

TWC/2016/0150

Land adjacent 12 Tibberton, Newport, Shropshire

Erection of 2 no. detached dwellings with associated garages and access

AMENDED PLANS RECEIVED

APPLICANT

White Acre Estates LTD

RECEIVED

18/02/2016

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER Matthew Thomas

TIBBERTON & CHERRINGTON PARISH COUNCIL HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 THE PROPOSAL

- 1.1 This full planning application seeks permission for the erection of a pair of detached dwellings with garages on a 0.4ha infill plot, currently agricultural land, situated off Cherrington Road in Tibberton village. The proposed 5 bedroom dwellings have been individually designed and will be accessed off a single central driveway directly off Cherrington Road. The dwellings will each occupy a large plot bounded by native mixed hedging. A new separate access will be formed to the east of the site to provide access to the agricultural land behind.
- 1.2 The design and appearance of the proposed dwellings have been subject to amendments during the course of this application at the request of officers. The current scheme succeeds in reflecting local vernacular including certain features such as dormer windows in pitched gables, prominent chimneys, detailing above and beneath window openings and small front porches, which can be found in other developments within the village.
- 1.3 This application is supported by a complete set of drawings, a Design, Access & Planning Statement, a Design Code, an Ecology Impact Assessment and a Great Crested Newt Assessment and Survey.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site adjoins land around number 12 Tibberton in the village of Tibberton. The site is some 0.4 hectares of existing arable agricultural land and lies to the south-east of Tibberton village. According to the Regional Agricultural Land Classification (Natural England) the land is classified as Grade III (Good to Moderate). The site is generally level with a hedge running along the front boundary alongside the highway.

- 2.2 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. 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.
- 2.3 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.
- 2.4 The village of Tibberton is formed of clusters of residential development, varying in age, size and style including properties along Maslan Crescent and Church View which are fairly high in density however moving out of the village centre, the spatial pattern of development becomes more spread out including properties on Anvil Close and Old Smithy Road. Within the village is a Public House (Sutherland Arms), a community store, a village hall, a Primary School and a mobile library. A bus service is also available connecting Newport to Shrewsbury. Therefore, whilst situated within the rural area, the application site benefits from a number of sustainable credentials.

3.0 RELEVANT PLANNING HISTORY

- 3.1 TWC/2014/0236 – Outline planning application for the erection of up to 60 dwellings with associated infrastructure (All matters reserved) – Outline Refused (06/08/2014) Appeal Dismissed (22/06/2015)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
H9 Location of New Housing
UD2 Design Criteria
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS6 Newport
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources
CS14 Cultural, Historic & Built Environment
CS15 Urban Design
- 4.4 A new material consideration is that the Council has now published its Regulation 19 publication version of the Telford & Wrekin Local Plan (TWLP) in January 2016. The TWLP is an emerging local plan and is not the

development plan for the purposes of determining planning applications, but under paragraph 216 of the NPPF the Inspector must give weight to policies in emerging plans according to their stage of preparation, extent of unresolved objections and degree of consistency with the NPPF, unless other material considerations indicate otherwise. The emerging TWLP has been published in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012. It has reached an advanced state of preparation based on recent evidence (see the housing land supply and OAN issues already referred to below). Therefore the Council considers its policies to be sound and should be given some weight. By way of update the TWLP will be submitted for Examination in June/July 2016 with adoption likely by mid-2017.

Telford and Wrekin Local Plan (Publication Version):

SP2 Newport

SP3 Rural area

SP4 Presumption in favour of sustainable development

HO10 Residential Development in the Rural Area

BE 1 Design Criteria

BE4 Listed Buildings

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Tibberton & Cherrington Parish Council: Object

- The proposed development is not on a suitable infill plot. It encroaches into the countryside causing an extension of the village and is on good quality farming land. No need for this type of development in the Parish has been demonstrated

Comments received following re-consultation

- The PC has reviewed the amended plans but find no reason to change their view that this application should be resisted. It is clearly on agricultural land; crops have been planted and are currently growing. Falls foul of a number of findings of the Planning Inspector in reference to the previous application. The Telford and Wrekin Boundary Map of 2011 clearly shows the site as being outside of the village boundaries. Clarity is required by TWC. Site cannot be regarded as infill as there is a clear gap between the two proposed plots. Need for more development in this rural area is far from proven.

