

TWC/2019/0177

Land south and west of Tibberton Motor Repairs, Mill Lane, Tibberton, Newport, Shropshire

Reserved matters application for the erection of 21no. houses and garages including details of appearance, landscaping, layout and scale pursuant to outline application TWC/2014/1080 \*\*\*AMENDED DESCRIPTION & AMENDED PLANS RECEIVED\*\*\*

**APPLICANT**

Fletcher Homes (Shropshire) Ltd & , Mr A Beeston

**RECEIVED**

04/03/2019

**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 Reserved Matters Consent subject to Condition(s) and Informative(s).

**2.0 APPLICATION SITE**

2.1 The application site extends to approximately 1.18 hectares and is located off Mill Lane in the rural village of Tibberton. Tibberton is located around 5 miles west of the town of Newport. Within the Village is a Church, Primary School and a Public House. There is a bus service that connects Newport with Shrewsbury.

2.2 The site once accommodated a Paper Mill but was later redeveloped as horticultural nurseries along with several buildings and a dwelling. A vehicle repair garage still operates to the far north-eastern corner of the site and the residential dwelling 'Marbren House' is located to the east having been built circa. 1980 in traditional brick and roof tile construction.

2.3 The south eastern boundary is former by the direct alignment with Mill Lane. The south western boundary runs adjacent to an existing access to an underground pumping station located over the south west boundary. The western boundary is formed by a native species hedgerow which runs in a northerly direction until it meets the River Meese. The northern boundary follows the riverbank until it meets the existing commercial use. The topography of the site is generally flat with a slight fall in level from south to north of approximately 1.0 metre to the top of the riverbank.

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 application seeks approval of Reserved Matters following the Grant of Outline permission, ref.: TWC/2014/1080 in March 2016. This Outline Consent, Allowed at Appeal, gave permission for the erection of up to 22No. dwellings together with the construction of a modified vehicular access with associated highway and drainage infrastructure. Access was approved as part of the Outline permission however all other Matters, including scale, layout, appearance and landscaping were Reserved for later approval.
- 3.2 With the principle of development already having been established, this application seeks approval of details relating to those Reserved Matters (scale, layout, appearance and landscaping) for a development comprising 21No. dwellings with garages.
- 3.3 Amendments have been submitted during the course of this planning application including the reduction in the number of houses from 22 to 21, alongside amendments to the layout.
- 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/2014/1080 - Outline Application for residential development (up to 22 houses) and construction of a modified vehicular access, with associated highways and drainage infrastructure and other accommodation works with all other matters reserved - Outline Refused. Appeal Allowed 08 March 2016

### **5.0 RELEVANT POLICY DOCUMENTS**

- 5.1 National Planning Policy Framework (NPPF)

- 5.2 The Development Plan:

Telford & Wrekin Local Plan (2011-2031)

### **6.0 NEIGHBOUR REPRESENTATIONS**

- 6.1 The Local Planning Authority has undertaken two rounds of public consultation. 8 letters of Objection were received from 6 addresses to the first round of consultation together with a single letter of Comments. 6 letters of Objection were received from 5 addresses to the second round of consultation. The Main Issues are summarised below:

- The Conditions imposed to the Outline permission should be fully observed with this current Reserved Matters application;

- Mill Lane is a narrow lane from the Centre of Tibberton with the access point located on a sharp, right angle bend;
- History of accidents, near misses and problematic for two vehicles passing each other. Road is also a rat run to A41;
- Concerns of flooding from River Meese - not unknown for the river to rise rapidly and flood around the existing garage towards Marbren House;
- Concerns of land contamination from former use as a Paper Mill;
- Predominant style of housing is a mixture of 1970/80's bungalows and large detached houses with extensive and widely spaced plots - proposed development is not considered to be in-keeping;
- The 'Pedestrian Safety Scheme' as required by Condition No.6 of the Outline Consent cannot be delivered due to the grassed verges being within the private ownership of residents;
- Proposal will result in an additional 78 vehicles using Mill Lane adversely affecting highway and pedestrian safety;
- Lack of car parking to serve the proposed development and Garage;
- Inadequate visibility splays when turning right into the developed site;
- Application site cannot be described as 'a suitable infill plot' as it is a housing estate outside the perimeter of the Village;
- Adverse impact on existing highway and drainage infrastructure which cannot accommodate the additional pressures from new development;
- Proposal will negatively impact on local wildlife and protected species;
- Concerns relating to pedestrian safety as a result of higher traffic levels and absence of pavements;
- Tibberton Primary School is currently over-subscribed;
- The nearby ancient Mill Bridge is Listed and will deteriorate at increased rate due to increased traffic volumes;
- Development will result in further destruction of grassed verges;
- A discharge of Conditions application has not yet been submitted to the LPA to deal with the Conditions imposed to the Outline Consent. Lack of information, including Archaeology and Land Contamination Reports;
- The nearby sewage pumping station is allowed to discharge raw sewage in the River Meese when the storm water system is not coping – risk of contamination of the estate including proposed attenuation pool;
- Matters relating to land ownership to include verges and additional land along Mill Lane is disputed between residents and developers;
- Concerns of toxic dust as a result of disturbance of Contaminated Land.

