

TWC/2016/0446

Land north of 61 Plantation Road, Tibberton, Newport, Shropshire
Outline application for residential development of up to 22 dwellings, including provision of Community Woodland including access and all other matters reserved

APPLICANT

Fieldcrest Partnership LLP

RECEIVED

20/05/2016

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

OFFICER

Vijay Kaul

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON THE 9TH AUGUST 2017 TO EXPLORE ALTERNATIVE ACCESS ARRANGEMENTS FROM OLD SMITHY LANE AND TO UNDERTAKE A SITE VISIT.

- 1.1 Members previously requested that Officers explore alternative access arrangements into the proposed application site from Old Smithy Road.
- 1.2 A strip of land links the application site and Old Smithy Road. This strip is owned by the Council, this is between 5-6m wide. The strip is neither adopted highway nor recorded as a public right of way, indeed there is a gap of approximately 43m between the highway and the site boundary.
- 1.3 The current or previous owners of No. 22 Old Smithy Road to the north-west have encroached upon the strip and fenced in a length of Council owned land thus reducing the available width of the strip. Land Registry Plans confirm that no Council land is now incorporated into No. 8 Anvil Close (to the south of the strip of land).
- 1.4 The applicants have argued that the adjoining owners (although this is only relevant to No. 22) of land either side of the current available strip have fenced in and occupied the Council land for such a long period of time that they could apply to the Land Registry for the land to be registered in their names on the basis of their adverse possession.
- 1.5 The original owners of No. 22 Old Smithy Road are still in situ. No application for registration has been made by these adjoining owners. However, if the Council requested them to remove any fences or other items from the Council owned land, it is likely that such an application would be made. If an application for registration was made, the applicant would have to produce evidence to support an argument that the adverse possession has taken place for not less than 10 years. There are grounds upon which the Council may wish to object to the registration including for example: because there has not been actual adverse possession for more than 10 years. (Other grounds to object may be available.)
- 1.6 From the information available (for example Google Images from 1999) but without any detailed investigation, it appears that the encroachments have

been in place for in excess of 10 years. The Council are not aware of any evidence to dispute a claim so it is likely to be successful. However, more investigation would be required to form a definite view on whether a claim for title to be registered in the name of the adjoining owners on the basis of adverse possession would be successful.

- 1.7 The Highways Authority considers that in the event that the access was utilised as existing, the maximum width of 3.77m would prevent appropriate vehicular and pedestrian access.
- 1.8 In the event that the full width of TWC's land ownership of this strip were to be available (which is between 5-6m, this would still be deemed unsuitable, as again, there is insufficient width to provide adequate vehicular and pedestrian access. In order to be considered a superior alternative, this would need to be 7.5m to provide the appropriate provisions (i.e. 5m carriageway, 2m footway, 0.5m service margin).
- 1.9 The Highway Authority would be likely to object due to the conflict between a new access road and existing PROW which runs along the east of the site. Furthermore, appropriate pedestrian / vehicular inter-visibility cannot be secured within site ownership or TWC land ownership. Furthermore there is no guarantee that even if Old Smithy Road was utilised, that future occupiers would by-pass use of Plantation Road, given the restricted visibility of the Adeney junction onto the B5062 and potential intensification of highway danger at the junction.
- 1.10 It should be noted that the Plantation Road access point would continue to maintain its 'rural' characteristic with the passing places provided. This access point would also be sited away from a greater number of residents than if Old Smithy Road was utilised.
- 1.11 The Highway Authority confirm that an alternative access via Old Smithy Road would be inappropriate and that the Plantation Road access arrangements are acceptable and raise no objection.

