

TWC/2015/0950

Site of Honey House, Tibberton, Newport, Shropshire
Outline application for the erection of 2no. detached dwellings with all matters reserved ***AMENDED PLANS RECEIVED***

APPLICANT

Les Harris

RECEIVED

14/12/2015

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER Marie Smyth

1. THE PROPOSAL

- 1.1 The application seeks outline consent for the erection of two dwellings on land at Honey House, Cherrington Road, Tibberton. All matters relating to access, appearance, layout, scale and landscaping will be dealt with later at the Reserved Matters stage.
- 1.2 The indicative site layout illustrates two detached, two storey dwellings. Plot 1, to the front of the site, would be located on a lawned area adjacent to Cherrington Road and accessed via a new driveway. Plot 2 would be to the side of the existing Honey House, which currently comprises garden land, a drive and a garage/workshop/store. This proposed dwelling will share the existing access. Following comments from a neighbouring resident during the application process the site boundary has been amended to exclude a piece of land that was incorrectly identified as being within the applicant's ownership.
- 1.3 The application is accompanied by a Planning Statement, Phase 1 Environmental Survey and an Arboricultural Report.
- 1.4 A provisional enquiry was submitted for the development of the site for two dwellings where the principle of the proposal was supported subject to the scheme being of an appropriate design. The applicant's attention was also drawn to the location of three trees within the site subject to a Tree Preservation Order.

2. SITE AND SURROUNDINGS

- 2.1 Tibberton is a village to the north of Telford and approximately 5 miles to the west of Newport. The village benefits from a shop, church, primary school, public house and a bus service.
- 2.2 The application site is located to the west of the village along Cherrington Road, within a short walking distance of local services and facilities. To the north of the site is Honey House, an extended Duke of Sutherland property. Directly to the north of this property is a strip of land which is classed as garden following the grant of a planning application in 2005 to change the use

from agricultural land. This area of land includes a row of sheds and outbuildings and also extends to the west of the property, just beyond the applicant's existing garage. Beyond this to the north and west is further land within the applicant's ownership, laid out as a paddock. There is no formal boundary between the garden land and paddock. Beyond this to the north, east and north west is agricultural land. Cherrington Road is located to the south east with the boundaries of neighbouring bungalows and gardens to the south west of the site. The neighbouring dwelling to the south west is The Brambles, identified on the application site plan as 'New Bungalow'.

- 2.3 The site wraps around the east, south and west of Honey House. The site comprises residential curtilage, both originally associated with the host property and a small section to the north west which was granted planning permission to change to garden from agricultural land. The site is relatively flat and the existing garage/outbuilding to the north west is proposed to be removed to accommodate plot 2. There are three TPOd trees within the site; a Sycamore located to the south, adjacent to the road, and two Common Oaks located to the north east corner of the site. There is a Leylandii hedge to the front boundary with the road which continues round to the east of the site.

3. RELEVANT PLANNING HISTORY

- 3.1 W2005/1413: Change of use from agricultural land to garden land. Full Granted 11/01/2006.
- 3.2 W98/0533: Erection of a single storey extension and new chimney to the rear of existing property. Full Granted 124/07/1998

4. PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Telford and Wrekin Core Strategy:
CS1 Homes
CS7 Rural area
CS9 Accessibility and Social Inclusion
CS15 Urban Design
- 4.3 Saved Wrekin Local Plan:
H9 Location of New Housing
H10 Scale of Development
UD2 Design Criteria
- 4.4 Telford and Wrekin Local Plan (Publication Version):
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Tibberton & Cherrington Parish Council: Object
- Design of two storey houses among a row of bungalows is out of keeping.
 - One of the houses will be built too close to the road.
 - Next to an open field and open countryside and cannot be considered infill, contrary to policy H10 of the Wrekin Local Plan.
- 5.2 Drainage: Support subject to conditions
Condition to require a surface water drainage scheme, including details of the location of soakaways and soakaway tests.
- 5.3 Highways: Support subject to conditions
No objection in principle subject to a S106 contribution and conditions. The S106 relates to a contribution of £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction. The requested conditions require details of means of access and visibility splays, as well as areas for the parking, turning, loading and unloading of vehicles. Details of the design and construction of any new roads, footways or accesses are also required and the means of surface water drainage disposal. An informative is also requested advising the applicant of the duty to obtain a Section 184 licence to construct the new access.
- 5.4 Ecology: Support subject to conditions
The application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 10km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site. In this case it has been concluded that there will be no likely significant effect and no effect on the integrity of the European Designated Site from this proposed development. The assessment has been attached to the application file.
- Conditions have been requested relating the submission of an ecological survey, erection of artificial nesting/roosting boxes and a lighting plan, with recommended informatives providing advice on bats and nesting wild birds.
- 5.5 Arboricultural: Comment
Conditions requested relating to the submission of a tree protection and removal plan, a landscaping scheme, specification for the drive adjacent to T2 (a TPOd Sycamore) and use of 'no dig' technologies.
- 5.6 Shropshire Fire Service: No comment

