

TWC/2014/0236

Land adjacent, 12 Tibberton, Newport, Shropshire

Outline planning application for the erection of up to 60 no. dwellings with associated infrastructure (All matters reserved)

APPLICANT

White Acre Estates Ltd,

RECEIVED

18/03/2014

PARISH

Tibberton and Cherrington

WARD

Edgmond

OFFICER Vincent Maher

BACKGROUND

The Planning Committee resolved at its 2 July 2014 meeting to refuse planning permission for an outline planning application for up to 60 dwellings at the above site (Committee report attached).

The Committee resolution directed officers to refuse planning permission for the following reasons:

1. **The site is not included in the recent Shaping Places consultation and is not an area for development proposed by this Authority**
2. **Scale of development is disproportionate in scale and size**
3. **Significant and detrimental impact on the character of the area**
4. **Impact on services generally, including education**
5. **Lack of community infrastructure and, in particular, the utility infrastructure to support the proposed development**
6. **Inappropriate encroachment into the countryside and beyond the current shape and form of the village**
7. **Concerns regarding the impact on traffic movement and road safety in and around the village**

Officers turned this resolution into the following three refusal reasons:

1. The site is not included in the Council's recent Shaping Places consultation and is not an area for development proposed by this Authority.
2. The Local Planning Authority considers that the development proposed is disproportionate in scale and size in relation to the existing settlement of Tibberton. The development proposed would have significant and detrimental impact on the character of the area. As such it is contrary to Saved Policy UD2 (Design Criteria) of the Wrekin Local Plan and fails to adequately address the requirements of Saved Policy UD4 (Landscape Design) of the Wrekin Local Plan. The Local Planning Authority also considers that the proposal constitutes an inappropriate encroachment into the countryside beyond the current shape and form of Tibberton and is therefore contrary to Policy CS7 of the Adopted Core Strategy and Part b) of Saved Policy H10 (Scale of Development) of the Wrekin Local Plan.

3. The proposals would have a negative impact on existing services in Tibberton generally, including education provision. There is a lack of community infrastructure in Tibberton, in particular, the utility infrastructure to support the proposed development contrary to the advice contained within the Planning Practice Guidance (Reference ID: 34-016-20140306 and Reference ID: 34-020-20140306). The development also raises concern regarding the impact on traffic movement and road safety in and around Tibberton.

The developer of the site has said that he intends to lodge an appeal with the Planning Inspectorate.

Officers have obtained legal advice from counsel on this decision notice. Counsel has advised that refusal reasons 1 and 3 cannot reasonably be defended at appeal and to progress with them will potentially expose the council to the risk of an award of costs.

Officers concur with this view noting that the absence of a site's inclusion in the Proposed Housing and Employment Sites publication does not make the scheme unacceptable per se. Further, the report to the Committee demonstrated that there were no objections to the proposal on highways grounds and other infrastructure demands generated by the proposal could theoretically be addressed.

It is therefore recommended that the council not pursue reasons 1 and 3 in the event that an appeal is lodged.

RECOMMENDATION

That the Planning Committee resolve not to pursue reasons 1 and 3 of the decision notice at a forthcoming appeal.

****Previous planning committee report****

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OFFICER Tim Williams

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of housing development in the context of the Council's current 5 year land supply and sustainable development with regard to this particular location, Impact on infrastructure, Design, density, character and impact on Listed Buildings, Highway safety and public transport provision, Ecology and Habitats Regulation considerations.

THE PROPOSAL:

This is an outline application with all matters (access, appearance, landscaping, layout and scale) being "reserved matters" for consideration at a later stage via separate application(s).

The application is applying for permission for residential development of up to 60 dwellings and associated infrastructure on an area of land totalling some 2.85 hectares. The proposals include details for off site highways improvements, in particular at the junction of Cherrington Road with the B5062 to the south east of the site. Of the 60 dwellings, the applicant form states that 36 would be market housing, 12 social rented and 12 intermediate housing.

The application form suggests that surface water would be disposed of via soakways and pond/lake. Foul water would be disposed of via a connection into the existing foul sewer network in Cherrington Road, subject to confirmation from Severn Trent Water Ltd.

An initial Masterplan Proposals plan indicated how a scheme for 60 dwellings could be accommodated on the land. Vehicular access to the development is proposed across the frontages of existing highways carriageways with the bulk of the development served from an all purpose T-junction access central to the site road frontage of Cherrington Road at the north of the site.

An updated Illustrative Masterplan Proposals Plan shows that 2 dwellings would also be served by a single access point off Planation Road. The initial Masterplan for direct vehicular access to some properties onto Hay Street are now shown as being removed, but there remains the possibility of a pedestrian link being incorporated into the site from Hay Street.

The application has been submitted with the following documents in support of the proposals:

- Design and Access Statement;
- Highways Statement and plans;
- Ecological Impact Assessment;
- Flood Risk Assessment & Developer Enquiry response from Severn Trent Water;
- Archaeological Report; and
- Draft Section 106 Legal Agreement

SITE AND SURROUNDINGS:

The application site is adjoins land around number 12 Tibberton in Tibberton, Shropshire. The site is some 2.85 hectares of existing agricultural land and adjoins

the south eastern extent of Tibberton village. The site is generally level with a hedge running roughly central thorough the site in a north to south direction.

Number 12 Tibberton is a Grade II Listed 17th century timber framed range dwelling. The grounds of this property have been developed with modern agricultural storage buildings obscuring the view of the property from the south. Whilst this property and its outbuildings are not within the application boundary it lies within the centre to the north and is effectively 'wrapped around' by the application site.

