

TWC/2014/1080

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

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

APPLICANT

Seabridge Developments Limited, Adrian Seabridge

RECEIVED

02/12/2014

PARISH

Tibberton and Cherrington

WARD

Edgmond

OFFICER Vincent Maher

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: principle of developing site for housing; scale of development proposed; design considerations; relationship between the development site and adjoining properties; highways; drainage and flooding; impact on other infrastructure; other matters including comparison with planning application at 12 Tibberton (TWC/2014/0236)

PROPOSAL:

This is an outline planning application for a housing development of up to 22 houses on a site of 1.18ha. All matters are reserved with the exception of access.

An illustrative layout has been submitted as part of the application. This shows a mix of houses comprising eight x two bedroom houses and 14 x four/five bedroom houses ranging from 75 to 212 square metres. This illustrative layout shows that all houses and estate roads would be built back from a line identified as a "flood zone line". A pumping station is shown on the submitted plans. The gross density of the site (including the flood zone line) would be around 18.6 homes per hectare, lower than a suburban layout.

A site section plan has also been submitted to demonstrate the likely relationship between the new development and the recently built house just south of the application boundary. Vehicle visibility splays of 2.4m x 43m have been identified on the illustrative layout. To achieve this it will be necessary to remove some of the front boundary wall and hedgerow on the site.

In addition to the submitted plans, the following documents have been provided as part of the application:

- Design and access statement;
- A planning statement;
- A landscape and visual assessment;
- An arboricultural report;
- A highways assessment; and
- A flood risk assessment including a site drainage strategy.

The applicant has also submitted an acoustic report to consider the relationship between the application site and the adjacent car workshop to assess how the two uses could co-exist in proximity to one another.

SITE CONTEXT:

The application site (1.18 ha) is located on the northern edge of Tibberton west of Marbren House and between three houses on Mill Lane and the River Meese which marks the borough boundary with Shropshire. The site enjoys easy access to the core of the village albeit by a road which does not have a separate pavement.

The site is a largely open and flat area of land which has a small car workshop at the northern end of the site and lies lower than the houses on Mill Lane. There is limited tree cover on the site and this is concentrated around the corners of the site. The site is in particular overlooked by the new house built on the garden associated with 39 Mill Lane, known as "The Croft" constructed just beyond the southern boundary of the site (approved by the Planning Committee in February 2013 TWC/2012/0808). It is understood that in the past some of the eastern part of the site was used as a paper mill and had a number of greenhouses and buildings associated with a commercial use. On this basis, it is fair to characterise parts of the site as brownfield land that have been previously developed.

RELEVANT PLANNING HISTORY

W83/0014 – Erection of two greenhouses. Granted

W91/1124 – Removal of agricultural occupancy condition on planning permission 74/0358 (Marbren House). Refused

TWC/2011/0795 – Removal of agricultural occupancy condition on Marbren House. Granted

PLANNING POLICY CONTEXT

National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent guidance.

Saved Wrekin Local Plan policies

UD2 Design Criteria

UD3 Urban Design Assessments

UD4 Landscape Design

H6 Windfall sites in Telford and Wrekin

H9 Location of new housing

H10 Scale of new development

H23 Affordable housing

H24 Affordable housing in the rural area

T22 Planning Obligations

OL12 Open land and landscape – contributions from new development

OL13 Maintenance of Open Space

LR4 Outdoor recreational Open Space

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

LDF Core Strategy policies
CS1 Homes
CS7 Rural Area
CS9 Accessibility and Social Inclusion
CS11 Open Space
CS12 Natural Environment
CS13 Environmental Resources
CS14 Cultural, Historic and Built Environment
CS15 Urban Design

Some residents (see below) have written in to say they were told by a council officer that the site is in a Green Corridor. There is no such development plan status affecting the site.

SUMMARY OF CONSULTATION RESPONSES:

STANDARD CONSULTEES:

Tibberton & Cherrington Parish Council: Object

- Would increase size of village by 10%. Tibberton is a small settlement with limited services.
- Density out of character with area.
- Site infrastructure not suited to accommodate development including schools, mobile phone and broadband coverage.
- Highways and pedestrian safety risks. Nearby listed bridge to the north over River Meese may not handle increased volume of traffic.
- Flood risk. Area has flooded before. Existing residents have difficulty with insurance.
- Application would be a major intrusion in to the Green Corridor separating Telford & Wrekin and Shropshire Councils.
- Development in Green Corridor. Harm to wildlife and site contamination.
- Plans showing site access unclear. Errors on plan.
- House on south west corner on a right of way.

