

TWC/2016/1127

Land corner of Back Lane/Plantation Road, Tibberton, Newport, Shropshire  
Reserved matters application for the erection of 25no. dwellings to include  
appearance, landscaping, layout and scale in pursuant to outline application  
TWC/2014/0230

**APPLICANT**

Mr M Fisher & Shropshire Homes Ltd

**RECEIVED**

25/11/2016

**PARISH**

Tibberton and Cherrington

**WARD**

Edgmond and Ercall Magna

**OFFICER** Matthew Thomas

**THIS APPLICATION WAS DEFERRED AT THE PLANNING COMMITTEE ON  
5<sup>TH</sup> APRIL 2017 TO RESOLVE OUTSTANDING ECOLOGY ISSUES.**

In addition, the following matters have been updated since the last committee:

**1.0 ECOLOGY**

- 1.0 The planning application was deferred at planning committee on 5<sup>th</sup> April 2017 to allow the applicant additional time to resolve outstanding ecology issues. The applicant and their Ecology Consultants met with the Council's Ecologist and Planning Officer to discuss the unresolved ecology matters and an updated Ecology Survey was subsequently undertaken and submitted in support of the planning application.
- 1.2 The Ecology report pays consideration to habitats, great crested newts, nesting wild birds and barn owls, badgers and landscaping proposals. The Council's Ecologist has assessed this report and is satisfied that adequate mitigation is being provided as part of the proposed development and is now in a position to support the application without any new conditions being imposed to the reserved matters application. The applicant is reminded that there are conditions imposed to the outline permission which will require discharging prior to the commencement of development on site.
- 1.3 One of the conditions imposed to the outline permission (condition 16) required the applicant to obtain a European Protected Species Mitigation Licence from Natural England however following further discussions between the Council the applicant and their ecologists, this Licence is no longer considered necessary for the site and the detailed Reasonable Avoidance Measures (set out in the latest ecology survey) will be sufficient to prevent the risk of an offence with relation to great crested newts. The Council's Ecologist has advised the applicant to submit an application to either vary or remove this condition from the outline consent and this application has since been received (TWC/2017/0355).

## 2.0 HIGHWAYS

- 2.1 The Local Highways Authority (LHA) raised some concern with regards to the level of on-site car parking being provided on site together with concerns regarding a shared surface layout and provision of adequate visibility splays. Following further discussions, the level of on-site car parking has been increased to the satisfaction of the LHA and the general layout of the site has been amended to include a dedicated pedestrian footpath through the site. These amendments are included in the revised site plan (Revision N). The LHA now offers support for the proposal subject to the inclusion of conditions relating to the provision of adequate visibility splays.

## 3.0 AFFORDABLE HOUSING

- 3.1 The Council's Affordable Housing Officer (AHO) has raised some concern with regards to the type/size of affordable housing being provided on-site as well as their positioning within the site. The AHO would have welcomed some further input with regards to the type, size, floor area, tenure and plot location prior to the planning application being submitted. The Local Planning Authority (LPA) however must reach a balanced recommendation, and would stress that this scheme is delivering a 40% level of affordable housing (10 dwellings) and their positioning is relatively well-integrated, in that they are not grouped together in one corner of the site. On balance, the development scheme has been well discussed with the LPA and officers are satisfied with the affordable housing being provided on site without any further amendments being required.

See original report below.

## 4.0 RECOMMENDATION

- 4.1 In light of the above, the Local Planning Authority's recommendation to the planning committee remains unchanged, albeit a number of conditions have been added in line with the updated consultation responses received.
- 4.2 The recommendation to the Planning Committee is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT RESERVED MATTERS** subject to the conditions below with authority to finalise and impose additional conditions if necessary:

1. Time Limit – Reserved Matters
2. Sample of materials
3. Highways on-site & off-site conditions
4. Visibility Splays
5. Drainage conditions to include soakaways
6. Landscape Management Plan
7. Tree & Hedgerow Protection
8. Ecology conditions
9. Site Environmental Management Plan
10. Domestic Garages restriction – Rural Areas

## 11. Removal of Permitted Development

\*\*\*\*\*ORIGINAL REPORT BELOW\*\*\*\*\*

### **TIBBERTON & CHERRINGTON PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE CONSIDERED BY THE PLANNING COMMITTEE**