The north eastern boundary of the site is a mixture of hedgerows and trees with an agricultural access onto Cherrington Road that runs along this boundary. The north western boundary comprises a hedgerow that runs parallel to Planation Road.

The eastern boundary of the site is defined by a hedgerow and the beyond the part of this boundary lies number 7 Tibberton, a Grade II Listed 17th Century timber framed cottage.

The western half of the southern boundary is defined by a hedgerow beyond which is a horse paddock, whilst the eastern half continues on as an agricultural field.

The western boundary is again comprised of existing hedgerows which run parallel with Hay Street. A gas governor is located on the western boundary and is excluded from the application site.

A number of other residential properties are present in the vicinity of the site, being a variety of traditional brick built cottages and more recently constructed properties.

PLANNING HISTORY:

The site itself does not have any relevant planning history.

PLANNING POLICY CONTEXT:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Saved Wrekin Local Plan policies

Policy UD2 – Design Criteria

Policy UD3 - Urban Design Assessments

Policy UD4 – Landscape Design

Policy H22 - Community Facilities

Policy H23 – Affordable Housing

Policy T22 – Planning Obligations

Policy OL12 – Open Land and Landscape – contributions from new development

Policy OL13 – Maintenance of Open Space

Policy LR4 - Outdoor recreational Open Space

Policy LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

Policy CS1 – Homes

Policy CS7 – Rural Area

Policy CS9 – Accessibility and Social Inclusion
Policy CS10 – Community Facilities
Policy CS 11 – Open Space
Policy CS12 – Natural Environment
Policy CS13 – Environmental Resources
Policy CS14 - Cultural, Historic and Built Environment
Policy CS15 – Urban Design

SUMMARY OF CONSULTATION RESPONSES:

For all consultations received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Committee via the Council's eplanning system.

Development Plans – Comment.

The Council is currently unable to demonstrate a five year supply of deliverable land against its targets, as such the Council's housing land supply policies are considered out of date until such time as this situation is remedied. The key policy consideration is therefore the National Planning Policy Framework (paragraph 49), which states that housing applications in this context should be considered against the presumption in favour of sustainable development.

The scheme is located within one the 3 suitable settlements, named in Core Strategy Policy CS7 and is considered to be within walking distance to some local services (shop, public house, village hall). Residential development in Tibberton is therefore considered acceptable providing the development is economically, environmentally and socially sustainable without having an adverse impact on existing services and infrastructure.

Supporting uses are proposed within the application including education and public open space financial contributions in line with Wrekin Local Plan Policy LR6 and Core Strategy Policy CS10 (Community Facilities). The provision of these facilities will be important as the development will generate additional demand for such facilities in the local area.

Policy T22 relates to planning obligations for transport improvements from developers. These include improvements to existing highways and provision of new roads; provision for public transport improvements; traffic calming measures; infrastructure to meet the needs of the pedestrians, cyclists and horse riders; access for people with disabilities.

The existing bus service that operates in Tibberton is an irregular one therefore the appropriateness of seeking highway contributions in relation to the scale of housing proposed should be considered in negotiation with the appropriate officers and the developer. The improvements required under this policy will be integral towards improving the accessibility of the site and ensuring that the development will be sustainable.

Any reserved matters application should seek to deliver a mix of housing types and tenures to meet the range of needs in the area. This should include provision for

affordable housing, in line with Wrekin Plan H23 (Affordable Housing) and Core Strategy Policy CS7 (Rural Area).

The scale, layout and wider impact of the proposed development should seek to reflect the character of the surrounding area and be in accordance with policies UD2, CS14 and CS15.

On this basis (and subject to the scheme being acceptable on all other relevant planning considerations) the principle of development would constitute sustainable development in line with the National Planning Policy Framework.

Highways – Comment.

In principle there is no objection to the proposal. This is subject to the following conditions:

- Implementation of a junction improvement scheme at the Cherrington Road and B5062 junction, as indicated in the submitted Highways Statement showing minimum Visibility Splays;
- Implementation of a scheme of off site Highways works to provide 2 passing bays located along Cherrington road between the B5062 and the site access and provision of 1 passing bay situated on Plantation Road;
- Details of the parking, turning, loading and unloading of vehicles within the site;
- Means of vehicular access to the site should be from Cherrington Road with the exception of a single point of access off Plantation Road to serve no more than 5 units. Development shall not take place until details of the means of access, including the layout, construction and provision of 2.4m x 43m Visibility Splays have been submitted;
- Implementation of details of the design and construction of any new roads, footways, accesses together with details of disposal of surface water to a suitable outfall; and
- Implementation of details for a 1.5 m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way no.3.

In their response Highways also ask for a Section106 contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School.

Drainage – Support subject to conditions.

Whilst a Flood Risk Assessment (FRA) has now been submitted this document provides a limited amount of information on how the site will drain. The FRA has identified that infiltration will not be possible and that a connection to the public sewer will be required. There are known capacity issues associated with the public sewer network in Tibberton therefore Severn Trent Water should be consulted as soon as possible regarding any connection and the permitted rate of discharge which may be lower than the standard greenfield rate.

Suggest conditions relating to details of surface water drainage and also confirmation that any necessary off site drainage improvements have been

completed by Severn Trent Water, or that there is no need for these to be provided to cater for foul and surface water flows from the site following Severn Trent Water investigations.