## **7.0 STATUTORY REPRESENTATIONS**

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

- Whilst the Parish Council understands this application seeks approval of only the matters which were not approved at outline stage, it is considered that the conditions imposed to this permission should be dealt with as part of this Reserved Matters application.

- The Parish Council has strong evidence that it will not be possible to introduce any form of acceptable pavement without reducing the lane to an unacceptable width. If the pavement cannot be built then the development cannot proceed.
- The width of Mill Lane at its narrowest is 4m and TWC's required minimum width for pavements is 1.5m. Any footpath adhering to this requirement will result in Mill Lane being too narrow for vehicles.
- Mill Lane is a main route into the village. The development is on a 90 degree bend on this road. Any reduction in the road width will be too narrow particularly for school coaches and agricultural vehicles.
- It is understood that there is an old and rare mill wheel on site from its previous use as a paper mill. No building/infrastructure should be allowed near to where the Mill originally stood.

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

- The Local Highway Authority (LHA) notes that the access arrangement and 'pedestrian safety scheme' conditioned do not form part of the scope of this Reserved Matters application and should therefore have no bearing upon any subsequent planning outcome.
- The LHA considers that the verge required to deliver the pedestrian safety scheme forms part of the adopted highway and as such is considered to be deliverable. Notwithstanding this and at the applicants' discretion, the LHA would welcome the opportunity to discuss an alternative package of works along Mill Lane following a planning outcome of this Reserved Matters application. Accordingly it is recommended to include the following Condition(s):
  - Parking, turning, loading & unloading of vehicles to be provided prior to occupation;
  - Details of design and construction of new roads, footways and surface water disposal to be submitted prior to development.

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

- Scheme of Foul and Surface Water Drainage;
- SUDs Management Plan;
- Written confirmation from Severn Trent Water in relation to off-site drainage improvements;
- Water Run off Rates;
- Attenuation and control features to be located outside the flood envelope and try access for maintenance/inspection provided.

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

- Ecological Mitigation Strategy and Method Statement;
- Protection of River Meese Corridor
- Include Wildlife Informative(s).

7.5 Arboriculture: **Comment**

- Require a Tree Replacement Scheme.

7.6 Healthy Spaces: **Comment**:

- Long Term Landscape Management Plan is required to identify how the open space is to be managed and how this is to be funded.

7.7 Archaeology: **Comment**:

- Condition 14 of the Outline Permission requires the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation to be submitted and approved by the LPA.

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

**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
- Layout and Scale
- Appearance and Landscaping
- Impact on Neighbouring Amenity
- Drainage
- Ecology/Trees
- Other Matters

**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/2014/1080 in March 2016 following a successful appeal. This permission Granted Outline Permission for up to 22No. dwellings, associated infrastructure and access subject to a suite of conditions and a s.106 Agreement to deliver the following:

- Affordable Housing Provision of 35% (Reduced from 40% following the Grant of a Deed of Variation in February 2019);
- Highways Contributions - £250 per dwelling towards a traffic and speed management scheme on the B5062 within the vicinity of Back Lane/B5062 Junction and £1,650 per dwelling towards a highway safety improvement scheme on the B5062 and Cherrington Road Junction;
- Education Contributions - £2,721.60 per dwelling towards an extension at Tibberton Primary School and £2,512.31 per dwelling towards sports facilities provision at the Burton Borough Secondary School;
- Recreation Contribution - £600 per dwelling towards play and recreation at Tibberton Playing Fields.

8.2.4 Therefore with the Principle of Residential Development in this location having already been established, this application seeks permission for the Reserved Matters only, namely Layout, Scale, Appearance and Landscaping.

### **8.3 Layout and Scale**

8.3.1 The development will be served off Mill Lane, in accordance with the already approved access arrangements. The existing access to the Garage is to remain in the same position within the development and served off the new adoptable road and small private drive. The Local Highways Authority (LHA) remain satisfied with the proposed development subject to the outline conditions being satisfied and subject to the inclusion of additional Condition(s) raised during the course of this application and as detailed above.

8.3.2 The application before Committee originally sought permission for the construction of 22No. dwellings, in line with the original outline approval, however the applicant has reduced the scheme to 21No. dwellings following officers request to make amendments to the site layout. The scheme now proposes the construction of 21No. two-storey dwellings with the following breakdown of house types:

- 6 x 4-bed detached dwellings (Open Market);
- 7 x 5-bed detached dwellings (Open Market);
- 2 x 3-bed semi-detached dwellings (Affordable);
- 6 x 2-bed semi-detached dwellings (Affordable).