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:
 - A) The applicant entering in to a Section 106 Agreement with the Council relating to :
 - The provision of 40% on site affordable housing (9 dwellings)
 - £89,862 towards refurbishment of the demountable on site at Tibberton Primary School

- £1900 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction and a Highway Safety improvement scheme on the B5062 and Cherrington Road Junction.
 - £600 per dwelling towards the enhancement of local play and recreational space at the nearest Tibberton Playing Field.
- 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 (to include open space and community woodland)
5. RM application requires Tree survey, Tree Protection and Retention Plan and an Arboricultural Implications Assessment
6. Noise survey to accompany RM application
7. Visibility Splays (2.4m x 43m)
8. Road design detail
9. Parking, Turning, Loading, Unloading
10. Scheme of off-site highway works to provide passing bays/localised widening located along Plantation Road
11. Site Environmental Management Plan
12. Foul & surface water drainage scheme
13. Landscaping Design (to include provision of community woodland)
14. Long term management and maintenance of all areas of woodland and open space
15. Reasonable Avoidance Measures – Badgers & Great Crested Newts
16. Artificial nesting/roosting boxes (bats/birds)
17. External Lighting Plan to minimise bat disturbance
18. Development in accordance with plan

Informatives

S106

Highways - Section 184 Highways Act 1980

Ecology – nesting wild birds, Great crested newts

*****ORIGINAL COMMITTEE REPORT BELOW*****

1.0 PROPOSAL

- 1.1 This is an outline planning application for the erection of up to 22 dwellings, of which 40% (9 units) would be affordable housing.

- 1.2 Access is submitted for approval, with accompanying plan show a single new access constructed from Plantation Road. All other matters area reserved for future approval.
- 1.3 The following documents accompany this application;
- Planning Statement including Design and Access Statement
 - Landscape Design Statement
 - Drainage Report
 - Flood Risk Assessment
 - Preliminary Tree Report
 - Traffic Statement
 - Ecological Survey Report
- 1.4 During the course of this application the following amendments were received;
- No of units were reduced from 39 to 22 dwellings
 - Inclusion of a community woodland in line with the Parish Council response
 - Retention of the footpath along the eastern edge of the site along with the inclusion of public footpaths/woodland trails within the site
 - Inclusion of 'woodland glade' within the community woodland for community activities such as picnics, forest schools and woodland crafts
 - Removal of the parking area serving the school, allotment gardens and village green.

2.0 SITE AND SURROUNDINGS

- 2.1 Tibberton is a small agricultural village, located approximately 5 miles west of Newport. It is served by a modest number of local services including a church, village hall, primary school, community-run shop selling basic supplies and a public house. The village core which developed in the form of a broadly quadrilateral settlement bounded by 4 roads.
- 2.2 Other older parts of the village are generally linear developments of low density detached housing, as demonstrated by historic maps. This is particularly the case at the village fringes (which includes the application site), whereas later development includes cul-de-sacs and other suburban-scale layouts.
- 2.3 The 3.2 hectares application site comprises of Grade 2 (very good quality) agricultural land located within the village core, within the quadrangle on the northern side of Plantation Road. The application site is up to 162m wide and between 50m and up to 211m deep. There are some small out-buildings on the site which will be cleared before development.
- 2.4 To the north of the site beyond a well-maintained species-poor hedge is the Tibberton Community Primary School along with the adjacent Sports Ground.

- 2.5 To the east is the existing development along 'Old Smithy' and 'Anvil Close, the boundary to these dwellings is well defined hedgerows. Running along this eastern boundary is an existing public right of way linking Plantation Road with the main village facilities to the north of the site, a link is also provide into Old Smithy Road.
- 2.6 To the west are the rear of properties fronting Back Lane. More recently there have been two planning applications approved for residential development, TWC/2012/0961 to 10 dwellings, and TWC/2014/0230 (outline) and TWC/2016/1127 (reserved matters) for 25 dwellings. Whilst the principle of supporting outline planning application for 14 dwellings was considered acceptable, planning application TWC/2016/0785 refused by Planning Committee due to concerns about the site access.
- 2.7 No's 61 and 64 Plantation Road would sit alongside the proposed access to the site. No. 61 Plantation Road adjoins the southern boundary, this is a two storey farmhouse, which appears to be the landowner's current residence. This property is outside of the application boundary, and will therefore be retained. No. 64 is a detached dwelling which also adjoins the southern boundary. Immediately on the boundary with this dwelling are are two Oak trees (T1 & T2) subject to Tree Preservation Orders and stand around 16 metres in height.
- 2.8 On the opposite side of Plantation Road, although there is sporadic residential development, the predominant nature of the land is open countryside and a woodland.