Parks and Open Spaces – Comment.

The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby proposed play / recreational facilities for children and young people that could be upgraded / enhanced in order to maximise the capacity and meet the need arising out of this development.

Therefore suggest that should development provide 2 or more bedroom properties; that they meet this need through conditioning of WLP Policies LR4 and LR6. This could be provided by providing a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area). Suggest an appropriate sum to request would be £600 per property in relation to this policy and has been previously agreed on past approved applications.

There is open space proposed within the development but no indication as to how and who is to manage this. If this is not to be the council there will be a requirement for a landscape management plan which not only identifies how the area is to be managed but also identifies how this is to be funded.

Affordable Housing – Support subject to conditions.

The proposal to provide 40% of the development as affordable housing is welcomed and is consistent with policy. Of these, 75% should be for rent and 25% for shared ownership in order to reflect local need.

An appropriate mix of affordable dwelling types/sizes and development standards should be agreed with the local authority prior to start on site and should be fully integrated within the overall development and provided in small clusters.

The affordable homes should be allocated/let using the local Choose Your Home arrangements (or any successor). A Local Lettings Plan (LLP) should be agreed with the local authority prior to any advertising, with priority given to existing long term residents of the parish or those with a strong local connection (and in housing need). This may then cascade to those within adjacent rural parishes in the Borough and then to those in overall rural parts of the borough.

Following national policy, provision should be made for the affordable homes to be retained as affordable in perpetuity or for any proceeds from their disposal reinvested for a similar purpose in a timely manner.

Education – No objection (updated response)

Have been advised that there is the potential to increase the capacity at Tibberton Primary School, however the impact of the development may actually result in the displacement of potential pupils from outside the area who are currently able to access the Primary school. We would therefore seek the contribution to ensure there is sufficient provision of places within a reasonable vicinity of the development.

Given the number and type of dwellings we would seek the following contributions; in respect of Primary education this figure is £145,410 and for Secondary education it is £83,864. Overall the contribution per dwelling is £3,821.

In addition Education would seek a contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school. For this development the figure is £56,250.

Arboriculture (Trees) – Comment.

There is no information within the application pertaining to the trees. However there are a number of trees on the site which make up the field boundaries in and amongst the hedgerows.

If this application is to progress the existing tree stock on site including the hedges will be required to be surveyed and taken into account in the planning process.

The most notable arboricultural features on site are the hedges which enclose the site and the trees growing within them. The oldest tree on site is an Ash growing on the southern boundary between the application site and the horse field. Given its age and form it should be retained within any proposal.

If consent is afforded to the proposal the following information will be required via conditions: Tree Survey, Landscaping Design, Tree Protection in reference to the Ash above, Hedge Protection.

Ecology – Comment.

The site comprises arable fields and poor semi-improved grassland with species poor hedges and some tall ruderal vegetation. There are no priority habitats present on the site. The hedgerows on the site do have conservation value and contain young trees. The site masterplan shows the majority of hedgerows on the site as being maintained, a 20m section is lost for access, and new native species hedgerow and shrub planting is proposed as part of the detailed landscaping proposals at the Reserved Matters stage.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

This proposed development will generate additional demands upon the sewerage and waste water infrastructure within 10km of the European Designated Site and confirmation has been received from Severn Trent Water in an email from Jim Wincott to Andy Gough dated 17 June 2014, that this additional waste water demand can be met within their existing system and that the output from the Sewage Treatment Works which will receive this waste flows away from Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 Site.

The Ecologist has completed a Habitat Regulation Assessment screening matrix which concludes that there is no likely significant effect or likely effect on the integrity

of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of development proposed under planning application reference TWC/2014/0236 at Land adjacent, 12 Tibberton, Newport, Shropshire for the Outline planning application for the erection of up to 60 no. dwellings with associated infrastructure (All matters reserved).

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Suggest a number of conditions and informatives to be attached to any consent issued.

Built Heritage Conservation – Comment (updated response).

A revised scheme has been submitted which addresses the immediate concerns raised previously in respect of immediate impact on the setting of the adjacent listed buildings. The road front properties here are now limited to two and are set back from the road by more than simply soft planting. This is a welcome change and addresses my initial outright objection. The lack of detail on this application, with no indication whatsoever as to any proposed house types will continue to cause some concern until the details are formalised. The density of the remaining properties continues to be an unknown issue and so also, therefore, does the overarching question of the effect of the proposed development on the setting of the settlement of Tibberton.

Environmental Health (Pollution Control) – Consulted but no response received.

Environmental Health (Contaminated Land) – Support subject to condition.

The end-use for this development is sensitive, and there is the potential for there to be diffuse contamination across the site. In view of this, and in relation to Paragraphs 109 and 121 of the National Planning Policy Framework, recommend inclusion of a land contamination condition, should permission be granted.

Urban Design Officer – Comment (updated response).

Initial response was an objection on the basis there is a need for further information here including a site and context evaluation which should have been undertaken as a matter of course and some design principles formulated which are not just general statements, but relate directly to the site and the intended treatment in regard to the Listed Buildings adjacent in order to safeguard their setting.

In response to the submission of a new Illustrative plan the response is Comment. The submission of a new illustrative plan is welcomed to establish some design principles which will limit the number of dwellings along the frontage of the site adjacent to existing Listed Buildings. However, this doesn't address some of the other issues raised previously in terms of character, since there is no analysis and evaluation of the site and its context which would influence issues such as an appropriate density and not just what is considered viable.