Neighbour consultation responses

5.7 Following consultation with neighbouring residents, both originally and on the revised plans amending the site boundary, 1 letter of objection and 3 with comments have been received, which are summarised as follows:

- Residential noise and noise from vehicle movements
- Overlooking and loss of privacy.
- Impact on character of Honey House.
- Two storey properties out of keeping with character of the area.
- Consideration needed regarding proximity of proposal to the road, to ensure that it doesn't appear unduly prominent.
- Scale and design should blend in as much as possible.
- Removal of hedge will make plot 1 more visible.
- Increased road traffic.
- Sewer system not sufficient for more dwellings.
- Tibberton school is at full capacity.
- Houses are not affordable.
- Borough has exceeded the required housing quota.

5.8 The following, non-material matters have also been raised:

- Impact on view.
- Poor broadband connectivity.

6 PLANNING CONSIDERATIONS

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

- Principle of development
- Suitability of site
- Impact on character and appearance of the area
- Impact on living conditions of neighbouring properties
- Access and highway safety
- Trees
- Ecology
- Drainage

Principle of development

6.2 Telford and Wrekin Council now has in excess of a 10 year housing land supply (*Telford and Wrekin Five Year Housing Land Supply Statement 2014-2019*). This position has previously been considered by an Inspector at an appeal in Tibberton to be credible, up to date and that it presents 'a cogent argument that it [the council] can currently demonstrate a five year housing land supply'. This is therefore sufficient to demonstrate that, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the council's housing land supply policies are up to date and that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. A neighbour has identified the council having a sufficient housing supply as grounds for objection. However, it should be

noted that this it does not restrict the approval of any further applications in appropriate locations.

- 6.3 The relevant development plan policies to consider are policy CS7 of the Core Strategy and saved policies H9 and H10 of the Wrekin Local Plan. Policy CS7 states that within the rural area residential development will be focussed on the three settlements of High Erroll, Tibberton and Waters Upton. 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. The emerging Telford & Wrekin Local Plan (Publication Version) can be afforded some weight
- 6.4 Policy H9 of the Wrekin Local Plan is acknowledged by officers to be somewhat subservient to CS7 as it is older and less strategic. However, it also includes Tibberton within its list of suitable settlements. Policy H10 then goes on to state that, within suitable settlements, development will be permitted where the development does not cause the loss of an important area of open space, nor cause an extension into open countryside.
- 6.5 It should also be noted that Policy H010 of the new Telford and Wrekin Local Plan (Publication Version) relates to residential development within the rural area and retains Tibberton as one of the key settlements where limited amounts of infill will be allowed.
- 6.6 The site is therefore located within a suitable settlement as identified within the adopted Local Plan and Core Strategy, and also within the publication version of the new Local Plan. Paragraph 55 of the NPPF reinforces that sustainable development within the rural area should be supported. In a similar vein policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation facilities, food shops and other key services. The application site is within walking distance of the hub of the village where a local shop, school, church and public house is located in addition to a daily bus service. Tibberton is therefore considered to be a sustainable settlement. Accordingly officers conclude that, in principle, a development for two dwellings on this site can be supported subject to the further consideration of the requirements of Wrekin Local Plan policies H9 and H10, Core Strategy policy CS7 and emerging policies SP3, SP4 and HO10 and other materials considerations.

Suitability of site

- 6.7 The Parish Council has objected to the application considering that the site cannot be considered infill development as it is adjacent to open countryside, and is therefore contrary to policy H10 of the Local Plan.