Affordable housing: Comment

Require 40% provision with 80% for rent and 20% shared ownership. Detailed advice provided on standards for new housing and how it should be marketed.

Arboriculture: Comment

Not all trees on site surveyed. If permission approved, recommend conditions for landscaping confirming new species and tree protection for existing trees.

Drainage: No objection

Request imposition of conditions

Ecology: Comment

Site comprises area of semi improved grassland and buildings with some hardstanding areas. No recorded great crested newts. A Habitats Regulation Assessment has been completed showing no likely significant effect on the Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

Recommend conditions to control protected species survey, requirement for artificial nesting/ roosting boxes and a lighting plan and ecological informatives.

Education - No objection

Request £115,146 for primary and secondary education provision.

Highways: Comment

No objection subject to conditions regarding surface water disposal, sightlines and implementation of the access arrangement/ pedestrian safety scheme on Mill Lane identified in the Highways Assessment. Also want S106 contributions of £1900 per dwelling towards a traffic and speed management scheme on B5062 within vicinity of Back Lane and a highway safety improvement scheme on B5062/ Cherrington Road junction. Recommend informative about need for S278 agreement for off-site highway improvements.

Parks and Open Space: Comment

£600 contribution per dwelling to enhance off site play area. Recommend condition for landscape management for land adjoining River Meese.

Archaeology: Comment

Tibberton Mill - Post-medieval watermill in existence since at least 1800 and in use for part of its life as paper mill. Mill closed in 1913 and site was redeveloped as nursery in mid 20th century. Archaeological remains likely to survive below ground. Recommend an archaeological survey condition.

Shropshire Fire Service – No comment

Environment Agency – No objection

Majority of the site in Flood Zone 1 with low probability of flooding but part of the site is in Flood Zones 2 and 3. Suggest conditions to impose minimum finished floor levels and no new infrastructure within land in Flood Zones 2 and/or 3. Recommend other informatives around flood risk, construction close to River Meese, foul and surface water drainage and pollution prevention.

Shropshire Council: No comments received.

LOCAL REPRESENTATIONS:

19 residents have written in to object raising the following issues:

- Standard of application – contents are indicative only.
- Scale/ density of development unacceptable, too high. Housing unnecessary. Many new homes for sale.
- Would result in an unacceptable expansion of village with no jobs.
- Traffic impacts – Mill Lane is hazardous and risk greater because of extra vehicle movements. Some residents have referred to recent accidents. Listed bridge over River Meese could not cope. S106 contributions will not address this.
- Access onto Mill Lane restricted because of existing verge.
- Flood risk – area has flooded.

- Infrastructure poor – drainage, water pressure, broadband, mobile phone. Tibberton Primary School and other nearby schools full/ oversubscribed.
- Unacceptable development on a Green Corridor.
- The Croft forms a natural and sympathetic end to development at this exit/ entry to the village. Site outside village boundary.
- Potential contamination risks because site originally used as a mill producing paper from used rags.
- Disruption during construction phase.
- Impact on wildlife – site is a “greenbelt” area.
- Right of way crosses south west corner of the site.

Two residents have stated that the advertisement sign has not been displayed near the site. Officers have investigated and found that the original sign was removed. Officers have placed a second sign up.

One resident has asked the Planning Committee to visit the site before a decision is made.

PLANNING CONSIDERATIONS

The main issues in this case are:

- The principle of developing the site for housing;
- Scale of development proposed;
- Design considerations including the quality of accommodation;
- Relationship between the development site and adjoining properties;
- Highways;
- Drainage and flooding;
- Impact on other infrastructure;
- Other matters including a comparison with planning application reference TWC/2014/0236 (land adjacent to 12 Tibberton)

Principle of developing the site for housing

The site is located in a rural area of the borough and on the fringes of Tibberton. Outside of urban areas, Local Plan Policy H9 states that new development will be permitted within 12 rural settlements including Tibberton and not elsewhere. The development plan does not specifically identify a clear boundary to Tibberton. Core Strategy Policy CS7 states that development should be limited to meet the needs of the area but focused on Tibberton, High Ercall and Waters Upton. This is a broader definition than that set out in the Local Plan.