5.2 Highways: Support subject to conditions

- Highways new access (B30)
- Parking, loading, unloading & turning (C13)
- Visibility splays 2.4m x 43m (C14)
- Access drive bound material (Cus)
- Include highways informative

Comments received following re-consultation

No objection subject to the following conditions:

- Parking, loading, unloading & turning (C13)
- Visibility splays 2.4m x 43m (C14)
- Gradient of access (C15)
- Access drive bound material (Cus)
- Include highways informative

5.3 Drainage: Support subject to conditions

- Scheme of foul and surface water drainage (B61)
- Ditch course (Cus)
- Soakaways & location (B64)
- Include drainage informative

5.4 Built Heritage Conservation: Object

- Two proposed dwellings in this location in principle have limited impact on the setting of the 2 adjacent listed buildings.
- 3 openings are proposed in this scheme, one of which divides the two plots. Going from an expansive, uninterrupted natural boundary treatment to now 3 openings changes the character of this lane dramatically. In addition, the division of the plot with the 'field access' in between is not a typical plot arrangement seen in the village. The 'field access' alongside one of the Listed Buildings would create a more sensitive green gap rather than an awkward division between plots.
- The design of the houses is completely out of scale. Admittedly the plots are large, but the design cues have been taken from Duke of Sutherland cottages – which are small by their very nature. The proposed dwellings have lost their vernacular character with too many features on an executive footprint and massing. This is compounded by the one and half storey 3 bay garage.

Comments received following re-consultation

- Previously comments regarding design have been addressed through on-going discussions and revised changes are an improvement with a reduction in features to ensure a more vernacular character which is referred to the comprehensive DAS. Access to the site has also been reduced as requested which has lessened the impact on the rural characteristics and qualities of this end of Tibberton. The field access does not now divide the two plots but sits at the side and allows a buffer between the new development and heritage asset. It is unfortunate is that the garage has not been pushed back to either in line or behind the building line and relegate ancillary uses behind the principal frontage. In general, the revised scheme is an improvement on the initial submission.

5.5 Ecology: Comment – include following conditions/informatives

- Erection of artificial nesting/roosting boxes
- Lighting plan
- Nesting wild birds (informative)

- 5.6 Archaeology: Comment
- Recommend archaeological watching brief
- 5.7 Shropshire Council: Comment – include Fire Authority informative

Neighbour consultation responses

- 5.8 No further representations received following neighbour consultation

Following preparation of this committee report a single letter of objection has been received from No.7 Tibberton raising the following concerns:

- Application seems not to be fully in accordance with building policy PPS6 and listed buildings policy BH11
- Plot is not infill as it contains a field entry and is agricultural land
- Design of houses are not sympathetic to Duke of Sutherland design houses and have issues with scale, height and massing – some 60cm above the finished floor level of No.7
- The village has no need for further large houses
- Building between two 17th Century listed houses in the style offered would adversely impact upon the surroundings and aesthetic look of the village

6.0 PLANNING CONSIDERATIONS

- 6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Development Plan comprises the “saved” policies of the Wrekin Local Plan (WLP) and the Telford and Wrekin Core Strategy (CS). The National Planning Policy Framework (NPPF) is a material planning consideration. Para 49 of the NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.2 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
- Scale and design of the proposed development
- Impact upon the living conditions of neighbouring residents
- Access/Highways
- Ecology

Principle of development

- 6.3 Paragraph’s 11 and 196 of the National Planning Policy Framework (NPPF) states that applications should be determined in accordance with the development plan. Paragraph 12 states that development that accords with

an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. The framework advocates a presumption in favour of sustainable development and paragraph 14 the NPPF explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless:

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- 2) specific policies in the NPPF indicate that development should be restricted.