#### **1.0 THE PROPOSAL**

- 1.1 This current planning application seeks approval of reserved matters, namely layout, scale, appearance and landscaping, for 25 dwellings, 40% of which (i.e. 10 dwellings) will be affordable. Outline planning permission TWC/2014/0230 for the erection of up to 25no. dwellings with associated access (all other matters reserved) was granted on 17<sup>th</sup> February 2015. The principle of residential development has therefore already been established on this site.
- 1.2 The proposed drawings show the provision of 25 dwellings to comprise of the following mix:
- 3 No. 3 bed semi-detached dwellings – Affordable
  - 7 No. 2 bed semi-detached dwellings – Affordable
  - 3 No. 3 bed detached dwellings – Open Market
  - 12 No. 4 bed detached dwellings – Open Market
- 1.3 The main access into the site would be to the far south-western corner of the site, directly off the Back Lane following the part removal of the existing hedging. Visibility splays of 2.4m x 43m will be provided to the north of the access and 2.4m x 50m to the south. A new access road will be constructed through the centre of the site. This will be finished with a mix of tarmac and block paviors with grass verges and new hedging either side. A new footpath will be provided to the east of the site; connecting to the Plantation Road as well as a vehicular passing place on the opposite side of the road.
- 1.4 The application is supported by the following documents:
- Reserved Matters application form
  - Design & Access Statement
  - Arboricultural Impact Assessment & Method Statement
  - Phase 2 Ecology Surveys for Badgers
- 1.5 During the course of the planning application, concerns about the design of the access road, landscaping of the site and general design detail were discussed with the applicant and amended drawings were duly submitted.

#### **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site comprises a broadly rectangular shaped field, which widens to the northwest and is bounded by hedgerows and trees. The site measures approximately 1.3ha and comprises a red brick building and steel container, which are located towards the rear of the site, on the rear boundary with the adjoining residential dwelling, No.64 Plantation Road.

- 2.2 The site is located to the south of the village of Tibberton and adjoins Back Lane to the east, Plantation Road to the south, open countryside to the north and west, as well as garden land to No.64 Plantation Road.
- 2.3 Three trees on the north, west and northeast boundaries of the site have recently been protected with Tree Preservation Orders. There is a further Tree Preservation Order covering the woodland area to the south of Plantation Road, which also includes a number of ponds.
- 2.4 There are no footways currently on Back Lane or Plantation Road. A Definitive Right of Way (DROW) runs from Back Lane, opposite the proposed indicative access point, across agricultural land to the west of the application site. There is a further DROW that runs from Plantation Road through the existing agricultural land and Sports Ground and linking to Maslan Crescent.
- 2.5 The site is detached from the main settlement of Tibberton, with the nearest property being No.64 Plantation Road. To the north of the application site on Back Lane, the development comprises established ribbon form of detached and semi-detached properties fronting the highway. The character of Tibberton consists of a mix of modest traditional cottages with large modern detached and semi-detached mid to late Twentieth Century properties.
- 2.6 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/2014/0230 – Outline planning application for residential development with all matters except access reserved – Outline Granted (17/02/2015)

### **4.0 PLANNING POLICY CONTEXT**

- 4.1 National Planning Guidance:  
National Planning Policy Framework
- 4.2 Core Strategy:  
CS1 Homes  
CS7 Rural Area  
CS9 Accessibility & Social Inclusion  
CS11 Open Space  
CS12 Natural Environment  
CS13 Environmental Resources  
CS15 Urban Design

- 4.3 Wrekin Local Plan
  - UD2 Design Criteria
  - UD4 Landscaping Design
  - H9 Location of new Housing
  - OL6 Open Land
  
- 4.4 Telford & Wrekin Local Plan (Submission Version)
  - SP3 Rural Area
  - SP4 Presumption in favour of sustainable development
  - HO1 Housing requirement
  - HO4 Housing mix
  - HO6 Delivery of affordable housing
  - HO10 Residential development in the Rural Area
  - NE1 Biodiversity and geodiversity
  - NE2 Trees, Hedgerows and woodlands
  - C3 Impact of development on highways
  - C4 Design of roads and streets
  - BE1 Design Criteria

## 5.0 SUMMARY OF CONSULTATION RESPONSES

### Standard Consultation responses

- 5.1 Tibberton & Cherrington Parish Council: Object
  - Application fails to address satisfactorily the problems of foul and surface water drainage. This application should be read in conjunction with other recent approvals for housing development in Tibberton and the cumulative effect of these proposals on drainage infrastructure.
  - SuDS techniques should be adopted and should seek to reduce flood risk to the site and neighbouring areas as well as reduce pollution. Soakaway design/specification should also be established – can this be achieved for the level of development proposed?
  - Parish Council is appalled at the level of housing density being proposed in a part of Tibberton that has the lowest level of housing in the village (maximum of 10 or 12 should be permitted)
  - Lack of understanding of the tradition and culture of the area by proposing the inclusion of street lighting – no such lighting appears anywhere in the village. Unattractive/unsympathetic form of development.
  - The site is wholly rural with only one other neighbouring property. It is adjacent to a locally important area of woodland containing a number of pools. Inadequate information submitted with the application to enable full consideration. Clarification required to compensatory hedgerow planting.
  - The marl pits and woodland to the south of the site have created the nearest thing Tibberton has to a Nature Reserve. Current application provides little in the way of environmental mitigation
  