- 6.8 The application site is classified as garden land. This is predominantly that originally associated with the curtilage of Honey House and also includes a section of land to the north west of the site which was granted planning permission for the change from agricultural land to garden land. It is therefore considered by officers that the proposed site would not extend into the open countryside but is within the confines of the residential curtilage.
- 6.9 The agent's supporting statement considers that 'neither plot would encroach into open countryside, but instead, would be within the curtilage of the existing house and within the recognisable physical and visual confines of the settlement'. Officers concur with this position and that the proposal would be viewed in the context of the existing built development adjacent, specifically Honey House and The Brambles. Officers also consider that there is an apparent line of development created east to west by the rear of Honey House. If this line is continued the proposed dwellings would not extend beyond this, maintaining the open paddock beyond. It is also worth noting that a strip of land classified as garden land is retained for Honey House along much of the north boundary of the site and Honey House itself. This provides a buffer between the paddock, which in turn provides a buffer between the development and the open agricultural land beyond.
- 6.10 There is also a clear visual divide to the east boundary of the site by the existing boundary hedge, which serves as a defined end to development and the countryside beyond. The site is therefore considered to be appropriate and not encroaching into the countryside and is in effect an 'infill' site and is suitable under Local Plan policies H9 and H10, Core Strategy policy CS7 and emerging Local Plan policies SP3, SP4 and HO10.

Impact on the character and appearance of the area

- 6.11 The detailed design of the dwellings will be considered at the later, reserved matters stage although the indicative layout submitted demonstrates the likely position of two detached dwellings; plot 1 fronting the road with plot 2 towards the rear of the site. The supporting statement advises that these would be two storey with integral garages. Concern has been raised by The Parish Council and some neighbours regarding the proposed dwellings being out of character with the neighbouring bungalows, with plot 1 being too close to the road and the removal of the hedge making it more prominent. It is also considered that the proposals would impact upon the character of Honey House. Conversely some neighbours have not raised specific objections on these grounds, instead commenting that consideration should be given the proximity of the proposal adjacent to the road to ensure that it does not appear unduly prominent and that the scale and design of the dwellings should blend in as much as possible.
- 6.12 Officers are satisfied that the site can adequately accommodate two dwellings, with the appropriate levels of parking and garden land, which would not be unacceptable within the context and character of the surrounding area. While the adjacent street frontage to the south west of the site presents bungalows (The Brambles, Aura Dene and Larkswood), Honey House is two storey, as are properties on the opposite side of the road. Therefore it is

considered that appropriately designed two storey dwellings would be acceptable in this location and within the context of the wider area, without detriment to the character or appearance of the village.

- 6.13 Plot 1 would front the road with the indicative layout suggesting a similar set back to the adjacent bungalows. The hedge to the front boundary will be removed to provide a street frontage for this plot. Officers do not consider that, in principle, plot 1 would have an unacceptable relationship with the street. Officers also do not consider that the proposal would have an unacceptable impact on the character of Honey House, which will retain a sufficient curtilage.
- 6.14 It is therefore considered that appropriately designed dwellings could be accommodated on the site which would not cause undue harm to the quality of the local environment, although this would be considered fully at the reserved matters stage against the requirements of policies UD2, CS15 and also BE1 of the new Local Plan.

Impact on the living conditions of neighbours

- 6.15 The indicative position of plot 2 to the rear of the site suggests an L shaped dwelling with a section located opposite the side boundary with neighbouring The Brambles. The boundary is defined by an approximately 2.3m high conifer hedge. This neighbouring bungalow is located forward within the plot, towards Cherrington Road to the south east, and the proposal would therefore sit principally adjacent to the bottom of The Brambles rear garden. The bottom of the garden of the neighbouring Gable End is also adjacent. Given these relationships and that the indicative position suggests the dwelling would be over 25m from neighbouring properties, officers are satisfied that there would be no unacceptable impact on the privacy of The Brambles or Gable End. It is also not considered that these properties would be unacceptably impacted through loss of light or the proposal appearing overbearing.
- 6.16 The dwelling within plot 2 has a close relationship with the host property, Honey House, at a right angle to the side elevation. However, officers are satisfied that at reserved matters stage a dwelling could be suitably designed that would not adversely impact on Honey House through loss of light, appearing overbearing or resulting in overlooking and loss of privacy.
- 6.17 Plot 1 to the front of the site would be located a sufficient distance from the side elevation of The Brambles, beyond the existing driveway and garden. Again, officers are satisfied that at the reserved matters stage this dwelling could be suitably designed so as not to adversely impact on the amenity of neighbouring properties.
- 6.18 Finally, the occupant of the neighbouring The Brambles has raised concern regarding noise associated with the proposed properties and vehicle movements. It is not considered by officers that the introduction of two dwellings would have an unduly harmful impact on total traffic movements. It is also worth noting the dwelling within plot 2, the closest to the neighbouring

property, will utilise the existing driveway which serves Honey House and will replace an existing garage.