- 6.4 Paragraph 49 of the NPPF states that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'
- 6.5 In October 2015 Telford and Wrekin Council issued a statement (*Telford and Wrekin Five Year Housing Land Supply Statement 2015-2020*) indicating that the Council has in excess of 10 years' worth of housing land supply as of April 2015. This figure is based on a revised borough-wide housing requirement for the five year period (2015-20) using the Telford and Wrekin Objectively Assessed Need Report (OAN) as an up to date evidence base. The report presents an up to date assessment of housing need and also considers important factors such as the potential for past under-supply. As a result of this work, the position on housing land supply has changed and the housing supply policies for the borough (Core Strategy Policy CS1 (Homes), which identify dwellings figures for Telford, Newport and the rural area, CS6 (Newport) and CS7 (Rural Area) are now considered to be up to date. The development plan, which includes the housing supply policies, is the starting point for any decision-making and any development proposals need to be considered against national policy and the NPPF's "golden thread" of sustainable development which requires LPAs to 'boost significantly the supply of housing' and approve development proposals that accord with the development plan without delay.
- 6.6 This matter has been considered in detail at a number of appeals including, most recently, two Public Inquiries relating to housing development within the rural area on the edge of the built up area of Telford (reference APP/C3240/W/15/3010085 – Land off Muxton Lane and APP/C3240/W/15/3025042 – Land at Haygate Road, Wellington). The Haygate Road appeal is subject to legal challenge and the Muxton Lane inquiry is to be re-heard following challenge. Whilst these appeal decisions are material planning considerations it is considered that the LPA can continue to regard the Borough as having a greater than 5 year housing supply and give weight to its Housing Supply policies. This position may change in the future e.g. if Court cases require it should. Until a change in approach is required the LPA will continue to determine planning applications

in accordance with the provisions of the adopted development plan. The LPA considers that the Council can demonstrate it has in excess of 5 years of housing land supply based on an evidenced Objectively Assessed Need (OAN) and give weight to its relevant housing policies, in accordance with para 49 of the NPPF. As such rural housing policy CS7 is considered NPPF compliant and therefore up to date. Further, because it has a number of relevant and up to date housing supply policies, the strong NPPF paragraph 14 presumption in favour of granting planning permission is not engaged.

- 6.7 Relevant to the determination of this planning application therefore is the Development Plan consisting of the Wrekin Local Plan (WLP) and Core Strategy (CS) together with the guidance of the NPPF. The Telford and Wrekin Local Plan (TWLP) is now also a material consideration. In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as it has been written to be consistent with the NPPF and is in an advanced stage of publication. WLP Policy H9 focusses small scale rural housing on some thirteen settlements, and elsewhere in the rural area development will be resisted unless there are exceptional circumstances such as rural exception accommodation for agricultural or forestry workers. Policy CS7, the more recent counterpart to WLP policy H9, states that within the rural area residential development will be focussed on the three settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited, and in the open countryside will be strictly controlled. Whilst Policy H9 is still part of the development plan, the LPA acknowledges that H9 is older, less strategic and therefore more subservient to the more recent CS policy CS7.
- 6.8 Policy CS7 of the CS states that within the rural area residential development will be focussed on the three settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited and within the countryside will be strictly controlled. Directing development to these three rural settlements, that offer rural residents a number of key local services and facilities, should help sustain rural communities. By focussing housing, employment, and service and facility development within these settlements, a pattern of development should be created that maximises the accessibility of services and facilities to rural residents, whilst reducing the need to travel by car and enhancing local identity and character. Policy HO10 of the TWLP relates to residential development within the rural area adds two additional settlements to the three identified by the Core Strategy, Edgmond and Lilleshall. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled. Policy SP4 relates to a presumption in favour of sustainable development. Taking the above in to consideration; Tibberton is one of the villages identified as being sustainable and suitable for residential development and therefore, on this basis, the proposed development is compliant with planning policy in principle.
- 6.9 Policy H10a) of the WLP considers infill development to comprise 'one or two dwellings' however at the recent Tibberton appeal decision the Inspector found this to be out of date and not compliant with the NPPF when

considering how development supports individual villages and boosting the supply of housing. Policy CS7 of the Core Strategy has no set limit in terms of the number of dwellings which could be supported and policy H010 of TWLP supports 'limited infill development'. The application site is located between existing built developments fronting the highway and does not therefore encroach in to open countryside. The site is also within the village and within walking distance to the School, Church, Public House etc. and has some form of residential development to the north, east, south and west and therefore officers consider this site to be an 'infill' plot.