- 5.2 Highways: Under review - Members will be updated at committee
  
- 5.3 Drainage: Support subject to conditions
  - Soakaway tests to be carried out and results submitted to LPA

- Location of soakaways to be submitted to and approved by LPA
- 5.4 Severn Trent: No comments submitted
- 5.5 Ecology: Under review - Members will be updated at committee
- 5.6 Arboriculture: Comment
- Tree protection plan required
  - Landscaping plan required to show number of replacement trees, species, sizes etc.
- 5.7 Affordable Housing: Under review - Members will be updated at committee
- 5.8 Urban Design: Comment
- Corner of the site – does the foul pump have to be sited in that location? If so, how will this structure/building be treated? Additional landscaping may be required to define this prominent corner
  - New road into the development needs to be improved with green infrastructure to reflect rural village setting
  - Adopted highway soakaway – details required
  - Additional detail required regarding extent of proposed footpath link
  - Termination of the scheme is considered poor and contrived for a rural settlement, in particular the squared off turning area
- 5.9 Healthy Spaces: Comment
- Landscaping detail required
  - Provision of a footpath along one side of the road should be considered to encourage walking
  - Confirmation required as to how the public open space is going to be maintained and financed – long term management plan required
- 5.10 West Mercia Police: Comment – condition Secured by Design (SBD)
- 5.11 Shropshire Fire Service: Comment – include Fire Authority informative

#### Neighbour consultation responses

- 5.12 Direct neighbour notification was carried out (total of 25 properties) and as a result 2 letters of objection were received and the issues raised are summarised below:
- The planning submission does not professionally address drainage from the site, and treats the local ecology in a cursory manner. It is a bad development, in the wrong place.
  - In total outstanding applications of estate type developments potentially see the village expanding by 93%. No account has been taken by T&W of the overall infrastructure issues this scale of development will cause.
  - Lack of sensitivity and imagination shown in the application, particularly as it is presented by a relatively local development company.
  - Key recommendations of the ecology report submitted with the outline application have been quietly ignored – lack of mitigation proposed.

- Back Lane is essentially single track with a tendency to flooding at its lowest point, leading to an exit with limited visibility on a fast stretch of the B5062. Anything which seeks to promote this route as a main access point in and out of the village should surely be resisted.

Following receipt of amended plans and additional supporting information, local residents were consulted for a second time however no further responses were received.

## **6.0 PLANNING CONSIDERATIONS**

6.1 Having regard to the development plan policy and other material considerations, the planning application raises the following main issues:

- Impact on the character and appearance
- Residential amenity
- Highways & Drainage
- Ecology & Arboriculture considerations
- Impacts on local infrastructure

### Background

6.2 Outline planning permission was granted on this site in February 2015 for the erection of up to 25no. dwellings with associated access, services and infrastructure. As this is a reserved matters application the principle of the residential development is not being re-considered, as this has already been established as being acceptable. This application therefore seeks approval of all other reserved matters, namely the layout, scale, appearance and landscaping.

### Impact on the character and appearance of the area

6.3 The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances. The 25 new dwellings would be built to a density of 18 dwellings per hectare, which given the varied nature of house types in the vicinity, is considered appropriate for this area. 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. It is noted that recent residential development within the village has retained a traditional character.

6.4 The development proposes a mix of house types (7 in total) which will continue a two storey built form and incorporate a range of design cues that would help assimilate the development within this area; including pitched slate roofs, decorative brick chimneys, arched brick window heads and cills, bay windows, gables and timber porches. Plots 11-25 will each have their own garage, some integral whilst others attached or detached. One of the key considerations to the successful integration of this development will be the

quality of the finishing materials, all of which will be conditioned for later approval.

