

TWC/2016/0785

Land East & South East of Shelldar Bungalow/Covings/The Old Stables, Back Lane, Tibberton, Newport, Shropshire

Outline application for residential development of up to 14no. dwellings, associated infrastructure and access, with all other matters reserved

APPLICANT

The DMA Trust,

RECEIVED

18/08/2016

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER Matthew Thomas

1.0 UPDATE TO PLANNING COMMITTEE

- 1.1 This application was deferred at committee on 14th December 2016 to allow members to carry out a site visit.
- 1.2 For purposes of clarity the correct and complete S106 contributions requested by the Local Highways Authority and Education are provided below:

Highways

- £500 per dwelling towards a Traffic & Speed Management Scheme on B5062
- £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field

Education

- £36,525 towards the remodelling works at Tibberton Primary School
- £21,125 towards the music block works at the Burton Borough Secondary School
- £12,599 towards transportation

- 1.3 The recommendation to the Planning Committee has been amended to reflect the above:

2.0 RECOMMENDATION

The recommendation to the Planning Committee 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 entering in to a Section 106 Agreement with the Council relating to :
- i. 5 affordable dwellings to be made available for social rent,
 - ii. £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath

- situated between the site and Maslan Crescent via the Council owned playing field,
- iii. £36,525 towards the remodelling works at Tibberton Primary School, £21,125 towards the music block works at the Burton Borough Secondary School and £12,599 towards transportation,
 - iv. £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field,
 - v. To be indexed linked from date of committee.

B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

1. Time limit – Outline
2. Submission of Reserved Matters
3. Standard Outline – Some Matters Reserved
4. General Details Required
5. Visibility Splays (2.4m x 43m)
6. Road design detail
7. Parking, Turning, Loading, Unloading
8. Site Environmental Management Plan
9. Foul & surface water drainage scheme
10. Landscaping Design
11. Mitigation Strategy Method Statement
12. Artificial nesting/roosting boxes
13. External Lighting Plan
14. Hedge Protection
15. Tree Protection
16. Development in accordance with plan

Informatives

S106
 Highways
 Ecology – nesting wild birds, hedgehogs, Great crested newts & trenches & pipework

*****ORIGINAL REPORT COPIED BELOW*****

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

OBJECTIONS RECEIVED: Yes

1.0 THE PROPOSAL

1.1 This outline planning application seeks permission for the erection of up to 14no. dwellings with associated infrastructure on a piece of land situated off

Back Lane in the village of Tibberton. The application site comprises a single 0.83ha grassed field which is not currently in active agricultural use. This application seeks permission for the principle of residential development together with access with all other matters - layout, appearance, scale and landscaping -reserved for later approval.

- 1.2 Whilst the application seeks outline permission only, an indicative proposed site plan has been submitted to illustrate how 14 dwellings could be accommodated on site. The indicative plan proposes a mix of 2, 3 and 4 bed two storey dwellings and 3 bed bungalows. Each unit would be provided with on-plot parking, garaging and private amenity space to the rear. A communal area of open space is also shown to the west of the site close to the proposed entrance together with soft landscaping however landscaping is a matter which would be dealt with at a later stage.
- 1.3 This application is supported by the following documents:
 - Planning Statement (including addendum)
 - Design & Access Statement
 - Ecological Appraisal
 - Arboricultural Assessment
 - Flood Risk and Drainage Statement
 - Transport Statement
 - Noise Assessment
 - Utilities Report
 - Statement of Community Consultation
- 1.4 The supporting information also sets out the planning obligations to be provided as part of this application, which includes financial contributions towards local education facilities, recreation, highway improvements and a fixed level of on-site affordable housing provision.