- 6.10 Policy H10b) of the WLP is however considered relevant as it seeks to prevent the loss of important areas of open space and extensions of a village in to the open countryside. Similarly, policy OL6 similarly seeks to protect 'important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as recreational space or importance as a natural habitat'. Whilst the site is classified under the Regional Agricultural Land Classification (Natural England) as Grade III (Good to Moderate) the Local Planning Authority is not of the opinion that it has valuable recreational space and the Council's Ecologist has raised no objections to the loss of this arable land subject to conditions.
- 6.11 Taking the above in to consideration, the application site can be considered to fall within the boundaries of the village and whilst it is currently used for agricultural purposes, only a small proportion will be lost. The existing boundary hedging will be retained where possible and enhanced where required and officers are therefore satisfied that the application will not conflict with policy OL6 of the Wrekin Local Plan. With the two neighbouring dwellings either side of the proposed development plots, this can adequately be described as a suitable in fill plot within Tibberton, a village identified in local planning policies as suitable for appropriate levels of development. On balance therefore, the principle of development is acceptable subject to the other usual planning considerations.

Scale and design of the proposed development

- 6.12 Policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy provide guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Amongst other issues, policy BE1 of the Telford & Wrekin Local Plan advises that the Council will support development which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting.
- 6.13 There is a variety of styles and character within the village with a mixture of mature properties including Duke of Sutherland estate cottages, new traditional and modern single and two storey buildings in Tibberton as well as two Grade II listed buildings either side of the site. Development along this

stretch of Cherrington Road is of a much less dense form in comparison to other parts of the village and this is reflected in the development proposed. The village has seen some recent growth in residential development over the years and it is noted that many of the new dwellings built have retained a traditional character, sympathetic to the village.

- 6.14 The applicant has engaged in discussions with planning and conservation officers to arrive at a scheme which is considered to be sensitive to this rural location in particular to the nearby listed buildings and their setting. The current scheme succeeds in reflecting local vernacular including certain features such as dormer windows in pitched gables, prominent chimneys, detailing above and beneath window openings and small front porches, which can be found in other developments within the village. Amendments were sought during the course of the application to see a reduction in features to ensure a more vernacular character. Officers also requested that the field access be repositioned from in between the two plots to the east side of the site and by not dividing the two plots this allows for a buffer between the new development and the adjacent heritage assets. Following receipt of amended plans, the Conservation Officer has removed their initial objection and now offers support to the application subject to conditions. The scale of the proposed dwellings is considered to be proportionate in relation to the size of the individual plots. Whilst the overall size of the dwellings may be larger than other more recent development within the village, the individual designs will ensure the character and appearance of this part of the village will not be compromised. Accordingly the scheme is considered compliant with policies UD2 of the WLP, CS14 and CS15 of the CS as well as BE 1 and BE4 of the TWLP.

Impact upon the living conditions of neighbouring residents

- 6.15 With regards to the impact on neighbouring properties, the proposed dwelling closest to No. 12 Tibberton to the west will be set back approximately 17.5m and will be positioned at an angle to this listed neighbouring dwelling. Similarly, the dwelling nearest to No.7 Tibberton to the east will have a separation distance of almost 26m and will be separated by the new field access. Officers consider these separation distances to be generous and will allow for mutual privacy between these neighbouring properties. The proposed development will not result in any overbearing impact or loss of light and moreover, will not adversely affect the setting of the Grade II listed buildings either side. Appropriate conditions will be included to ensure that the proposed boundary treatments, native mixed hedging, will be implemented in order to achieve the levels of privacy proposed. The neighbouring property opposite, 'Tibberton Green', is set some 72m away from the proposed dwellings and with the existing boundary treatment along Cherrington Road, will remain unaffected.

