

TWC/2019/0833

Site of The Dell, Cherrington, Newport, Shropshire

Outline application for the erection of 1no. dwelling and access with all other matters reserved *****tree survey and drainage information received*****

APPLICANT

C Hames

RECEIVED

14/10/2019

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

THIS APPLICATION HAS BEEN CALLED IN TO BE DETERMINED AT PLANNING COMMITTEE AT THE REQUEST OF TIBBERTON & CHERRINGTON PARISH COUNCIL

1.0 PROPOSAL

- 1.1 This is an Outline Planning Application for the erection of 1No. Dwelling on Land adjacent to The Dell, in Cherrington near Newport.
- 1.2 Along with a duly completed application form, the applicant has supplied the Local Planning Authority with a Location Plan, Block Plan, indicative elevations and floorplans, Planning Statement, and a Preliminary Ecological Appraisal.

2.0 SITE AND SURROUNDINGS

- 2.1 Cherrington lies to the west of the Market Town of Newport and in close proximity to the village of Tibberton. The application site is located within the rural area and there are no facilities within walking distance for occupants to use, nor is there any regular public transport available.
- 2.2 The application site currently forms the domestic garden associated with 'The Dell,' with residential properties to the north and south, and the B5062 to the north. The site comprises of grassed area, with a border of soft landscaping.

3.0 RELEVANT PLANNING HISTORY

- 3.1 TWC/2019/0501 - Outline Application for the erection of 1No. Dwelling, detached garage and access with all other matters reserved - Withdrawn 08 July 2019

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Telford & Wrekin Local Plan 2011-2031 (TWLP):

SP3 Rural Area

SP4 Presumption in Favour of Sustainable Development

HO10 Residential Development in the Rural Area
HO11 Affordable Rural Exceptions
NE1 Biodiversity and Geodiversity
NE2 Trees, Hedgerows and Woodlands
C1 Promoting Alternatives to the Car
C3 Impact of Development on Highways
C5 Design of Parking
BE1 Design Criteria
ER11 Sewerage Systems and Water Quality
ER12 Flood Risk Management

5.0 SUMMARY OF CONSULTATION RESPONSES

5.1 Standard Consultation Responses

5.1.1 Tibberton & Cherrington Parish Council: **Support** and have requested the application be determined by the Council's Planning Committee should it be recommended for refusal. The call in request was made based on the following reasons:

- the Applicant has lived at this address since it was built by his father some 58 years ago, he is now nearing 68 years old, was widowed, but has remarried about 5 years ago;
- they have a large garden which would easily accommodate a smaller dwelling as infill facing the road;
- they want to build a small energy efficient home to meet their retirement;
- there has been no local objection to this application;
- has no detriment to the parish or surrounding area;
- there have been numerous examples of front and rear garden developments within the Parish;
- two examples of similar developments approved were quoted on the call in request as evidence why the current scheme should be approved.

5.1.2 Highways: **Support** subject to Condition(s) in respect of the access drive surface being constructed from a bound material and information regarding vehicle parking, both prior to the first occupation of the development. Also requested an Informative for a s.184 license to be attached to any approval.

5.1.3 Drainage: **Object** subject to Condition(s):

- there are no public sewers mapped in the vicinity of the proposed development site therefore the developer will need to establish the principal of foul and surface water drainage before we are able to support the proposed development;
- in order to demonstrate the principal of foul and surface water drainage for the site, the developer will need to submit soakaway tests;
- should satisfactory information demonstrating the principal of foul and surface water drainage be submitted, conditions would be requested.

5.1.4 Ecology: **Support** subject to Condition(s) in respect of bat/bird boxes, lighting on the site and landscaping. Also request Informatives as outlined.

5.1.5 Arboricultural: **Objection**:

- No information pertaining to trees has been submitted as part of this application. There are a number of existing trees on the site and no reference has been made to them; which ones are to be retained, which are to be felled or how their loss will be mitigated. The proposal is therefore contrary to Policy NE2 at this time.

5.1.6 Shropshire Fire Service: **Comment**:

- Consideration should be given to information contained with Shropshire Fire & Rescue Service's 'Fire Safety Guidance' document.

5.2 Neighbour Consultation Responses:

5.2.1 The application has been advertised through neighbour notification letters. One letter has been received in response highlights concerns in respect of demonstrating that the site can be adequately drained as there is no mains drainage in the village. No further comments have been received.

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development and Sustainability
- Scale and Design of the Proposal
- Other Matters

Principle of Development and Sustainability

6.2.1 Section 38(6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Cherrington is not a settlement identified to receive open market housing in the TWLP 2011-2031 under Policy HO10 and is considered to be an unsustainable location, given the lack of facilities and public transport available to occupants. The site is located in the rural area, where residential development is strictly controlled in the local plan.

6.2.2 The Council is able to demonstrate that there is a 6.4 year supply of deliverable housing sites. The requirements of para's. 11 and 73 in the NPPF are met through demonstrating a five year supply. The relevant Local Plan

housing policies, Policies HO10 and HO11, are therefore up-to-date and should be given full weight in decision-making.

