey;
- Erection of Artificial Nesting/Roosting Boxes;
- Landscaping Plan;
- External Lighting Plan (submitted during determination)
- Pre-commencement Inspections;
- Include Wildlife Informative(s).

7.5 Arboriculture: **Support** subject to Condition(s):

- Landscaping Design
- Tree Protection Plan

7.6 Healthy Spaces: **Comment**:

- It is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing play area / recreational / sporting resource. The development will contain a number of properties which will contribute to the need of play/recreational facilities for the area. A contribution of £600 per property towards the refurbishment of the nearby children's equipped play area should be secured via s.106.

7.7 Education: **No objection**, following contributions required via s.106:

- £60,715 towards education facilities within the village;
- £24,240 towards transport for secondary students to travel to nearest school.

7.8 Affordable Housing: **Comment**: An accommodation schedule to include tenure is required. Affordable Homes should all be for social rent in order to meet local housing needs.

7.9 Shropshire Fire Service: **Comment**: to include Fire Authority Informative.

7.10 West Mercia Police: **Comment**: the applicant should aim to achieve the Secured by Design (SBD) award status for this development.

8.0 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
- Access and Layout
- Character and Appearance
- Impact on Neighbouring Amenity
- Drainage
- Ecology/Trees
- Planning Obligations

8.2 Principle of Development

- 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. In this instance, the Development Plan consists of the Telford & Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.
- 8.2.2 The Development Plan sets out a strategic approach to the delivery of housing in the Borough with TWLP Local Plan Policy SP1 identifying the Telford Urban Area as the primary focus for housing and employment development over the plan period. Policy HO1 of the Plan sets out the housing requirement it considers necessary to meet the development needs of Telford & Wrekin over the period until 2031. Meanwhile, Policy SP4 seeks to ensure that development is sustainable by balancing economic, social and environmental objectives. Tibberton is one of the settlements identified in Policy HO10 as being suitable to support new housing.
- 8.2.3 In this instance the application site already benefits from an Extant Planning Permission following approval of Outline Permission ref.: TWC/2016/0785 in October 2018 following a successful appeal. This permission Granted Outline Permission for 14No. dwellings, associated infrastructure and access. Accordingly, the principle of residential development in this location has already been established.

8.3 Access and Layout

- 8.3.1 The Outline Approval granted permission to access the site via an existing narrow road which branched off from Back Lane to the west. It is now proposed to access the site from Plantation Road to the east and through an adjacent site which has the benefit of planning consent for 25No. dwellings. The access road will be a continuation of the adjacent development and will navigate through the centre of the site providing adequate turning areas.
- 8.3.2 The application before Committee originally sought permission for the construction of 16No. dwellings however the Applicant has reduced the scheme to 15No. dwellings following Officers request to make amendments to the site layout. The scheme now proposes the construction of 15No. dwellings with the following breakdown of house types:

- 8 x 4-bed detached dwellings (Open Market);
- 1 x 3-bed detached dwelling (Open Market);
- 2 x 3-bed semi-detached dwellings (Affordable);
- 2 x 2-bed semi-detached dwellings (Affordable);
- 1 x 3-bed bungalow (Open Market);
- 1 x 2-bed bungalow (Affordable).

8.3.3 The proposed development represents an overall density of approximately 16 dwellings per hectare. Whilst it is acknowledged that this density of development is slightly higher than surrounding existing and future developments, it must also be acknowledged that there is an extant planning permission for 14No. dwellings which would represent an overall density of 14.5 dwellings per hectare. Meanwhile, para. 122 of the NPPF requires planning decisions to make 'efficient use of land' and therefore taking the above in to consideration, the scale of development is considered to be acceptable and compliant with planning policy.

8.3.4 A total of 41No. on-plot car parking spaces are to be provided; with each plot being served by a minimum of 2 parking spaces. The majority of the larger 4-bed dwellings will have 3 or 4 on-plot spaces. The parking standards as set out in the TWLP require a total of 49 car parking spaces to be provided and therefore this shortfall will be met by providing an additional 8 communal spaces. These additional spaces will be provided in two separate areas, one on entrance to the development site and another in the centre. The Local Planning Authority is satisfied that the application meets the required parking requirements.

8.4 Character and Appearance

8.4.1 Policy BE1 of the TWLP provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. This policy advises the Council to support development which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting.