The NPPF directs councils to boost significantly the supply of new housing. It further requires councils to demonstrate a five year plus 20% housing supply. The NPPF states at Paragraph 47 that relevant policies around housing supply (such as Core Strategy Policy CS7) cannot be considered up-to-date in the absence of a five year supply of deliverable sites. Paragraph 55 recommends that new development in rural areas should be located in areas where it will enhance local services.

In the context of the hierarchy of settlements within the rural parts of the borough, both Council policy in the form of the Core Strategy and national policy anticipate a different role for Tibberton over time. It is especially appropriate to consider land that

is partly previously developed to take pressure off agricultural land in the open countryside.

Scale and mix of development proposed

The submitted plans anticipate a development of around 18 dwellings per hectare. This is lower than a typical suburban set up and generally acknowledges the densities across the village. It is submitted that this is an acceptable scale of development in principle.

The proposal would provide a mix of house options (from two to five bedrooms) and in doing so, would provide housing options for different households wishing to live in the area or wishing to downsize and a mix of affordable and market housing including options for local people on low incomes. This mix accords with good planning principles set out in the NPPF and Local Plan Policy H23.

Design considerations including quality of accommodation

The indicative plans submitted shows spacious accommodation in a lower density waterside environment capable of being serviced for refuse collection. Matters such as the choice of materials and landscaping are reserved and conditions to control such matters and to protect the limited tree cover on site could be imposed to comply with Local Plan Policies UD2 and UD4.

Relationship between the application site and nearby properties

The most sensitive relationships to consider are those between the application property and Marbren House to the east and the new house just south of the site. Based on the information shown on the illustrative layout, the likely distances between the closest dwelling and the windows at Marbren House is about 21m and from The Croft some 23m. The applicant has indicated in a site section how the house closest to The Croft could be built without the residents of that property being unreasonably overlooked.

A car repair yard would remain just outside the application site boundaries. The Council's records show there have been no nuisance complaints about the business, the operator of the adjoining site has stated that the site operates Monday to Friday only and closes at 5pm. The applicant has shown how the use of acoustic fencing and the reorientation of some of the houses shown on the illustrative plan could overcome this potential concern. A noise attenuation condition is proposed to address this matter.

Highways

The Council's highways officer has not objected to the scheme subject to conditions and the contribution of funds towards a local highway safety project. A "Grampian" condition has been proposed recommending that the offsite pedestrian safety measures submitted with the highways assessment are implemented before the development is first occupied. This would provide a pedestrian refuge on Mill Lane (refer attached plan).

Flood risk and drainage

Both the Environment Agency and the Council's drainage expert are satisfied with the information submitted and confirm that the proposal would not be built in a floodplain. Appropriate conditions are recommended by both bodies to ensure that new houses would not be at risk from flooding.

Officers have passed the photographs supplied by residents purporting to show the River Meese in flood to an Environment Agency representative to review. The representative confirms the application site would not be affected.

Impact on other infrastructure

All of the accommodation proposed is of two or more bedroom houses and it is assumed that the development will provide family accommodation. Accordingly, the development is likely to have a number of impacts on local infrastructure, most notably on the demand for play provision and education as well as the local highway network. The developer has agreed to heads of terms for a S106 agreement that would provide for the following contributions:

- The provision of 40% on site affordable housing;
- A contribution of up to £115,146 towards primary and secondary education;
- A payment of up to £41,800 for local transport infrastructure; and
- A payment of up to £13,200 towards the enhancement of local play and recreational space locally; and
- A financial management and monitoring contribution of £5,000.

The heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The need for a contribution towards local educational facilities reflects the link between a major development comprising solely large family houses and its impact on local school rolls. A contribution towards local transport infrastructure reflects the features of the site and the additional traffic impact generated by the development. The negotiation of contributions is consistent with Local Plan T22 and would be expected to be applied towards projects identified in the highway officer's comments. The contribution towards enhancing off site play and recreation is justified because of the paucity of play space on the site and its negotiation is consistent with the NPPF and Local Plan Policies OL13, LR4 and LR6. The provision of affordable housing is a basic principle for all major schemes supported by local and national planning policy. In all respects, the sums sought are fairly and reasonably related to the scheme.