- 6.5 Access to the site will be provided through the construction of an adopted highway which will navigate its way through the centre of the site with turning provided at the head of the development. No public footpaths are to be provided to allow the development to retain a rural village feel and instead areas of grass verges will abut the highway, reflective of the character of Tibberton. A new footpath link will be provided, however, to the east of the site; connecting to the development to the Plantation Road. The proposed houses have been pulled inwards and away from the boundaries of the site to allow a buffer zone between the site and the open countryside beyond. Another key consideration to the successful integration of this development will be the appropriate level of landscaping. Apart from the new points of access all existing hedgerows will be retained along with all existing trees along the boundaries and the buffer zones will ensure the protection of their roots. Elsewhere, new trees and native hedgerows will be planted both within the plots and areas of public open space. A landscaping plan can be conditioned to ensure a successful scheme is carried out and managed in the future.
- 6.6 During the course of this planning application officers raised concern regarding the proposals for the southern corner of the site at the junction between Back Lane and Plantation Road. Being so prominently located within the village, clarification was required regarding the foul pump enclosure which is proposed in this corner. The applicant has confirmed that it is necessary for this system to be installed at this location due to the positioning of existing infrastructure. Regardless of this, there will be no physical structure, and the site will be screened from both Back Lane and Plantation Road by the belt of trees which forms part of the landscaping scheme. The plot situated closest to this corner location at the junction has been repositioned further in to the site away from the junction between Back Lane and Plantation Road. The dwelling will allow for a separation distance of in excess of 22m from this junction and with the retention of the existing hedgerow and level of landscaping proposed, officers are now satisfied that there will be no demonstrable harm on the character and appearance of this part of the village.
- 6.7 To the north and north-western end of the site the existing boundary hedgerows are to be retained along with a number of trees, some of which are protected by Tree Preservation Orders. The root protection areas of these trees have been taken in to account and further tree planting is proposed to aid the integration of the development in to its village setting. The rear gardens of plot 1-16 will back out on to the open countryside with rear gardens extending between 10m and in excess of 20m. The buffer zone offered here is considered appropriate. Between plots 8 & 9 the adopted highway soakaway is proposed and will be laid with 'grass crete', a form of sustainable urban drainage, similar to the proposed foul pump enclosure. This is considered appropriate for its location and will not detract from the overall appearance of the proposed development.

- 6.8 Taking the above in to consideration, it is concluded that the proposed development would not give rise to any conflict with saved Wrekin Local Plan Policies H6 and UD2, Core Strategy Policies CS1, CS7 and CS15, and Telford & Wrekin Local Plan Policies SP1, SP4 and BE1. These policies seek appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

#### Residential amenity

- 6.9 The only neighbouring property within close proximity to the application site is No.64 Plantation Road, a Duke of Sutherland cottage which has previously been sensitively extended. This south facing property is located approximately 30m further up the Plantation Road to the east of the site and sits within a large plot. Boundary treatment to this neighbouring comprises a mix of hedging, post and rail timber fencing and brick walling. A number of trees are positioned along the north and south-western boundaries, affording the neighbours with good levels of privacy. It is proposed for all of these trees to be retained and further tree planting will be carried out where required to ensure mutual privacy between existing and proposed developments.
- 6.10 Plot 16 is located closest to this neighbouring dwelling and will be situated immediately to the north-west. A separation distance of approximately 20m will be retained between the rear elevation of No.64 and the south side elevation of plot 16. Together with the retention of the trees along this boundary, officers consider that there will be no significant adverse impact on the living conditions of this neighbouring property by virtue of any loss of privacy, light or any overbearing impact. Similarly the proposed dwellings to the west of No.64 will be located over 50m away and will be separated by a driveway and the proposed public footpath link.
- 6.11 The Local Planning Authority must also consider the amenity being provided for future occupiers of the proposed development. At a density of 18 dwellings per hectare, the proposed scheme offers a relatively low level of development for this site ensuring that each property is afforded adequate living accommodation and outdoor garden space. There is adequate separation distances between the proposed dwellings and as discussed above, the proposal allows for buffer zones where new belts of trees will be planted to help a satisfactory integration in to this village location. Further benefits will be offered by this scheme through the provision of affordable dwellings and a range of open market housing; all situated within a pleasant development that is reflective of the character of this rural village.

#### Highways and Drainage

- 6.12 Access to the site was established at outline stage. A new adopted highway is proposed off the Back Lane to the south-west end of the site. The road layout for the development seeks to provide a countryside feel with grass verges and a shared surface for cars and pedestrians. A small section of the existing hedgerow will need to be removed to provide the access and visibility

splays of 2.4m x 43m will be provided to the north of the access and 2.4m x 50m to the south. On-plot parking will be provided for each dwelling with a minimum of two spaces per 2 bed dwelling, 2 spaces plus integral garage for the 3 bed dwellings and a total of 4 spaces (including detached/attached garage) for the 4 bed dwellings. The emerging TWLP, whilst not part of the development plan, suggest a total parking provision of 79 spaces. This scheme will deliver a total of 71 spaces (including garaging) and is therefore considered acceptable on balance. A new footpath will be provided to the east of the site connecting to the Plantation Road as well as a vehicular passing place on the opposite side of the road.