- 6.2.3 Tibberton & Cherrington Parish Council have called the application in to be heard at Planning Committee as they consider the Applicant should be able to build a dwelling on their land which they can occupy for their retirement. There is no Policy detailed within the TWLP for downsizing. Policy HO10 states that development in the rural area will be strictly controlled and infill plots will be supported only within named village settlements; Waters Upton, Tibberton, Edgmond, Lilleshall and High Ercall. Cherrington is not a named settlement and therefore cannot be considered under this policy for infill development. The site is not designated as a named settlement due to its isolated location within the rural area and lack of access to facilities such as schools, shops and employment opportunities. The location of the development proposed is therefore not considered to constitute sustainable development.
- 6.2.4 Outside of these named settlements, if new housing is sought it is required to meet one of the exception schemes within the policy which consist of: (i) making optimal use of a heritage asset (Listed Building or Conservation Area), (ii) meet the essential need for a rural worker; (iii) represent exceptional quality or innovative design, or (iv) be consistent with Policy HO11. The scheme is not consistent with any of the exception schemes listed within HO10 and is not considered to be an infill plot within a named village and as such this housing proposal is contrary to Policies HO10 and HO11 of the TWLP 2011-2031.
- 6.2.5 The Parish Council have noted two examples of other dwellings which have been granted approval which the Parish Council consider to be similar to the application put forward.
- 6.2.6 The first example, TWC/2015/0020, for the erection of 1No. dwelling on land to the south of 18 Cherrington. This application was granted in 2015 when the Council was unable to robustly demonstrate a 5-year housing land supply, and did not have an up to date Development Plan. This example is considered to demonstrate an entirely different context to the current policy position which demonstrates at least a 6.4 year housing land supply and the up to date Telford & Wrekin Local Plan, adopted in 2018. This example is therefore not comparable to the current scheme.
- 6.2.7 The second example, TWC/2018/0198 was also for the erection of 1No. dwelling on land opposite The Priory in Edgmond. This application was determined in accordance with the up-to-date Development Plan and as Edgmond is a named settlement and the site is located in the centre of the village, the principle of development in this instance was considered to be acceptable. This again demonstrates a different context in terms of policy to the current application and is not comparable.

Scale and Design of the Proposal

- 6.2.8 Notwithstanding the above assessment of the principle of development, the Applicant has supplied a block plan which demonstrate that the site can

accommodate a dwelling. Officers are satisfied that the site is large enough to accommodate one dwelling with associated parking and amenity space.

- 6.2.9 The Applicant has submitted indicative floorplans and elevations however these are indicative only. As the application is an Outline application with all matters reserved, the scale and design of the dwellings would be dealt with at Reserved Matter stage.

Other Matters

- 6.2.10 As there are a number of trees located on/adjacent to the application site, Policy NE2 of the TWLP 2011-2031 requires the submission of an Arboricultural Impact Assessment (AIA) to consider the trees on the site and the impact that the proposed development will have on them. This information was not initially provided, however following discussion with the Applicant, this information has now been submitted for consideration. A written update will be provided in due course which details revised comments from the Tree Officer regarding the additional information.
- 6.2.11 The Council's Drainage Officer initially identified concern with regards to draining the site and requested additional information to support the scheme before any support can be offered. As it has not been demonstrated that the site can be adequately drained, the Council's Drainage Officer has objected to the scheme. Until sufficient information is submitted to demonstrate this, the objection will remain.

7.0 CONCLUSIONS

- 7.1 The principle of residential development is strictly controlled within the rural area, and as the proposal has not sought to demonstrate that it meets one of the exception criteria listed within Policy HO10 of the Telford & Wrekin Local Plan 2011-2031. As such, the proposal is deemed to be contrary to the development plan. Furthermore, to-date, insufficient information has been provided in regards to trees and drainage and as such, the proposal is deemed to be contrary to policies SP4, NE2, BE1, HO10, HO11, ER11 and ER12 of the TWLP 2011-2031.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, Officer recommended is to **REFUSE PLANNING PERMISSION** on the following grounds:

1. The proposal is located in the rural area where residential development will be strictly controlled in line with the overall strategy to limit development outside existing urban areas and identified villages, of which Cherrington is not one. The proposal is therefore contrary to Policy HO10 of the TWLP 2011-2031.
2. The Applicant has failed to demonstrate that the proposal would not cause any detrimental harm to the trees which are located on/adjacent to the

application site. An Arboricultural Impact Assessment has not been supplied as part of this application and as such, the proposal is considered to be contrary to Policy NE2 of the TWLP 2011-2031.

3. The Applicant has failed to demonstrate that the site can be adequately drained and would not cause significant detrimental impact upon the drainage systems in the immediately surrounding area. No drainage information has been submitted as part of this application and as a result the proposal is contrary to policies ER11 and ER12 of the TWLP 2011-2031.