8.3.3 The proposed development represents an overall density of approximately 17.5 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 22No. dwellings which would represent an overall density of 18.5 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 The proposed layout follows broadly that of the indicative layout submitted as part of the Outline planning application. The layout has taken into account and respected the views and orientation of the existing dwellings around the development whilst still providing a layout with a strong relationship to Mill Lane. Importantly the layout allows for a minimum 8 metre buffer from the top of the riverbank as per the requirements of Condition No.16 of the Outline approval. The layout has also been influenced as a result of existing developments on site; namely the Vehicle Repair Garage to the North and 'Marbren House' to the East to ensure satisfactory separation distances.
- 8.3.5 On the entrance to the development, the houses have been designed to both front onto Mill Lane and the new adopted access road through use of dual-aspect houses. The layout allows for a varied street scene with further variation in elevations along both the field boundary to the west and river to the north. The proposed dwellings are traditional two-storey in height with typical height to eaves of 5.15 metres and ridge heights that are consistent with those in the local area. Whilst the eight affordable houses have been clustered together to the East of the site, in order to allow for effective future managements, these have been split into two separate groups to ensure a degree of separation on site. An attenuation pool is proposed to be built within the centre of the site which will, in turn, help provide a break in the building line and provide an area of public open space which will be surveyed by the new dwellings. The proposed layout also allows for purposeful areas of soft landscaping which will be conditioned.
- 8.3.6 A total of 72No. 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 and 5 bed dwellings will have 4 or more on-plot spaces. The parking standards as set out in the TWLP require a total of 56 car parking spaces to be provided and therefore there is an over-provision of parking being provided to ensure there is no overspill of parking along Mill Lane.
- 8.3.7 Whilst not a material planning consideration, for purposes of clarity, there is a Right of Access that runs along the southern boundary to the fields to the west of the application site. The developer acknowledges, and has made provision for this Right of Access as shown on the accompanying Site Plan. The Local Planning Authority (LPA) is aware, however, that the developer has contacted the beneficiary to distinguish and re-route the Right of Access through the development site.

## **8.4 Appearance & Landscaping**

- 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 encourages the Council to support developments which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting.

- 8.4.2 There is 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 Many of the proposed dwellings follow the style of the 'Duke of Sutherland' estate cottages which represent the prevalent building style throughout the village and settlement across the Weald Moors. The cottages include the following features: Prominent front gables, lowered eaves with dormer windows, hipped tiled porches, brick corbelling detailing and tall narrow windows with central horizontal glazing bars.
- 8.4.4 A large proportion of the dwellings have prominent gables, many of which extend the length of the dwellings thus reducing the house height. All houses are to be constructed from brick blends suitable for the rural location of Tibberton, with all frontage windows incorporating a stone hood detail. The windows will be of casement style with horizontal glazing bars to form traditional three pane design and will comprise two colours being a grey and a cream. All houses will incorporate a variety of different timber porch designs, including a traditional cottage porch, a full brick pitched roof porch or a hipped porch on supporting timber posts. Several house types will also have chimneys on the gable end. The dwellings will be constructed predominantly with a brick finish and roofed with a play clay tile. Details of materials and hard landscaping are to be provided as part of a future Discharge of Condition(s) application.
- 8.4.5 All but two of the dwellings are in accordance with the technical housing standards (nationally described space standards) with many houses significantly exceeding the required internal living accommodation. The internal space of the dwellings range from 70m<sup>2</sup> for a 2 bed dwelling to 189m<sup>2</sup> for a 5 bed property. Plot No's 7 and 10 fall short of the standards by 6m<sup>2</sup>.
- 8.4.6 With regards to garden sizes, the majority of rear gardens exceed 10 metres in length. Where this falls short, i.e. plot No's 7 and 13, the rear gardens back out on to public open space or non-residential uses. It should be noted that all gardens meet the standards of 70m<sup>2</sup> minimum garden size for family accommodation and 52m<sup>2</sup> for 2 bed houses. In most cases, the minimum standards are significantly exceeded.
- 8.4.7 Boundary treatments will comprise mainly of 1.2 metres high timber post and rail fencing around the attenuation pool and 1.8 metres high fencing is proposed around the rear and side of the properties. Frontages will be laid to lawn with the attenuation pool planted with suitable water edge species. Noise

deflecting fencing will be erected around the boundaries of the workshop as guided by the noise survey mitigation measures. Final detail of boundary treatments and both hard and soft landscaping will be provided as part of the impending Discharge of Condition(s) application.

- 8.4.8 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 Given the nature of the site and its location on the edge of the village there are few neighbouring dwellings that could potentially be affected by the proposed development. The nearest neighbours include 'The Croft', a detached two-storey dwelling to the South, No's 39 and 29 Mill Lane, a pair of traditional two-storey cottages to the South East and 'Marbren House', a two-storey red brick house built circa. 1980 which is located immediately East of the application site.