2.0 SITE AND SURROUNDINGS

- 2.1 Tibberton is located around 5 miles west of the town of Newport. The village has a limited amount of infrastructure including a church, a Primary School, a Pub and a local shop run by the community. There are some open spaces and a bus service that connects Newport with Shrewsbury.
- 2.2 The application site extends to approximately 0.83ha and is set back from the Back Lane in the rural village of Tibberton. The site comprises a single grassed field which is not currently in active agricultural use and has not been so for circa 30 years. There is an existing vehicular access via a predominantly surfaced private lane leading between the site and the Back Lane. The site is not publicly accessible and does not contain any existing rights of way.
- 2.3 The site is positioned close to the core of the village and between residential developments to the north and south, fronting Back Lane. The land is set back from the highway where grass verges form the boundaries to the front. The site has little landscape features and is bounded by intact hedgerows on

most sides. There are a number of scattered trees around the edges, one of which is protected by a Tree Preservation Order which would be retained.

- 2.4 There is a mix of development along Back Lane including traditional cottages, post war detached and semi-detached dwellings and more recent development that reflects the character of this village.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W80/0737 – Use of land for residential development – Outline Refused (10/09/1980)
- 3.2 W88/0582 – Erection of three detached dwellings – Outline Refused (05/08/1988)
- 3.3 W96/0082 – Erection of two dwelling houses and formation of vehicular/pedestrian access – Outline Refused (25/04/1996)

4.0 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
CS12 Natural Environment
CS15 Urban Design
- 4.3 Saved Wrekin Local Plan:
H9 Location of New Housing
H10 Scale of Development
UD2 Design Criteria
T22 Planning Obligations
- 4.4 Telford and Wrekin Local Plan (Submission Version):
SP3 Rural area
SP4 Presumption in favour of sustainable development
HO10 Residential Development in the Rural Area
BE 1 Design Criteria

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Tibberton Parish Council: Object
- Access driveway is referred to as a 'lane' though in reality it is a private driveway designed to serve 2 bungalows ('Covings' & 'Sheldar') with a gated access at the end to an agricultural field. Grass verges either side with various services including a gas service to 'Sheldar'

- Proposed new access will require the removal of a section of a grassed strip, placing it closer to 'Hoffentlich'. No pedestrian access thus no prospect of the road being adopted by the Local Authority in future
- Previous planning applications seeking to utilise the same access but with fewer dwellings were refused primarily for access reasons
- If proposed access is not adopted the responsibility for its maintenance will fall on existing and future residents – unsuitable especially for affordables
- As a private driveway the refuse collection services would require future occupants to take their bins to the Back Lane junction – impracticable and would be an eyesore. If refuse collection vehicles did enter the site through the narrow access, it would pose safety concerns
- Proposed numbers relating to vehicle movement at peak times is considered to be a gross underestimate and inaccuracies regarding the noise levels from the access driveway adjacent to 'Hoffentlich'
- Additional traffic would create serious issues of safety, pollution, physical damage and noise in addition from construction vehicles
- Inadequate public transport available – bus stop is around 540m away
- Back Lane is prone to flooding during autumn, winter and spring seasons
- Applicant has not provided evidence indicating need for this scale of high density in Tibberton – making no reference to the affordable housing need survey carried out in 2011
- Proposal fails to satisfy the criteria set out within SP3 of the TWLP: fails to establish need for development of high density housing which will remove class 3 agricultural land from use and ignores poor infrastructure
- Concerns relating to impact upon existing drainage infrastructure especially with other approvals/applications not yet having been built – risk to public health arising from foul flooding. Surface water drainage also of concern - successful infiltration from the attenuation pond is the only possible drainage solution for this site
- No Land Classification survey/report has been commissioned by the developer – suggested that the site is likely to fall in to Grade 2/3A
- Concerns that development will occur in close proximity to Tibberton playing fields which have been used for 100 years

5.2 Highways: Support subject to conditions

- Visibility splays of 2m x 43m can be provided at the proposed access onto Back Lane which is acceptable in highway terms. Proposed access route off Back Lane is sufficient in width for 2 vehicles to pass for the majority however does propose a 22m length of single lane carriageway however as forward visibility is good at this location and vehicle movements and speeds are low, this is not envisaged as being a highway safety concern
- Include conditions requiring full construction detail and designs of new roads and footpaths, details for parking, turning, loading and unloading of vehicles, provision of visibility splays, provision of on-site construction management plan and details of footpath link between the site and fields
- S106 contributions of £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field