3.0 RELEVANT HISTORY

- 3.1 There are three recent planning applications in Tibberton, both of which were refused and subject to appeals. These provide useful commentary on how new residential development should be managed within Tibberton.

Land adjoining Hay House, Tibberton, Newport, Shropshire TF10 8NR			
TWC/2014/0236	Outline application for the erection of up to 60 dwellings and associated infrastructure	Refused	06/08/2014
		Appeal ref: APP/C3240/W/15/3003907	
		Appeal dismissed	22/06/2015
Land adjacent to Marbren House, Mill Lane, Tibberton TF10 8NL			
TWC/2014/1080	Outline application for residential development (up to 22 Houses) and construction of	Refused	06/08/2015
		Appeal ref: APP/C3240/W/15/3138598	

	a modified vehicular access, with associated highways and drainage infrastructure and other accommodation works with all other matters reserved	Allowed	08/03/2016
Land adjacent The Hollies, 46 Cherrington Road, Tibberton, Newport, Shropshire			
TWC/2016/0891	Outline application to include access and associated infrastructure for residential development for 10 dwellings and all other matters reserved	Refused	20/01/2017
		Dismissed	07/06/2017

4.0 RELEVANT POLICIES

- 4.1 National Planning Policy Framework
- 4.2 Core Strategy Policy
 - CS1 Homes
 - CS7 Rural Area
 - CS9 Accessibility and Social Inclusion
 - CS12 Natural Environment
 - CS13 Environmental Resources
 - CS15 Urban Design
- 4.3 Wrekin Local Plan
 - UD2 Design Criteria
 - H10 Scale of Development
 - H24 Affordable Housing: Rural Exceptions.
 - OL6 Open Land
 - OL11 Woodland and Trees
 - H22 Planning Obligations
- 4.4 Telford and Wrekin Local Plan (Publication version)

The Telford & Wrekin Local Plan (TWLP) has been submitted for independent examination. The Examination in Public hearings took place between 30 January and 10 February 2017. Paragraph 216 of the NPPF advises that from the day of publication, decision takers may give weight to relevant policies in emerging plans according to:-

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- The degree of consistency with relevant policies in the framework.

- 4.5 Given that the plan has been published and the public hearings associated with the Examination in Public have closed, it can be considered to be at a fairly advanced stage of preparation. Furthermore, the TWLP has been prepared on the basis of up-to-date evidence and the Council consider the policies contained in it to be sound and consistent with the guidance provided in the NPPF. Objections have been received to a number of the policies contained within the Publication version.
- 4.6 The Local Plan Inspector currently undertaking the Examination has raised some concerns about the methodology for housing site selection. In response to interim notes from the Inspector, the Council has accepted the proposal to adjust the current schedule of site allocations in Policy HO2 to reflect only those sites with planning permission or Section 7(1) New Towns Act approval. Allocations without consent are likely to be removed. The Inspector's Proposed Modifications
- 4.7 SP3 is a key relevant emerging policy in the determination of this application which seeks to promote the delivery of approximately 900 net new homes (now likely to increase to 1,000 with the increased housing requirement figure) in the rural area up to 2031.
- 4.8 In view of objections received to the TWLP, the weight attributed to Policy SP3, SP4 and HO10 needs to be considered. The Inspector has considered the objections and has proposed main modifications which leaves SP3 largely unaltered save for the increase in housing numbers from 900 to 1000 and clarification that where development on best and most versatile land takes place, economic and other benefits of the land will be taken into account. No changes are proposed to Policy HO10. SP4 is proposed to be altered to define sustainable development as being in accordance with National and Local Plan policies and taking into account material considerations. Therefore it is considered that SP3, SP4 and HO10 have significant weight.
- SP3 Rural area
 SP4 Presumption in favour of sustainable development
 HO10 Residential Development in the Rural Area
 BE 1 Design Criteria
 C3 Impact of development on highways

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Tibberton and Cherrington Parish Council: Objection raised, summarised as follows;
- Does not conform to the policies and aims of the emerging Local Plan in respect of delivery of limited housing in the rural area. Support for limited development on infill plots.
 - Continued approval of applications in the village, reached a point when further sizable applications can no longer be accommodated or tolerated.
 - Impossible to consider these and future such applications in isolation.
 - Collectively having serious and detrimental effect on the village and Parish
 - Number of recently approved developments in Tibberton yet to start.