In limiting the dwelling numbers along the frontage but not reducing the overall numbers of units within the scheme, it is likely the majority of the scheme is more crammed in than previously envisaged, thus potentially exacerbating associated issues such as adequate parking provision, etc.

As previously stated, although the proposed density is “relatively low” at 21 dph this is by modern standards where typically densities range from 30 – 50 dph, there is nothing to indicate how this compares with the density in the immediate area. Given that this site is towards the periphery of the settlement where densities traditionally tend to be reduced, it would seem reasonable that a comparative study is undertaken to establish what the appropriate density should be for this scheme.

If officers were minded to approve the application on the information submitted, it is requested that a condition requiring some additional work on the assessing local character and how this is to influence any detailed design proposals for the reserved matters scheme is prepared and submitted.

Shropshire Fire Service – Comment with Informative.

West Mercia Constabulary – Comment.

Ask for a condition requiring Secure by Design award status for the development should permission be granted.

Environment Agency – Comment.

Standing advice given in relation to development over 1 hectare in Flood Zone 1 and the requirements for a Flood Risk Assessment.

Severn Trent Water – Comment.

Are aware of several development sites that could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton. The response from STW states that it is gathering information from assets in the village to enable them to commence a hydraulic modelling exercise to determine the impact of these proposals on the sewerage system in the area. What that exercise will do is simulate the current system performance and then the performance with the developments added in. This allows them to forecast the impact of the sites on the system and determine whether any local improvements are required to accommodate them in line with their legal and regulatory obligations.

Once they have the results of the modelling exercise STWs response says they will take the appropriate action in respect of investment. STW say they wouldn't commit to investing in an area until they have reasonable certainty that a site (or sites) are going to proceed – which is usually the granting of Planning Permission. With this in mind, STW ask that conditions are added to the any permission granted covering the following matters:

- The development hereby proposed should not commence until written confirmation is provided to the Local Planning Authority confirming whether any necessary off site drainage improvements will need to be completed by Severn Trent Water.

- The development hereby proposed should not be occupied until any necessary off site sewerage improvements have been delivered by Severn Trent Water Ltd.
- No surface water from the development hereby proposed should discharge to local foul sewers.

Shropshire Archaeology – Comment.

An archaeological Desk-based Assessment and walk-over survey of the proposed development has been commissioned and carried out. The desk-based assessment notes that the majority of the site is of low archaeological potential, but that the north eastern part of the site was occupied by dwellings in the later post-medieval period. In view of this and in and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development.

Campaign to Protect Rural England – Comment.

While Tibberton is identified as a settlement for growth in the saved policies H8 and H9 of the local plan and the CS7 requirement for 40% affordable dwellings is acknowledged, the scale of this single proposal in relation to the existing settlement size is excessive. The site is on the south edge of the village, and would have an intrusive effect on the vehicular approaches to the village from the south and surrounding countryside. A careful landscaping scheme would be necessary to mitigate this and to screen the development from view. Access to the village is along narrow lanes and the existing road infrastructure would be significantly impacted by additional demands from development on this scale.

Local consultation and representations

Tibberton and Cherrington Parish Council – Object.

Parish Council believe this proposals in in combination with other developments recently permitted and under consideration is excessive and, in the context of the village infrastructure, it is unsustainable. This objection is based on following concerns:

- **Highways & Highways Safety:** The roads infrastructure is inadequate for the scale of the development proposed. Many of the existing residents of Tibberton are retired and so the scale of the increase in traffic arising from the new development, expressed as a percentage of existing traffic, is likely to be very high. The roads infrastructure is not designed to cope with this. It would be dangerous and unsustainable.
- **Drainage, Foul Sewerage and Sewage Treatment:** Relying on discharging stormwater from an estate of 60 houses into a highway drain of which little is known, and which has no access points, is unwise. The applicant's suggestion that the site naturally drains into the highway drain in Cherrington Road ignores the contours and visual inspection, which shows otherwise. The cost to TWC ratepayers and resultant disruption to local residents, of providing a new larger highway drain through Tibberton to serve this development, make the proposed development unsustainable.
- **Public Transport:** Limited public transport in the form of buses serving the village meaning that any new residents would have difficulty accessing jobs in Newport, Telford and Shrewsbury.

- Schools: Tibberton Primary School is fully subscribed with many more applications for places than there are places available. The school's location and complexity of land ownership on the site means very little scope is available for the school to grow. Insufficient secondary school provision as result of changes resulting from BSF Programme in the wider area would mean that there may be no secondary school place available for children living in the proposed development.
- Quiet Lanes scheme: In 2006/7 Telford & Wrekin Council implemented the 'Quiet Lanes' project, aimed at removing or at least deterring through traffic from using the narrow lanes which cross the Weald Moors. This would be put in jeopardy because of an increase in traffic disturbance from Tibberton, arising from large-scale development.
- Broadband & Mobile Services: Existing residents currently struggle to use the current slow Broadband service for business or commercial use preventing some from working from home in Tibberton. An effective broadband connection is now regarded by many as an essential requirement of modern day living and housing. Without this service property can become much less attractive to prospective purchasers and thus less sustainable. Tibberton suffers with a very poor and patchy signal on all providers with the new 4G systems being even more sporadic or unavailable.