- 5.3 Drainage: Support subject to conditions
- Scheme of foul and surface water drainage to be submitted and agreed
- 5.4 Severn Trent Water: No comments received
- 5.5 Ecology: Support subject to conditions
- Erection of artificial nesting/roosting boxes
 - External Lighting Plan
 - Landscaping Design
 - Informatives – nesting wild birds, hedgehogs, Great crested newts & trenches & pipework
- 5.6 Arboricultural: Comment
- Oak tree (T10) is subject to a TPO – garage for plot 13 to be moved from within root protection area – site is large enough to accommodate this. This is also applicable to plot 1 where the garage encroaches into the rpa of T25. Tree protection plan required
- 5.7 Education: Comment
- S106 contribution of £70,249 required (£36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School)
- 5.8 Parks & Open Spaces: Comment
- The application will contribute towards generating a need for children’s play and recreation in the area – a contribution of £600 per dwelling should be sought to go towards improving play and recreation facilities in the nearby Tibberton playing field
 - Landscape management plan required
- 5.9 Affordable Housing: Comment
- This application will deliver 36% provision of affordable housing (5 dwellings). Local lettings plan also required
- 5.10 West Mercia Police: Comment
- Condition Secure by Design (SBD)
- 5.11 Shropshire Fire Service: No comment

Neighbour consultation responses

- 5.12 Following neighbour consultation, 6 letters of objection were received and the issues raised are summarised below:
- Planning permission has already been granted for 2 significant developments in Back Lane (land at Orchard House and land at Back Lane/Plantation Road) with several others under consideration – all of these developments will lead to a significant increase in the amount of traffic in Back Lane - a busy road, most narrow ‘single track’ used by people commuting to and from work as well as dog walkers

- Traffic noise during peak periods will adversely affect the amenity of existing properties in addition to general garden noise
- If the road is not adopted the refuse bins for 14 additional properties would need to be put out along Back Lane – impractical solution
- If the road is to be adopted there would be significant risk of a collision with vehicles exiting existing dwellings as well as pedestrians
- Concerns regarding storm and foul drainage and existing infrastructure capacities – lack of investigative works to establish existing infrastructure
- Access is not fit for purpose and too narrow – highway safety concerns – larger vehicles will be unable to navigate
- Anticipated increase in traffic usage for the driveway is considered to be massively underestimated
- Existing infrastructure in Tibberton will be tested to its limit
- Proposals are not in keeping with the emerging Local Plan
- Requirement for affordable homes has not been demonstrated
- Back Lane has a 30mph speed limit – which is unenforceable and many vehicles exceed this limit – existing traffic problems during peak hours and several accidents recorded within the immediate area
- Potential loss of privacy/overlooking to neighbouring properties and compromise in safety
- There is a deep and active water well to the left of the gate to the proposed site – construction of an attenuation tank is therefore questioned
- Little geological work appears to have been prepared in support of the proposed development
- Proposed density is not in keeping with the character of the village
- Inaccuracies with regards to land ownership statements
- Application ignores the cumulative effect of proposed building in Back Lane. Tibberton does not have the adequate infrastructure to cope with a 93% increase in size with each application being looked at in isolation
- Concerns regarding the local school being able to accommodate the increasing number of children

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 and advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

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 residential development
- Assessment of Sustainable Development

- Impact on the character and appearance of the village
- Impact upon the living conditions of neighbouring properties
- Access and highway safety
- Ecology & Trees
- Drainage
- Affordable Housing & Developer Contributions

Principle of residential development

- 6.3 In June 2016 Telford and Wrekin Council issued a statement (Telford and Wrekin Five Year Housing Land Supply Statement 2016-2021) indicating that the Council has 12.9 years' worth of housing land supply. This figure is based on a revised borough-wide housing requirement for the five year period (2016-21) 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 for the rural area has changed and the housing supply policy CS7 (Rural Area) is currently 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.
- 6.4 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. Whilst Policy H9 is still part of the development plan, the LPA acknowledges that H9 will not be relied upon as it is older, less strategic and therefore more subservient to the more recent CS policy CS7. Policy H10 seeks to ensure development is appropriate for its location and in part a) also limits housing to one or two infill plots in Tibberton. Policy H10(a) is older, less strategic and taking into account Inspector's decisions it is no longer relied upon.
- 6.5 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.