Access and highway safety

- 6.19 The site will create a new access point from Cherrington Road to serve plot 1, with plot 2 utilising the existing access and drive to Honey House. An objector has raised concerns regarding increased traffic.
- 6.20 However, highways officers have raised no objection in principle to the application subject to a number of conditions; including further details of the new access, visibility splays and a plan to show areas for parking and turning. In addition a S106 contribution is also required of £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction. The applicant is happy to meet this requirement and therefore the development would help to fund improvements to the highway in the area. Accordingly there is no objection to the application in respect of access or highway safety.

Trees

- 6.21 The application proposes the removal of the Leylandii hedge to the front boundary as well as five trees, one of which the submitted tree report conclude is already dead. There are three trees on site protected by a TPO, although none of these are directly affected by the proposed development.
- 6.22 The Arboricultural officer has raised no objection subject to conditions requiring the submission of a tree protection and removal plan, a landscaping scheme, specification for the drive adjacent to T2 (the TPOd Sycamore) and use of 'no dig' technologies. These will accordingly be applied to any permission.

Ecology

- 6.23 The council's ecologist has considered the application and Phase 1 Environmental Survey. No objections are raised subject to conditions requiring the submission of an ecological survey, the erection of artificial nesting/roosting boxes and a lighting plan. Informatives are also recommended providing advice on bats and nesting wild birds.
- 6.24 It is noted that the required Habitats Regulations Assessment has been undertaken by the Ecology officer, which concludes that there will be no likely significant effect and no effect on the integrity of the European Designated Sites at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 from this development. The assessment has been attached to the file.

Drainage

- 6.25 An objector has stated that the sewer system is insufficient to accommodate two new dwellings. Officers are aware of drainage issues in the village with regard to the capacity of the Severn Trent Water (STW) foul sewer network in Tibberton. This could be resolved only if STW upgrade their asset.

6.26 Drainage officers do not object to this development proposal but have also recommended a surface water drainage scheme, including details of the location of soakaways and soakaway tests be provided too.

Other matters

6.27 Comments have been raised by objectors relating to loss of views and the poor broadband in the area, however these are not material planning matters. Another comment suggests that Tibberton primary school is at full capacity, however, financial contributions towards education would not be expected on a scheme of this scale. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

6.28 The S106 request from highways will secure £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction.

6.29 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits and that the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.29 In addition account has been taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the requested contribution towards highway improvements would meet the above tests and reflect the features of the site and its location relative to highway network and the negotiation of these contributions is also consistent with Local Plan Policy T22.

7 CONCLUSIONS

7.1 The application site is within one of the identified rural settlements where rural development is to be focussed and is considered to be sustainable, within walking distance of the local services and facilities within the village. The site is within existing residential curtilage and considered appropriate, and not an encroachment into the open countryside. Officers are satisfied that appropriately designed two storey dwellings can be achieved at the reserved matters stage so as not to adversely impact on the character and appearance of the area. In addition designs can be achieved that do not harm the residential amenities of neighbouring properties. There is no objection to access or highway safety and a S106 would secure funds towards highway improvements. Matters relating to trees, ecology and drainage are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. The development would therefore be in accordance with policies H9, H10 and UD2 of the Local Plan, policies CS7, CS9 and CS15 of

the Core Strategy, policies SP3, SP4, HO10 and BE1 of the emerging Local Plan (Publication Version) and national policy guidance.

8. RECOMMENDATION

8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT OUTLINE 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) Highways contribution of £500 per dwelling towards a Traffic & Speed Management Scheme on the B5062 in the vicinity its junction with the access roads into Tibberton. The monies are to be paid upon commencement of the development, indexed and any unspent monies after 5 years refunded to the applicant.
- B) The following conditions:
1. A01 Time limit outline
 2. A03 Time limit- Submission of Reserved Matters
 3. B001 Standard Outline- all matters reserved
 4. B003 General details required
 5. B011 Samples of materials
 6. B012 Sample brick panel
 7. B019 Details of windows and doors
 8. B041 Visibility splays (details to be submitted)
 9. B042 Parking/turning/loading details
 10. B049 Design of new road/footpath and drainage
 11. B061 Foul and surface water
 12. B130 Trees- protective fencing
 13. B132 Trees- no dig method
 14. B133 Trees- replacements
 15. B145 Lighting strategy
 16. B149 Erection of artificial nesting/roosting boxes
 17. B150 Site Environmental Management plan
 18. C040 No approval of layout
 19. C091 Works in accordance with ecological survey

Informatives

- I06 S106 agreement
I08 Highways licence
I23 Bats
I25m Nesting wild birds
I40 Conditions
I41 Reasons for grant of permission
RANPPF1 Approval - National Planning Policy Framework