Representations from Local residents

22 representations of objection, raising the following points:

- No need for development, enough houses already built in village recently. Other sites in the village are more appropriate and could be prejudiced by these plans.
- Size of development is excessive, especially in relation to number of existing dwellings in village.
- Development is outside of village boundary and intrudes into countryside. Loss of good agricultural land and brownfield land should be used first. Village should be preserved and its character protected.
- Negative visual impact of proposals as well as negative impact on adjoining Listed Buildings.
- Development is of an inappropriate density and out of character for village. Design needs to be in keeping with village.
- Inability of existing infrastructure to cope with development and new residents e.g. electric, water, broadband. Cumulative impact with other developments needs to be considered. Sewerage network at capacity and so enough capacity.
- Impact on highways and highways safety for car users and pedestrians. Increase in traffic created, roads in village are single track and narrow with limited visibility on accesses at junctions with B5062. Lack of footpaths and street lighting in the village. Limited public transport in village and new residents would be reliant on private car for transportation.
- Village school is oversubscribed.
- Roads in village frequently already flood. Storm water drainage at capacity
- Lack of other facilities in the village such as supermarket, doctors, dentists etc and lack of employment opportunities in village

- Proposals would have a detrimental impact on existing residential amenity including disturbance whilst building takes place.
- Disturbance to wildlife. Bats to west of site. Impacts on trees/hedgerows
- Development not sustainable or deliverable.

7 representations of support, raising the following points:

- New residents would help support local school, shop and public house which could be lost without further developments.
- Development would offer opportunity to move back to the village, young families need to be encouraged back.
- Development would help towards better bus service and broadband.
- There is provision for affordable housing which is needed as not enough in local area.

PLANNING CONSIDERATIONS:

Principle of housing development in the context of the Council's current 5 year land supply and sustainable development with regard to this particular location.

In accordance with the National Planning Policy Framework (NPPF), Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements as set out in the adopted development plan, the Core Strategy (2006-2016).

As outlined in the response from the Council's Development Plans Team, the Council is currently unable to demonstrate a 5 year supply of deliverable land against its targets, and as such the Council's housing land supply policies are considered out of date until such time as this situation is remedied. The key policy consideration is therefore the National Planning Policy Framework (paragraph 49), which states that housing applications in this context should be considered against the presumption in favour of sustainable development.

The conclusion of the Development Plans Team is that subject to the scheme being acceptable on all other relevant planning considerations (that will be deliberated on later in this report); the principle of development would constitute sustainable development in line with the National Planning Policy Framework.

With regard to this particular location, the application site is located on the south eastern edge of the village of Tibberton. The village itself has no defined boundary in either the Proposals Map of the Wrekin Local Plan or the Core Strategy. The view is that this area of land can be considered to be part of the settlement. Tibberton is one the 3 suitable settlements, named in CS7, where development in the rural area will be focussed and it is considered to be within walking distance to its existing local services (primary school, shop, public house, village hall). Furthermore, in line with other requirements of policy CS7, the application proposes to deliver affordable housing to the level of 40% and this could be secured via a Section 106 legal agreement to any permission granted.

Residential development in Tibberton and in this particular location is therefore considered acceptable in principle in light of Core Strategy Policy CS7 and the

current lack in the Borough of a 5 year land supply of deliverable housing sites. The view is taken that the proposals constitute sustainable development subject to regard on the ability of existing services and infrastructure to accommodate the scale of the development proposed and with regard to all other relevant planning considerations in the Development Plan.

Impact on infrastructure

As outlined above, many of the concerns that residents and the Parish Council have expressed in relation to this application are those in connection with the existing state of the physical and social infrastructure in the village and its ability to cope with additional pressures that would arise from this development and the new residents that it would attract. The impact on infrastructure that needs to be considered in the context of this application relates to that on highways, education provision, open space and leisure provision and drainage.

Highways infrastructure.

The village of Tibberton is served by a number of local roads from a variety of directions. The village's main connection to the wider road hierarchy that connects it with the larger settlements of Newport, Telford and Shrewsbury is the B5062 to the south of the village. There are three roads that lead from the B5062 to the village. This includes Cherrington Road that runs from north from the junction of the B5062 past the site and into the village. Vehicular access to the development is proposed across the frontages to highways carriageways with the bulk of the development served from an all purpose T-junction access central to the site road frontage of Cherrington Road where a 30mph speed limit is currently in force.

An updated Illustrative Masterplan Proposals Plan shows that 2 dwellings would also be served by a single access point off Planation Road. The initial plans for direct vehicular access to some properties onto Hay Street are now shown as being removed, but there is the possibility of a pedestrian link being incorporated into the site from Hay Street.

The application was accompanied by a Highways Statement that considers access to the proposed site and what affects the development many have on the local network. The report acknowledges that the development is considered to be a medium size development and as such the increase in traffic numbers would likely have some effect on the highways network. The Statement includes details of improvements at the junction of Cherrington Road with the B5062. It is stated that this would provide significant improvements for all existing road users in the village that use this junction and would also cater for the likely traffic generation by the development.

The response of the Council's Highways Section states that in principle there is no objection to the proposal. However, this is subject to conditions including details and implementation of a junction improvement scheme at the Cherrington Road and B5062 junction, as indicated in the submitted Highways Statement showing minimum Visibility Splays.

In addition to this Highways say there is a requirement for details and implementation of a scheme of off site highways works to provide 2 passing bays

located along Cherrington Road between the B5062 and the site access and provision of 1 passing bay situated on Plantation Road.

Similarly, and in recognition of the lack of formal footpaths in the immediate vicinity of the site, there is a requirement for details and implementation of details for a 1.5 m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way no.3. Highways also ask for a Section 106 contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School.