- 6.6 In June 2016 the Council submitted the Telford and Wrekin Local Plan (TWLP) for independent examination with the Examination in Public scheduled for November 2016 - however this has been delayed due to the Inspector being taken ill. 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. Policy HO10 of the TWLP relates to residential development within the rural area and this too identifies Tibberton as a suitable settlement to accommodate new development. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled.

Assessment of Sustainable Development

- 6.7 Notwithstanding the above, paragraph 49 of the NPPF requires that housing applications are considered within the context of the presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development; an economic role, a social role and an environmental role. The consideration of the application against each of these is as follows:

- Economic role

In terms of the economic dimension of sustainable development, there will be limited economic activity associated with the building of this development. Once occupied the residents of the new housing would use services, support the local primary school and shop locally which would also contribute towards and boost economic activity in the area and Tibberton. This in turn helps meet the economic aim of sustainable development to a degree. There is the potential for loss of economic activity relating to the use of this field for agricultural purposes however this is a small, land-locked field which has not been used for any agricultural activities for over 30 years and is given limited weight in the balance.

- Social role

The proposed development would deliver a range of social benefits including the provision of up to nine open market dwellings with a mix of types to meet market trends and the needs of different groups in the community together with up to five affordable dwellings, all of which are to be made available for social rent. Financial contributions will be provided towards local education facilities, recreation and highway improvement works to include contributions towards a Traffic Management Scheme and a new footpath to be situated between the site and Maslan Crescent via the Council owned playing field, all of which will be of benefit to existing and future residents of the village.

- Environmental role

Whilst there will be loss of 0.83ha of Grade 2/3 agricultural land, in terms of the environmental dimension of sustainable development the scheme will provide opportunity to increase biodiversity through the inclusion of bat and bird boxes, which the Council's Ecologist has requested to be conditioned as part of any approval together with further landscaping of the site. The application site is not a protected landscape or wildlife habitat and there are no protected species following submission of the appropriate ecology reports.

It is reasonable to say that this site lies close to the village core in Tibberton with surrounding housing development forming the village quadrangle with a definitive boundary; this limits the extent of development and helps to prevent encroachment into the countryside. Although submitted in outline, the proposed dwellings appear to provide a spacious development (approximately 17 dwellings per hectare) in keeping with the rural character of Tibberton. The boundaries could be supplemented by additional planting, which would further help integrate the development into the village confines. From a visual point of view, this site forms part of the village and its development would therefore not adversely affect rural character or lead to an incursion into the open countryside that would be detrimental to visual amenity.

- 6.8 Policy SP4 of the TWLP also relates to a presumption in favour of sustainable development. The application site is located between existing built developments within the primary quadrangle of development within the village and is within close walking distance to the village core where there is a Primary School, Church, Public House, Village Shop and access to public transportation links. Policy CS7 of Core Strategy does not limit the numbers of new dwellings within this rural village, and whilst the number of commitments in Tibberton is noted these are likely to be delivered at different times and at different build-out rates. The Local Planning Authority is also of the opinion that it is unlikely that the addition of up to 14 dwellings on this particular site would put any unacceptable stress on the existing services and there the schemes will be beneficial, providing a choice and mix of housing whilst supporting rural services. Therefore, on this basis, the principle of development is acceptable subject to the other usual planning considerations.

Impact on the character and appearance of the village

- 6.9 The supporting Design & Access Statement confirms that the land subject to this application has not been used for agricultural purposes for over 30 years. The land is under private ownership and has been managed during this time but for no purposes related with agriculture. There are no public right of ways across the site and the site is secured by locked gates. Set at the end of the private road, which is also under the applicant's ownership, the site has little visual presence from the Back Lane. The site is seen from the adjacent playing field, however as it is under private ownership and there is little, if no, community use benefit.