Other matters raised and conclusions

A final material consideration in this case is the need to evaluate this application against the outline scheme of up to 60 dwellings on land adjacent to 12 Tibberton TWC/2014/0236 which the Planning Committee refused in July 2014. The current proposal is manifestly different to that site in three obvious ways. First, it is partly previously developed land and therefore merits more positive consideration for housing in principle. Secondly, it does not have the same landscape sensitivity as 12 Tibberton. It is not adjacent to a listed building nor is it as exposed in the open countryside as identified in the developer's landscape and visual assessment. Thirdly, the current scheme is much smaller. Many residents have objected to this proposal stating that Tibberton does not have the infrastructure to accommodate

population growth. The Committee originally refused planning permission on 12 Tibberton on this point but agreed at its 4 February 2015 meeting not to progress this point in connection with the appeal submitted on that site. It would not be reasonable therefore to refuse the current application on infrastructure grounds either.

Officers have carefully reviewed all submissions received in connection with this application. The fact that other sites have been approved or are for sale does not justify withholding planning permission. It is not clear if there is a right of way on the site. If there is, the final layout of the site will have to incorporate this and it may be necessary to reduce overall the amount of housing on this site. This is an appropriate response given that the application is in outline form only.

Overall, the scheme will make a modest contribution towards meeting future housing land supply in a settlement where development plan policy seeks to concentrate rural growth subject to the provision of S106 funding to mitigate off site impacts associated with this scheme.

A suite of conditions is proposed following discussion with officers and on the advice of external bodies (Shropshire Archaeology Service and the Environment Agency) which is largely self-explanatory. Mindful of the fact that part of the site was once used as a mill, a contaminated land research condition is proposed too.

RECOMMENDATIONS

Based on the conclusions above, two recommendations are proposed.

- (a) That DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the following:

The applicant entering into a section 106 legal agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relation to:

- The provision of 40% on site affordable housing;
- A contribution of up to £115,146 towards primary and secondary education;
- A payment of up to £41,800 for local transport infrastructure;
- A payment of up to £13,200 towards the enhancement of local play and recreational space locally;
- A payment of £5,000 for financial management and monitoring of the legal agreement.

- (b) and the following conditions to be attached:

1. A01 Time limit outline
2. A02 Time limit – reserved matters
3. A03 Time limit – submission of reserved matters
4. B002 Standard outline some matters reserved (delete access).
5. B011 Samples of materials

6. B039 Visibility splay 2.4m x 43m
7. B042 Parking and turning
8. B049 Custom highway – implementation of pedestrian safety scheme forming part of highways assessment
9. B057 Contamination
10. B061 Surface water
11. B083 Noise attenuation from nearby workshop
12. B121 Landscaping
13. B130 Tree root protection
14. B145 Lighting plan
15. B149 Custom ecology – bird boxes
16. B150 Site Environmental Management Plan
17. B159 Custom archaeology
18. B Custom 1 Finished floor levels set no lower than 58.7m AOD
19. B Custom 2 No new structures or raising of ground levels on land below 58.1m AOD or within 8 metres of the River Meese or boundary of the site.
20. B Custom 3 Foul/ surface water drainage
21. B Custom 4 Access to attenuation and control features outside flood envelope for maintenance and inspection
22. C038 In accordance with deposited plans

Informatives:

I106 – Section 106 agreements

I32 – Fire Authority

ICustom – Ecology informatives (nesting birds, storage of materials, trenches)

ICustom – Environment Agency (proximity to River Meese, flooding from Knighton Reservoir, foul drainage, surface water drainage, pollution prevention)

I40 – Conditions

I41 – Reason for grant of permission

RANPPF - Approval – National Planning Policy Framework

(c) In the event that a legal agreement is not signed by 2 April 2015, that the Planning Committee refuse planning permission for the following reasons:

1. The proposed development will have an unacceptable impact on the provision of local infrastructure, most notably the provision of affordable housing, education facilities and public open space contrary to Policies H23, OL13, LR4 and LR6 of the Wrekin Local Plan, Policy CS10 of the Telford & Wrekin Core Strategy and government policy set out in the National Planning Policy Framework.
2. The proposed development will have an unacceptable impact on the surrounding highway network contrary to Policy T22 of the Wrekin Local Plan and the National Planning Policy Framework.