Given the response of the Council's Highways Section it appears that any impact on the surrounding Highways infrastructure is acceptable in principle provided that the off site improvements to roads and footpaths are secured by planning conditions and contributions via a legal agreement. The requirements stipulated above accord with Wrekin Local Plan Policy T22 which states necessary improvements to meet the transport needs will be funded by the development.

Education provision.

The village has an existing Primary School to the north west of the site which is a distance that pupils and parents could walk to from the proposed development. Secondary education for children in the village is provided outside of the settlement and the area forms part of the Newport catchment area.

Concern has been raised on the capacity of both the Primary and Secondary schools in the area to accommodate the additional pupils that would arise from this development.

However, the Council's Education Section is not objecting to the application. They state in their response that they have been advised that there is the potential to increase the capacity at Tibberton Primary School. However, the impact of the development may actually result in the displacement of potential pupils from outside the area who are currently able to access the Primary school. Education would therefore seek the contribution to ensure there is sufficient provision of places within a reasonable vicinity of the development.

Given the number and type of dwellings we would seek the following contributions; in respect of Primary education this figure is £145,410 and for Secondary education it is £83,864. Overall the contribution per dwelling is £3,821.

In addition Education would seek a contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school. For this development the figure is £56,250.

Open space and leisure provision.

New residents to the area would increase demand upon the existing recreational resource in the village. The Council's Parks and Open Spaces Officer notes that there are some nearby proposed play / recreational facilities for children and young people which could be upgraded / enhanced in order to maximise the capacity and meet the need arising out of this development.

In line with Wrekin Local Plan Policies LR4 and LR6 this could be provided by securing a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area). The appropriate sum which the applicant has indicated an agreement to pay as part of any Section 106 legal agreement would be £600 per property for dwellings of 2 bedrooms or more.

There is open space proposed within the development but no indication at this stage has been given as to how and who is to manage this. As is common with other outline planning applications this matter can be clarified and addressed via the inclusion of clauses within a Section 106 legal agreement and via appropriately worded conditions.

Drainage

The first part of this issue relates to the disposal of foul water arising from the occupation of up to 60 dwellings into the public sewerage network for treatment. The NPPG states that adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.

Severn Trent Water (STW) in their consultation response acknowledge that several development sites, of which this application is one, could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton.

The response from STW states that it is gathering information from assets in the village to enable them to commence a hydraulic modelling exercise to determine the impact of these proposals on the sewerage system in the area. What that exercise would do is simulate the current system performance and then the performance with the developments added in. This would allow STW to forecast the impact of the sites on the sewerage system and determine whether any local improvements are required to accommodate them in line with their legal and regulatory obligations.

Once they have the results of the modelling exercise STW's response says they would take the appropriate action in respect of investment. STW say they wouldn't commit to investing in an area until they have reasonable certainty that a site (or sites) are going to proceed – which is usually the granting of Planning Permission. With this in mind, STW ask that conditions are added to the any permission granted covering the following matters:

- The development hereby proposed should not commence until written confirmation is provided to the Local Planning Authority confirming whether any necessary off site drainage improvements will need to be completed by Severn Trent Water.
- The development hereby proposed should not be occupied until any necessary off site sewerage improvements have been delivered by Severn Trent Water Ltd.
- No surface water from the development hereby proposed should discharge to local foul sewers.

The NPPG states that local planning authorities can use planning conditions and/or

obligations to secure mitigation and compensatory measures where the relevant tests are met. They can, for example, be used to ensure that new development and infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to sewage treatment have been carried out.

It is considered that the precise wording of the conditions suggested to Severn Trent Water would need to be amended so they comply with the NPPF “six test” approach as conditions cannot require that any aspect of the development should be carried out to the satisfaction of, or by, a third party (Severn Trent Water). Also they would need to be written as “Grampian style” conditions because the foul/surface drainage works include works on land off-site and there is a requirement for this issue to be resolved prior to commencement given it is fundamental to the consideration of whether the development is acceptable.

The second aspect relates to the disposal of surface water created as a result of new built development. Whilst an initial Flood Risk Assessment has been submitted as part of the application further work needs to be undertaken on how the site will be drained address issues arising mitigated. Whilst local representations have been raised concerning this issue, in principle there is no objection to the proposals from either the Council’s own Drainage Engineers or Severn Trent Water subject to conditions that no surface water directly enters the local foul system and is there restricting on run off rates for the final point of discharge.

In conclusion, the indication from the consultation process is that the resulting demands of the proposed development on the physical and social infrastructure in the village can be addressed so that those demands are controlled and catered for should the proposals be given permission.

This can be achieved by the use of planning conditions requiring physical off site improvements to the surrounding highways as identified by TWC Highways which would need to accompany any permission. Similarly, Grampian style conditions can be imposed requiring investigations on the need for any necessary off site foul drainage improvements prior to any development commencing, together with a condition requiring that no dwellings are occupied until any necessary off site improvements to the foul drainage network have been carried out.

The additional demand on social infrastructure connection to education provision and community use recreation facilities arising from the development can be met though the applicant making financial contributions to account for the extra demand the development would create in the village.

In terms of wider social infrastructure such as doctors/dentists etc. these are not present in the village and therefore local provision is found elsewhere, most notably Newport. Despite this there is no evidence to suggest the scale of development would justify the need for contributions to such facilities.