- 6.10 The detailed design of the dwellings would be considered at the later reserved matters stage although the indicative layout submitted demonstrates how 14 dwellings can be accommodated on site. The density of the proposed development is relatively low at 17 dwellings per hectare and the applicant has confirmed that the new dwellings would be restricted to a maximum of two-storeys. Although only illustrative at this stage, the site layout plan envisages that the 5 affordable dwellings would be located to the north of the site with each dwelling being allocated on-plot parking and private garden areas. Plots 6-11 together with plot 14 will be a mixture of 2, 3 and 4 bedroom two storey dwellings whilst plots 12 and 13 to the south of the site are to be 3 bedroom bungalows. The proposed dwellings would all be served by an extension to the existing private access road off the Back Lane where adequate visibility splays will be provided together with on-plot parking and suitably sized rear gardens. The existing boundary treatments around the site, in particularly the established hedgerows and the TPO'd Oak tree are to be retained and there will be opportunities for further landscaping of the site, whilst retaining a soft, green frontage to the Back Lane.
- 6.11 The application site lies within the main quadrangle of the village, amongst land that is currently being developed or where there are existing planning permissions. The application site forms part of this band of in-fill development and therefore there will be no encroachment in to the open countryside. The land is a mix of Grade 2 and Grade 3 agricultural land however it has not been used for agricultural purposes for some significant time. There is a mix of development along the Back Lane including traditional cottages, post war detached and semi-detached dwellings and more recent development that reflects the character of Tibberton. With layout, appearance, scale and landscaping reserved for later approval, officers are satisfied that, in principle, the site can adequately accommodate the proposed number of dwellings. The proposals allow for appropriate levels of parking and garden land and thus would be acceptable within the context of the mixed character of the surrounding area and would not detract from the character or appearance of the village. Accordingly, the current proposal accords with policies UD2 of the WLP, CS15 of the Core Strategy and BE1 of the TWLP.

Impact upon the living conditions of neighbouring properties

- 6.12 The indicative layout plan anticipates that the proposed dwellings will be positioned away from the rear boundaries of neighbouring properties to the west with the majority of dwellings situated adjacent to the boundaries to the north and east. This allows for relief in the density of the proposed dwellings when considering the location of existing developments. The public open space and infiltration basin is also proposed to the west of the site, close to the existing access point. The development will, in large, be set away from the majority of the existing nearby neighbouring properties however the two closest dwellings will be 'Sheldar' and 'The Covings' positioned either side of the existing access. Plot 1 will be constructed some 20m from 'Sheldar' and separated by the proposed garage and garden space. 'The Covings' and the property to the south will be well separated from the proposed new dwellings, especially as the area of public open space is to be positioned to their rear

boundaries. Whilst the proposed development will see a rise in the number of vehicles using the existing access road and these will pass 'Sheldar' and 'The Covings', these bungalows are set back from the access road and as existing boundary treatments will remain unaffected, the overall impact on the living conditions of the occupants of these bungalows will not be affected so detrimentally as to recommend the application be refused in the interests of their amenity. Although only in indicative form at this stage, officers are satisfied that these separation distances are acceptable to avoid any significant adverse impact on the living conditions of these existing neighbouring properties and the positioning of window openings and landscaping of the site can be dealt with at a reserved matters stage to ensure mutual privacy.

- 6.13 The indicative layout allows for good sized front and rear gardens as well as on-plot parking by way of private driveway and/or garages. The position of openings for all dwellings could be controlled at the reserved matters stage, specifically to ensure there is no direct overlooking between the closest section of the proposal and the windows within the neighbouring property to the west off Back Lane. When considering this together the separation distances proposed, the Local Planning Authority is satisfied that the living conditions of neighbouring properties would not be unduly harmed as a result of any significant loss of privacy, light or any overbearing impact.
- 6.14 Officers have considered the issues raised in the letters of objection received by neighbouring properties. Many of these issues relate primarily to the principle of the development, the impact it would have on the village, increase in vehicular movements, the loss of agricultural land and potential additional pressures on local facilities and infrastructure. The principle of residential development on this piece of land has been considered above and has been deemed to be acceptable and compliant with local planning policy and guidance contained within the National Planning Policy Framework. Whilst some residents are concerned with the potential impact the development may have on their living conditions together with impact on existing landscaping and wildlife, officers consider that matters relating to layout, appearance, scale, access and landscaping are all reserved for later approval and will be dealt with via a separate planning application to ensure that the overall impact on neighbouring properties will be minimal.