Access & Highways

- 6.16 There is an existing field access to the site off Cherrington Road however it is proposed to close this access off, through the planting of hedging, and

provide a new single access to the centre of the plot to serve both dwellings. A shared driveway will branch off from Cherrington Road and lead to individual driveways with adequate space for on-site car parking and turning together with detached garages. Following concerns, amended plans were submitted showing a new field access will be formed to the east of the plots providing continued access for agricultural vehicles to the land behind. This stretch of Cherrington Road benefits from good visibility and officers are satisfied that there will be no adverse impact on highway or pedestrian safety as a result of this development. The Local Highways Authority has been consulted and no objections have been raised, including to the repositioned field access, subject to the inclusion of conditions including the provision of visibility splays and on-site turning and car parking.

Ecology

- 6.17 This application is supported by an Ecology Impact Assessment and a Great Crested Newt Assessment and Survey. The Council's Ecologist has reviewed these documents and has undertaken a Habitat Regulation Assessment screening matrix which concludes that there is no likely significant effect and no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres & Mosses Ramsar Phase 2 as a result of this planning application.
- 6.18 The Ecologist notes that the site comprises part of an arable field with young hedgerows on the boundaries and young standard trees and that the hedgerows are considered to meet the definition for being a Habitat of Principle Importance for Nature Conservation under Section 41 of the NERC Act (2006) and are proposed to be largely retained with small sections removed for access. The Ecologist continues that there is negligible potential for reptiles and amphibians to be present, there is a single pond within 250m which scored 'poor' on the Habitat Suitability Index and there was evidence of badgers foraging in the area but no setts were found to be present. After assessing the supporting documents no objections have been received and conditions relating to the erection of nesting/roosting boxes and external lighting have been requested along with standard informatives.

Other matters

- 6.19 Officers acknowledge the comments received by a local resident. The principle of development on this site has been considered acceptable by the Local Planning Authority for the reasons explained within this report. The applicant has worked closely with the Council's Conservation Officer to ensure that the proposed development will not harm the setting of the adjacent Listed Buildings or the general character of this part of the village. The consultation responses from the drainage and archaeology departments are noted and the requested conditions will be duly imposed. The Local Planning Authority has considered the response received by Tibberton Parish Council however this does not affect the recommendation to committee for the reasons set out within this report.

7.0 CONCLUSIONS

- 7.1 Tibberton is one of the villages identified in the development plan as suitable for growth and the principle of residential development for a pair of detached dwellings on this infill plot is therefore considered to be acceptable in principle. The amended proposed development will provide two 5 bedroom detached dwellings with adequate access, on-site car parking and private garden land. Whilst this site is categorised as Grade III arable land, only a small portion will be lost and as this is considered a suitable in-fill plot, there will be no significantly detrimental impact on the character of the village. The dwellings have been individually designed to ensure that they are in-keeping with and respectful to its rural location and so as not to adversely affect the living conditions of its neighbouring properties or the setting of the nearby Grade II listed dwellings.
- 7.2 Based on the above conclusions the Local Planning Authority considers the proposal complies with the relevant national and local planning policies and recommends the application be approved subject to conditions.

8.0 RECOMMENDATION

- 8.1 Based on the above conclusions it is recommended to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. Time limit
2. Samples of materials
3. Details of doors & windows
4. Parking, loading, unloading & turning
5. Visibility splays – 2.4m x 43m
6. Gradient of access
7. Access drive bound material
8. On-site construction
9. Foul & Surface water drainage
10. Details of ditch course
11. Soakway test/locations
12. Archaeological Watching Brief
13. Hedge Protection
14. Landscaping Implementation
15. Erection of artificial nesting/roosting boxes
16. External Lighting Plan
17. Removal of Permitted Development
18. Development in accordance with plan Nos.

Informatives

Highways
Drainage
Fire Authority