8.4.2 There are a variety of styles and character within the village with a mixture of mature properties including Duke of Sutherland estate cottages, new traditional and modern single and two storey buildings as well as a complex of converted barns nearby.

8.4.3 The proposed dwellings have been designed in a similar fashion to those approved on the adjacent site situated immediately to the east off Plantation Road. These house types have previously been Approved under Planning Permission ref.: TWC/2018/0534 and have therefore already been considered appropriate for their village setting. It should be noted that in respect of the pair of bungalows at Plots 7 and 8, the rear garden depth is noted to be approximately 10 metres and thereafter has an outlook onto open land.

Further, in respect of Plots 9-12, these gardens vary in length between approximately 9.3 and 9.8 metre, and again have an outlook toward existing trees and open land. In all cases, the dwellings are reasonably well spaced out and will benefit from private gardens which exceed 70 sq. metres for family dwellings and 52 sq. metres for 2-bed houses.

- 8.4.4 The proposed dwellings will be positioned centrally within the site and amongst existing and future developments. Finish Floor Levels have been submitted and are considered acceptable when assessing against existing developments to the west of the site, in particular those accessed off Back Lane. Where possible, existing boundary treatments will be maintained and enhanced. Finishing materials will comprise brick and tile to match the surrounding developments. Taking the above into consideration, the proposed development will not significantly affect the character and appearance of the village. Accordingly, Officers remain satisfied that the development will be in accordance with the aforementioned design policy.

8.5 Impact on Neighbouring Amenity

- 8.5.1 The proposals have been subject to amendments during the course of this planning application. Notably, the scale of development has been reduced and house types have been amended to reduce the impact on neighbouring properties. Namely, two detached dwellings adjacent to the nearest neighbouring property ('Sheldar') have been replaced with a pair of bungalows. Not only does this change reduce the impact on the neighbouring properties as well as on the general views of the site from Back Lane but it helps to deliver a broader mix of house types available within the Borough.
- 8.5.2 The closest neighbouring properties to the development include 'Sheldar' and 'Covings,' both of which are bungalows, 'The Old Stables,' a two storey property and the recently built development known as 'Orchard Grove.' The Local Planning Authority has assessed the revised scheme and considered the potential impact on the living conditions of neighbouring properties and this is discussed below.
- 8.5.3 'Sheldar' is situated closest to the application site and a separation distance of approximately 11.5 metres will be retained between this neighbouring bungalow and Plot 7 which is also to be a bungalow. With boundary treatments to be retained and enhanced, Officers are satisfied that there will be no significant impact on the living conditions of this neighbouring property as a result of any significant loss of privacy, light or any overbearing impact.
- 8.5.4 Turning to 'Covings,' this is also a bungalow that is side-on to the development site. A separation distance of over 26 metres will be maintained between this bungalow and Plot 6. Whilst Plot 6 is to be two-storeys in height, this is an acceptable separation distance to ensure the living conditions of the occupants of this property will not be significantly compromised. Similarly, a 26 metre separation distance shall be maintained between Plot 5 and 'The Old Stables.' The applicant has also considered the relationship between the proposed new dwellings and the neighbouring properties at 'Orchard Grove.'

The layout ensures that there will no significant impact on the amenities of these neighbours.

- 8.5.5 Taking the above in to consideration, the proposal as amended represents a suitable form of development that has taken in to account existing nearby developments. The site can be developed as per the proposed layout without harming the amenities of nearby neighbouring properties and in this regard, the application complies with planning policy.

8.6 Drainage

- 8.6.1 It is proposed to retain all of the site surface water drainage within the site boundary and for each property to discharge into individual soakaways. The sites road infrastructure will also be designed to drain to its own individual soakaway which is to be located to the eastern end of the site near to the site entrance.

- 8.6.2 The sites foul drainage is to discharge directly to the adopted foul drainage network crossing the site. There are known issues raised by residents associated with the capacity of the Severn Trent Water (STW) foul sewer network in Tibberton. This is an issue for STW to resolve and carry out improvements to accommodate this development if necessary. The Council's Drainage Engineers have assessed the proposed development and offer support for the development subject to a Condition relating to the requirement for a foul and surface water drainage plan to be submitted and approved.