Access and highway safety

- 6.15 Approval is being sought for access through this application. The proposed development will be accessed via the existing access lane between the site and the Back Lane. This will be designed as a shared surface for vehicles and pedestrians. The site access design will take the following form: a 4.1m wide carriageway would be provided for a length of 47.5m to the point where the site access narrows. This arrangement is the minimum carriageway width that allows two cars to pass each other. A 3m wide carriageway width would be provided from the point at which the site access lane narrows. The concept of narrowing to a single lane in lightly trafficked streets is supported in Manual for Streets. The bell mouth of the junction between the site access

lane and the Back Lane would be formalised and the junction would be provided with 6m kerb radii, which would allow for an 11.6m refuse vehicle to negotiate the junction, avoiding the need for residents to leave their bins on the highway verge as feared by existing residents. In respect of their concern regarding refuse vehicles accessing the site, this has been assessed by the Council's Highways Engineers who have no objection due to the provision of adequate visibility. The illustrative layout also includes the potential for a new pedestrian connection to be included between the site and the adjacent recreation area to provide opportunity to maximise the pedestrian permeability through the site for new and existing residents.

- 6.16 The Local Highways Authority (LHA) has been consulted on this application and has raised no objections in principle subject to conditions relating to the provision of suitable visibility splays, detail of road designs to be submitted and approved as well as the provision of adequate parking and turning. Separately the LHA has requested financial contributions of £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field. These contributions have been agreed with the applicant and will be dealt with by way of a S106 agreement.

Ecology & Trees

- 6.17 An 'Ecological Appraisal' (prepared by EDP Ltd) accompanies this application to inspect the land for evidence of the presence of and potential to support protected species, including Bats, Great Crested Newts, Badgers and Nesting Birds. The report concludes that 'the habitats and species present within and around the application site do not pose an in principle constraints to the proposed development'.
- 6.18 The Council's Ecologist has assessed the report and has raised no objections in principle subject to the inclusion of conditions relating to the submission of an ecological mitigation strategy and reasonable avoidance measures method statement for the protection of great crested newts and bats, the erection of a variety of artificial nesting/roosting bird boxes and the submission of an external lighting plan to ensure that any disturbance to bats is minimised.
- 6.19 An 'Arboricultural Assessment' (prepared by EDP Ltd) also accompanies the application and identifies 27 trees with the site area. One category 'A' and fifteen category 'B' items were recorded and their retention is required due to the quality and value they present. The assessment confirms that the trees are retainable and sympathetic construction methodologies will need to be adopted within the root protection areas of two trees. The Council's Arboriculture Officer has confirmed this and has requested that minor amendments be made to the positioning of plots 1 and 13 in the interest of tree protection. This issue can be dealt with at Reserved Matters stage when the layout will be under consideration.

Drainage

- 6.20 The consultation process has raised some concerns from neighbours regarding the strain the development will put upon the sewage system. However, drainage officers support the application subject to conditions relating to a scheme of foul and surface water drainage being submitted to and approved in writing by the Local Planning Authority. No objections were received by Severn Trent Water.