- 6.13 The 'Drainage Report & Flood Risk Assessment' (produced by Woodsyde Developments Ltd) advises that there are no drainage infrastructure difficulties in developing the site. The site has been assessed with regards to flood risk and it is considered the development of this land will provide no risk to flooding. The site can be adequately drained with the proposals including the use of soakaways for the surface water drainage. A suitable means of foul water drainage disposal is available to the site from the proposed development via a new pump station and connection along Back Lane. The measures proposed to deal with the surface water and foul water drainage is currently being considered by the Council's Drainage and Highways Engineers and members will be updated of their respective recommendations at Committee.

#### Ecology & Arboriculture considerations

- 6.14 An 'Update of Environmental Appraisal and Badger Survey' (produced by Greenscape Environmental Ltd) was submitted in support of the application at the beginning of March 2017. The aim of this report was to conduct a survey to determine the presence of badgers at the site, to attend to issues raised for the reserved matters application as well as covering the issues raised in the ecological conditions imposed to the outline planning permission (condition 16-20).
- 6.15 The report advises that there is currently no evidence of badger activity on or around the site and a final site survey is recommended prior to the commencement of works. Reasonable avoidance measures are set out in the report which should be adhered to during construction. Whilst evidence of nesting barn owl was observed in 2014, there has been no further evidence since. A barn owl box has been planned for erection in a large oak tree on site as well as a suite of nesting and bat boxes. Further reasonable avoidance measures are set out relating to barn owls, bats and birds. The report continues that a small population of breeding newts was recorded in 2014 approximately 80m from the closest point of the development site. A Great Crested Newt Risk Assessment has been carried out and it is considered that reasonable avoidance measures can be considered at this site to avoid any harm to great crested newt populations. The report acknowledges that there will be the loss of a length of hedgerow which might be used for hibernating newts however this will be compensated with the provision of hibernacula and the planting of trees. The Council's Ecologist is

currently reviewing the supporting information and members will be provided with an update at committee.

- 6.16 A 'Tree Condition Report, Arboricultural Impact Assessment and Method Statement' (produced by Forester & Arborist Services Ltd) also accompanies the application. This report has assessed the conditions of trees identified on site including the three trees on the north, west and northeast boundaries which are subject to Tree Preservation Orders. The Tree Protection Plan and method statement details how the construction work will be carried out in proximity to the retained trees, protective barrier specification, timing of work, other mitigation measures where required and supervision of the protection measures during construction. This will need to be adhered to as part of the construction of the new dwellings. The Council's Tree Officer has assessed the report and has raised no objection subject to conditions.

#### Impacts on local infrastructure

- 6.17 The previous application secured the following S106 contributions:
- a) 10 affordable housing units (40% of total number of dwellings)  
8 units to be affordable rent and 2 units to be shared ownership (plots 1 & 7)
  - b) Highway works – to include off site highway infrastructure improvements of £700 per dwelling (total of £17,500)
  - c) Education infrastructure contribution of £4,083.47 per dwelling (total £102,086.75)
  - d) A contribution towards off site play and recreation within the vicinity of the development of £600 per dwelling (total £15,000)
  - e) Provision of a Planning and Financial Monitoring contribution at a rate of 5% of total financial contributions provided (maximum of £6729.34)
- 6.18 The S106 contributions address the impacts that new family housing will add to pressure on local schools, highways and demand for public open space, and meet the council's requirements.

## **7.0 CONCLUSIONS**

- 7.1 The development respects the character of the area without harming the amenity of adjoining neighbours or highway safety. The development has been satisfactorily arranged so as to ensure that the ample amenity is afforded for future occupiers without compromising the long-term protection of the trees in particular along the western boundary. There are no ecological or other landscape objections to the proposal. Appropriate drainage controls have been agreed. The development is considered to be acceptable and compliant with local planning policy and the guidance contained within the National Planning Policy Framework.

## **8.0 RECOMMENDATION**

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee is that **DELEGATED AUTHORITY** be granted to the Development

Management Service Delivery Manager to **GRANT RESERVED MATTERS** subject to the conditions below with authority to finalise and impose additional conditions if necessary:

1. Time Limit – Reserved Matters
2. Sample of materials
3. Highways on-site & off-site conditions
4. Drainage conditions to include soakaways
5. Landscape Management Plan
6. Tree & Hedgerow Protection
7. Ecology conditions
8. Site Environmental Management Plan
9. Domestic Garages restriction – Rural Areas
10. Removal of Permitted Development