- 8.5.2 'The Croft' is situated immediately south and currently looks out on to the development site. The proposed Site Layout Plan has considered the position of this neighbouring property and has located the detached garages of Plot No's. 20 and 21 in direct line of 'The Croft' to reduce the impact on amenity. Even so, a 20 metre separation distance is retained between this neighbouring property and proposed Plot No's. 20 and 21 respectively. When considering the difference in ground and therefore finished floor levels, 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.

- 8.5.3 Turning to No's. 39 and 29 Mill Lane which are located to the South-East of the application site. A minimum separation distance of 20 metres shall apply between these neighbouring dwellings and the closest plot, being Plot 1. Once more, these neighbouring properties are positioned at higher ground and so the proposed layout ensures that there will no significant impact on the amenities of these neighbours.

- 8.5.4 Finally, 'Marbren House' is located immediately east of the site and approximately 17 metres away from Plot No's 3-6. However, Plots 3-6 have been designed with no first floor windows in the rear elevation facing this neighbouring property to ensure mutual privacy is retained. Instead the bedrooms to the rear of these houses will be served by roof lights and small side elevation windows. Externally, officers welcome the bricked up opening detail with brick sills to avoid blank elevations.

- 8.5.5 Taking the above in to consideration, the proposal 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 for foul drainage to be directed to a private on site pump station before being pumped to the existing mains gravity sewer. This arrangement is required as the existing Severn Trent sewer and pumping station is not deep enough to be entered into by gravity from the development. Surface water from the additional hardstanding created by the development will be collected and directed to the proposed attenuation pool. The outflow from the storage pool will be released into the existing surface water sewer, which currently crosses the site diagonally and will be diverted through the development.
- 8.6.2 The Council's Drainage Engineers have assessed the proposal and have raised no objections subject to Condition(s) as outlined above.

## **8.7 Ecology & Trees**

- 8.7.1 This application is supported by an Ecological Appraisal (prepared by Greenscape Environmental, June 2019). The report confirms that the existing buildings on site have potential for bats to be foraging around the site and along the river corridor. A Condition on the Outline Decision Notice from the Inspector requires the submission of a lighting scheme and the submission of a scheme of bat boxes on the site.
- 8.7.2 There are a number of ponds within 500 metres of the site but they are all over 400 metres away and separated from the site by residential areas. On this basis, Greenscape Environmental are satisfied that Great Crested Newts are unlikely to be present on the site. There is a known badger sett just off the site and a badger track on the site leading down to the river and on this basis reasonable avoidance measures for badgers will be required during the construction period and a pre-commencement check for badgers will also be required.
- 8.7.3 The report did not record any evidence of water vole or otter in the River Meese corridor to the north of the site although records of these species have been historically made locally. On this basis it is recommended that a buffer zone along the river corridor is required which will be an average of 10 metre wide with some areas down to 8 metres to facilitate the access road. The Environment Agency have indicated that they are satisfied with this provision. Further Condition(s) will be imposed relating to nesting birds.
- 8.7.4 The application is also supported by an Arboricultural Impact Assessment (prepared by Sylvan Resources Ltd, June 2019). A number of Trees will be required to be removed to accommodate the development however these are noted to be of 'poor-quality' and their removal unlikely to be detrimental to the local environment. A Tree Replacement Scheme will be conditioned as part of the approval.

## **8.8 Other Matters**

- 8.8.1 Officers have taken in to account the consultation responses received by the Parish Council and local residents. In terms of process, the principle of development has already been established and this application deals only with the matters reserved by the outline permission. An application to discharge the conditions imposed to the outline permission will be forthcoming however the applicant is not required to submit this as part of the Reserved Matters application. This will be submitted prior to the commencement of development on site. The applicant is advised that the conditions imposed to the Outline permission will be required to be discharged as detailed.
- 8.8.2 In respect of conditions, those that have previously been imposed to the outline permission will be required to be discharged however these will not be duplicated on the Reserved Matters 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/2014/1080 in March 2016 for up to 22No. 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 village 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 Mill Lane as approved at Outline.
- 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 to **GRANT RESERVED MATTERS APPROVAL** subject to Condition(s):
- Condition(s)**  
Reserved Matters Time Limit  
Parking, Turning, Loading & Unloading  
Details of New Roads and Footways  
SUDS Management Plan  
Written confirmation from Severn Trent Water - Off-site Drainage Improvements  
Water Run-off Rates  
Attenuation and Control Features Located Outside Flood Envelope

Ecological Mitigation Strategy  
Protection of River Meese  
Tree Replacement Scheme  
Development in Accordance with Approved Plans  
Removal of Permitted Development