There is no evidence to suggest that other infrastructure necessary to service a residential development, i.e. electricity, gas and telecommunications could not be supplied to the site. Whilst it is noted that broadband speed and mobile coverage

may be poor in the village this is not considered to be a material consideration. Policy is largely silent on the need for such services to accompany housing developments and any new residents to the village can seek information on speed and coverage when deciding whether to they wish to live in the area. Any problems regarding broadband speed and mobile coverage are more likely to be addressed for this area if there is further demand which this development would add to if it is given permission and implemented. Similarly, demand for other services such as the village shop and public house could benefit from additional custom arising from any future residents, thus contributing to their future viability.

Design, density, character and impact on Listed Buildings

This is an outline application with all matters including layout and appearance being reserved matters for later consideration should this application be permitted. The application under consideration is therefore seeking to establish the principle of the proposed development.

In response to the concerns of the Urban Design Officer and Built Heritage Conservation, the applicant has submitted an updated Illustrative Masterplan Proposals Plan. This shows some design principles which would limit the number of dwellings to a total of 2 on both the Cherrington Road and Plantation Road frontages. The road front properties would be set back from the road and mirror the building line of the adjacent Listed Buildings and therefore would provide a continuation of the street scene along these roads. It is considered that this addresses the immediate concerns raised previously in respect of immediate impact on the setting of the adjacent listed buildings.

However, this doesn't address some of the other issues raised by Officers in terms of character, since there is no supporting analysis and evaluation of the site and its context which would influence issues such as an appropriate density and the overarching question of the effect of the proposed development on the setting of the settlement of Tibberton.

The application is for a maximum of 60 dwellings equating to 21 dwellings per hectare. In isolation this a relatively low density compared to other residential schemes, especially those in more urban setting. However, there is nothing within the submitted Design and Access Statement accompanying the application to indicate how this compares with the density in the immediate area. In limiting the dwelling numbers along the frontages but not reducing the overall numbers of units within the scheme, it is likely the majority of the scheme would be more crammed behind those frontages.

It is acknowledged that a full assessment of the proposed impact of this scheme still remains difficult given the lack of information submitted about the site and context in the form of a considered evaluation. With regard to density this is relatively low (21 dwellings per hectare) in comparison to modern standards where typically densities range from 30 – 50 dwelling per hectare, however officers are concerned that there is potential that this edge of settlement site would have a high density form of development which pushes the envelope of the village out into the open countryside

However, as the application is in outline and only seeking the principle of

development detailed examination of the layout and the appearance of buildings can be considered as part of any reserved matters application should this application be given consent. However, in recognition of the issues arising on this subject to date and in line with the advice of the Urban Design Officer, a condition requiring some additional work on the assessing of local character and how this is to influence any detailed design proposals for a reserved matters application can be attached to an outline permission.

Highway safety and public transport provision.

This issue is partially considered above in relation to physical highways infrastructure whereby improvements to the junction of Cherrington Road and the B5062 together the passing bays on Cherrington Road and Planation Road are required to be implemented in line with details to be agreed.

Highways in their response to this application state in principle they have no objection subject to conditions including those providing suitable visibility splays into the site and details of parking, turning, loading and unloading of vehicles within it. It is therefore considered that with regard to vehicle users the mitigation sort by these conditions, both within the site and off site is acceptable from a highways safety viewpoint.

With regard to pedestrian safety, the improvements to footpaths in the vicinity of the site as requested by Highways would appear sufficient to address this concern and would afford safer and enhanced connectivity for any new residents to access existing facilities in the village (school, shop and public house) that are within a walkable distance. It is acknowledged that the range of facilities in the village is somewhat limited to those just described and therefore for any new resident's arising from this proposed development their main shopping, recreational and employment needs and opportunities would lie outside of the village. Given this fact the existing public transport provision in the village needs to be considered.

There is existing bus stop close to the site on Cherrington Road to the north west and other bus stops in the centre of the village. The local bus service serving villages in the area is limited in nature but the village is on the Shrewsbury to Newport service which is more frequent. Nevertheless the service is limited for those wishing to use public transport to access employment opportunities in Telford, Newport or Shrewsbury and therefore it is likely that there private transport would be the main means that any new residents would access jobs as well as higher order services not provided for in the village.

It is acknowledged that this is a weakness to the sustainability credentials of the proposed development. The NPPG states that Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this

NPPF, particularly in rural areas as the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that the Highways Section has not requested any contributions towards public transport improvements.

Ecology and Habitats Regulation considerations

The site comprises arable fields and poor semi-improved grassland with species poor hedges and some tall ruderal vegetation. The Council's Ecologist confirms there are no priority habitats present on the site. The hedgerows on the site do have conservation value and contain young trees. The site masterplan shows the majority of hedgerows on the site as being maintained, a 20m section is lost for access, and new native species hedgerow and shrub planting is proposed as part of the detailed landscaping proposals at the Reserved Matters stage.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

As outlined in the response from the Council's Ecologist above, a Habitat Regulation Assessment screening matrix has been undertaken which concludes that there is no likely significant effect or likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of development proposed under planning application. Accordingly it is considered that there is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

All other ecological issues have been addressed on the site and conditions and informatives as considered necessary can be attached to any permission granted

CONCLUSIONS

Residential development in Tibberton and in this particular location is considered acceptable in principle in light of Core Strategy Policy CS7 and the current lack in the Borough of a 5 year land supply of deliverable housing sites. The scheme is also compliant in respect of Policy CS7 in that it would provide affordable housing at a level of 40%, equating to some 24 units.