Affordable Housing & Developer Contributions

- 6.21 Paragraph 47 of the NPPF sets out the Government's key housing policy goal, which is to boost significantly the supply of housing. It states further in paragraph 50 that; in order to deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - Where it has been identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 6.22 The Council's Affordable Housing Officer has confirmed that a Parish Housing Needs Survey for Tibberton was carried out in August 2011 and identified a significant unmet need for affordable homes with groups in need including families and older people. This is an application for 14 new dwellings, of which 5 (36%) will be affordable. Policy CS7 requires a 40% provision of affordable housing in Tibberton. In reality this would equate to 5.6 dwellings and therefore officers consider that the provision of the 5 dwellings is acceptable in this instance. In order to meet identified local needs there should be a firm agreement for all 5 dwellings to be made available for social rent. A Local Lettings Plan should also be agreed with the Local Planning Authority.
- 6.23 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.

6.24 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 recreation and education would meet the above tests and the negotiation of these contributions is also consistent with Local Plan Policy T22. The following contributions are to be provided by the developer:

- Highways: £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field & £1500 towards the provision of 1 passing bay on Back Lane.
- Education: £70,249 (£36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School).
- Recreation: £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field.
- 5 affordable units

7.0 CONCLUSIONS

7.1 The application site lies within close proximity to the core of Tibberton village which has consistently been identified as a suitable settlement and a sustainable location for new housing development. It is acknowledged that saved WLP policy H10(a) and emerging T&WLP policy HO10 seek to restrict development to a limited amount of infill housing. However, it is accepted that H10(a) is older, less strategic and no longer relied upon, including in Inspectors’ decisions; HO10 is emerging and has not been subject to independent examination so can only be given limited weight. As such, CS7, which identifies Tibberton as a named settlement, must be given more weight alongside the presumption in favour of sustainable development in the Framework.

7.2 Economically the development will help sustain the services and facilities in Tibberton and whilst proportionate to the scale will provide benefit during the construction period. The proposal also has some social and environmental benefits. It will boost housing supply and contribute to meeting the significant unmet need for affordable homes and mixed communities and in turn help support local services and facilities. The scheme will also contribute towards local recreational and highways improvements without causing an extension into the open countryside whilst improving the visual appearance of the area.

7.3 Whilst the design of the development would be dealt with at the reserved matters stage, the illustrative layout demonstrates that the site is capable of

accommodation the proposed number of dwellings. The applicant confirms that the dwellings would be informed by a review of local architectural styles and materials. The Local Planning Authority is satisfied that through comprehensive consideration of the reserved matters at a later stage, the living conditions of neighbouring properties will not be unduly affected.

- 7.4 This application makes provision for affordable housing together with financial contributions towards upgrading to local recreational facilities and highways improvements as well as contributions to local educational facilities. The proposal is considered sustainable when assessed against the three dimensions detailed within the NPPF and the limited harm is outweighed by the benefits. As such, the proposal which is considered compliant with development plan policy CS7 is recommended for approval.

8.0 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 PLANNING PERMISSION** subject to the following:

- C) The applicant entering in to a Section 106 Agreement with the Council relating to :
- vi. 5 affordable dwellings to be made available for social rent
 - vii. £500 per dwelling towards a Traffic & Speed Management Scheme on B5062 and £750 per dwelling towards provision of a footpath situated between the site and Maslan Crescent via the Council owned playing field & £1500 towards the provision of 1 passing bay on Back Lane
 - viii. £36,525 towards the remodelling works at Tibberton Primary School and £21,125 towards the music block works at the Burton Borough Secondary School
 - ix. £600 per dwelling towards improving play and recreation facilities in the nearby Tibberton playing field
 - x. To be indexed linked from date of committee
- D) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

- 17. Time limit – Outline
- 18. Submission of Reserved Matters
- 19. Standard Outline – All Matters Reserved
- 20. General Details Required
- 21. Visibility Splays (2.4m x 43m)
- 22. Road design detail
- 23. Parking, Turning, Loading, Unloading
- 24. Site Environmental Management Plan

25. Foul & surface water drainage scheme
26. Landscaping Design
27. Mitigation Strategy Method Statement
28. Artificial nesting/roosting boxes
29. External Lighting Plan
30. Hedge Protection
31. Tree Protection
32. Development in accordance with plan

Informatives

S106

Highways

Ecology – nesting wild birds, hedgehogs, Great crested newts & trenches
& pipework