8.7 Trees & Ecology

- 8.7.1 The application is also supported by an Arboricultural Impact Assessment (prepared by Forester and Arborist Services, February 2018). A number of Trees, including the Oak Tree, subject to a Tree Preservation Order, have been Surveyed and the Report sets out a number of recommendations to ensure that those Trees to be retained will be protected during and after construction. The Council's Tree Officer has assessed the application and offers support subject to the inclusion of Condition(s).
- 8.7.2 This application is supported by an Ecological Appraisal (prepared by Greenscape Environmental, March 2019). This survey focused on habitats to be damaged or destroyed as part of the proposed development and the potential for disturbance or damage of protected species. The habitat for bats was found to be limited to foraging and commuting over the hedgerows and trees with no further surveys in respect of bats deemed necessary. The habitat for nesting birds was reported to be limited to the hedgerows and trees around the site. Opportunities for improvements are possible through the erection of bird boxes across the site.
- 8.7.3 The Report also confirms that there is a known breeding pond of great crested newts at the southern tip of a group of ponds to the southwest of the site. Work will be conducted under a reasonable avoidance measures method statement to avoid any risk of the killing or injuring of individual newts. The

Council's Ecologist has assessed the survey and offers support for its findings subject to a number of Conditions as detailed above.

8.8 Planning Obligations

- 8.8.1 The proposed development meets the requirement to provide the following Contributions:
- 8.8.2 *Education:* Local Plan Policy COM1 recognises that new housing development will generate additional demands upon existing levels of education provision. The application meets the trigger to provide a financial contribution of £60,715 towards education facilities within the village and £24,240 towards transport for secondary students to travel to the nearest school.
- 8.8.3 *Children's Play/Recreation:* Policy NE4 requires that the development provides a contribution towards the enhancement of public open space. The Council's Healthy Spaces Officer has confirmed the application generates a contribution of £9,000 towards the upgrade of the nearby play area.
- 8.8.4 *Highways:* Policy C3 requires new developments to mitigate site specific highway issues through commuted sums specified by the Local Highway Authority. The LHA has confirmed that a contribution of £1,900 per dwelling is required towards a Traffic & Speed Management Scheme on the B5062 within the vicinity of the Back Lane/B5062 junction and a highway safety improvement scheme on the B5062 and Cherrington Road Junction and any other associated works.
- 8.8.5 *Affordable Housing:* Policy HO5 of the TWLP requires 35% of new developments within the rural area to be Affordable Dwellings. In accordance with this Policy, the proposed development will provide 5 Affordable Units to include 2 x 2-bed semi-detached properties, 2 x 3-bed semi-detached properties and 1 x 2-bed bungalow. The applicant has agreed to enter in to a s.106 Agreement with the Council in order to secure this.
- 8.8.6 The Applicant has confirmed there are no viability issues and they are able to meet the contribution requirements set out above in full.
- 8.8.7 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.
- 8.8.8 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 required for this application meet the relevant tests. The above obligations will be secured by a s.106 agreement attached to the planning permission.

9.0 CONCLUSION

- 9.1 The principle of residential development on this site has previously been established through approval of Outline Planning Permission TWC/2016/0785 in October 2017 for up to 14No. dwellings. The principle of residential development on the site is therefore considered acceptable in principle.
- 9.2 In terms of character and appearance, the proposed development will reflect that of the wider development and will not have an adverse impact on the character and appearance of the village or amenity of surrounding neighbouring properties and is therefore considered to be acceptable. The proposed dwellings will be accessed via the previously approved access to the east off Plantation Road and subject to conditions, there are no concerns with regards to highway safety.
- 9.3 There are no technical issues that would prevent the development from proceeding and no issues that cannot be mitigated against through the use of Condition(s). Accordingly it is considered that the proposal represents an appropriate form of development which complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.

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 applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority (subject to indexation from the date of Committee with terms to be agreed by the Development Management Service Delivery Manager) relating to:
- i) Primary Education Contribution of £60,715;
 - ii) Transport to Secondary Education Contribution of £24,240;
 - iii) Highways contribution of £28,500;
 - iv) Children's Play/Recreation Contribution of £9,000;
 - v) Affordable Housing Provision of 35% (5 dwellings).
- B) 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

Material Samples

Construction Detail New Roads and Footways

Access onto Plantation Road Prior to Occupation

Foul and Surface Water Drainage

SUDS Management Plan

Landscaping Design

Landscape Management Plan

Site Environmental Management Plan

Tree Protection Plan

Parking, Loading, Unloading and Turning

Works in Accordance with Protected Species survey

Pre-commencement inspection for badgers

Erection of Artificial Nesting/Roosting Boxes

Accommodation Schedule

Approved Plans

Removal of Permitted Development Rights