The indication from the consultation process is that the resulting demands of the proposed development on the physical and social infrastructure in the village can be addressed so that those demands are controlled and catered for should the proposals be given permission. This can be achieved by the use of planning conditions requiring physical off site improvements to the surrounding highways as identified by TWC Highways which would need to accompany any permission. Similarly, Grampian style conditions can be imposed requiring investigations on the need for any necessary off site foul drainage improvements prior to any development commencing, together with a condition requiring that no dwellings are occupied until any necessary off site improvements to the foul drainage network have been carried out.

The additional demand on social infrastructure connection to education provision and community use recreation facilities arising from the development can be met though the applicant making financial contributions to account for the extra demand the development would create in the village. There is no evidence to suggest that other infrastructure necessary to service a residential development, i.e. electricity, gas and telecommunications could not be supplied to the site.

The demand for other services such as the village shop and public house could benefit from additional custom arising from any future residents, thus contributing to their future viability.

An updated Illustrative Masterplan Proposals Plan limiting the number of dwellings to a total of 2 on both the Cherrington Road and Plantation Road frontages addresses the concerns raised previously in respect of immediate impact on the setting of the adjacent Listed Buildings.

It is acknowledged that a full assessment of the proposed impact of this scheme still remains difficult given the lack of information submitted about the site and context in the form of a considered evaluation. With regard to density this is relatively low and it would probably be unrealistic for the density to be much lower when there is a requirement to provide 40% affordable housing as part a development.

With the application being in outline and only seeking the principle of development detailed consideration of the layout and the appearance of buildings can be considered as part of any reserved matters application should this application be given consent. However, in recognition of the issues arising on this subject to date and in line with the advice of the Urban Design Officer, a condition requiring some additional work on the assessing of local character and how this is to influence any detailed design proposals for a reserved matters application can be attached to an outline permission.

The scheme is considered to be acceptable from a highways safety perspective. The bus service serving Tibberton is limited for those wishing to use public transport to access employment opportunities in Telford, Newport or Shrewsbury and therefore it is likely that there private transport would be the main means that any new residents would access jobs as well as higher order services not provided for in the village. However, this needs to take account of policies set out elsewhere in this NPPF, particularly in rural areas as the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that the Highways Section has not requested any contributions towards public transport improvements.

It has been considered that there are no ecological issues arising and also that there is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Overall, it is considered that on balance the residential development proposed represents sustainable development and there is a presumption in favour of

sustainable development in National Planning Policy Framework in the absence in the Borough having a 5 year land supply of deliverable housing sites, in addition to being broadly in accordance with policies with the Core Strategy and Wrekin Local Plan as detailed above and this outweighs any concerns relating to the impact on the character of the village and design implications which can be refined through the reserved matters process.

Given the absence of a 5 year land supply of deliverable housing sites it is considered necessary for planning applications granted to assist in meeting this need by requiring them to be implemented in a shorter timescale than is normally the case. As such conditions can require the commencement of any development within 2 years of permission being issued, with 1 year to submit a reserved matters application and a further 12 months to commence development on site.

Recommendation to Plans Board

Based on the conclusions above, the recommendation to Plans Board 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 (terms to be agreed by the Development Management Service Delivery Manager) relating to:
 - (i) Provisions ensuring that 40% of the dwellings to be built shall be affordable housing;
 - (ii) An open space contribution as required by Policy LR4 and LR6 of the Wrekin Local Plan equating to £600.00 per 2-bedroom property (or above);
 - (iii) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.
 - (iv) An education contribution in respect of Primary education of £145,410 and for Secondary education £83,864 or a contribution per dwelling of £3,821 if less than 60 dwellings come forward in reserved matter application. An additional Education contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school of £56,250.
 - (v) A highways contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School; and
 - (vi) Provision of a Planning and Financial Monitoring contribution to a sum equivalent to 5% of the total financial contributions payable under such an Agreement.

B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

1. Time limit – Outline – reduced timescale.
2. Time limit – Submission of Reserved Matters – reduced timescale.
3. Character Assessment prior to Reserved Matters
4. Standard outline some matters reserved.
5. Details to be submitted of affordable housing inc clusters
6. Details of materials
7. Programme of archaeological work
8. Land Contamination
9. Open space management and maintenance
10. Landscaping Design and Ecological Mitigation
11. Tree Survey and protection details for trees to be retained
12. Off site Highways improvement details and their implementation - Cherrington Road/B5062 Junction improvement scheme, passing bay scheme Cherrington Road & Planation Road, and footway from the site along Plantation Road to the southern access onto the Public Right of Way no.3
13. On site Highways details and their implementation relating to means of access details including visibility splays, parking, turning, loading & unloading details, and design and construction of any new roads, footways etc
14. No development until a scheme for modelling work in respect of foul water and surface water discharges submitted and approved
15. Specification of works required to implement capacity improvements to foul water network and their implementation if so required
16. Surface water drainage details and management
17. External lighting scheme details
18. Site Environmental Management Plan for construction works.
19. Hedge protection
20. Site Clearance in accordance with ecology report
21. Development in accordance with deposited plans
22. Maximum number of dwellings permitted to be 60 units

Informatives:

I106 – Section 106 agreements

I32 – Fire Authority

ICustom – Ecology informatives

I40 – Conditions

I41 – Reason for grant of permission

RANPPF - Approval – National Planning Policy Framework