- Too much for the village's infrastructure
- Need for further such development not been demonstrated.
- Concerns with overloading effects that these developments are having on the whole infrastructure of the area, e.g. loading on drainage and sewers.
- Should seek to use areas of poorer quality in preference to higher quality agricultural land
- No need demonstrated for affordable housing
- Impact of traffic from proposal on Plantation Road, single carriageway with limited passing places offered – detract from rural quality of lane.
- Limited bus service in village, with poor pedestrian links
- Duke of Sutherland properties nearby – proposal would not be sympathetic to these.

During the consultation on the original proposal, the following objections were also raised;

- No interest for taking up allotments
- No support for new car park, due to concerns about the cost of maintaining the facility, and the effect of the additional traffic that would be generated on the estate and on Plantation Road at timings similar to those when the estate residents would be leaving for work
- There was little support at the public meeting for the Village Green because the land allocated is in close proximity to the existing large playing field use for recreational facilities by the village
- However, support for the establishment of areas of woodland or orchard planting instead of the allotments, the car park and the village green and which, if combined with a substantial reduction in the number of houses, would soften the impact of the development and enhance the natural environment

5.2 Arboricultural Officer: Comment: If application does progress, a full BS 5837 (2012) Tree survey will be required accompanied by a Tree Protection and Retention Plan and an Arboricultural Implications Assessment will be required to show sun shading of properties. Future development would need to ensure no encroachment onto the root protection areas of trees and ensure no conflict between new home owners and mature trees.

5.3 Planning Ecologist: No objection subject to conditions and informatives.

5.4 Highways Officer: In principle no objection to the proposal subject to a S106 contribution of £1900 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction and a Highway Safety improvement scheme on the B5062 and Cherrington Road Junction. Conditions required to secure off-site highway works to provide passing bays/localised widening located along Plantation Road, appropriate visibility splays and parking implementation.

5.5 Healthy Spaces Officer: Comment - Request for contribution to offsite play / recreation facilities of £600 per dwelling to be spent upon facilities within the

adjacent Tibberton playing field. Need condition to allow council to approve the management company to ensure they are suitable for long term landscape management of the woodland and open space. Each dwelling should have easy access to the footpath network upon creating any detailed plan – secure by condition

- 5.6 Education: No objection: Given the number and type of dwellings we would seek a financial contribution of £89,862 towards education facilities in the vicinity of the development.
- 5.7 Affordable Housing: Comment: There is an unmet need for additional affordable homes in the rural part of the borough. The Planning Statement notes that ‘...a suitable level of affordable housing would be provided as part of the overall development’. 35% of the development should be affordable, of which 80% should be for affordable rent and 20% for shared ownership. Further discussion will be needed as soon as possible to agree the affordable provision. This will include dwelling tenure, types, bedroom sizes and space/development standards. The affordable homes should be transferred to an appropriate Registered Provider. A suitable S106 agreement will be required to secure the affordable housing. A Local Lettings Plan will also need to be agreed between the Council and the Registered Provider.
- 5.8 Drainage: Support subject to conditions relating to submission of scheme for sustainable foul and surface water drainage, soakaway test(s) and location of soakaways, and that any necessary off site drainage improvements have been completed by Severn Trent Water, or that there is no need for these to be provided to cater for foul and surface water flows from the site following Severn Trent Water investigations.
- 5.9 Public Protection Pollution Control: Comment: Support subject to condition requiring submission of noise survey.
- 5.10 Severn Trent Water: No objection subject to conditions relating to submission of drainage plans for the disposal of foul and surface water flows.

Informative required to advise applicant that there may be a public sewer located within the application site which needs investigation. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals who will seek to assist with obtaining a solution which protects both the public sewer and the building.

- 5.11 West Mercia Police: Comment: General advice provide in respect of Secure by Design principles.
- 5.12 Shropshire Fire Service: Comment: Consideration should be given to the information contained within Shropshire Fire and Rescue Service’s “Fire Safety Guidance for Commercial and Domestic Planning Applications

- 5.13 Telford and Wrekin Council's Local Access Forum: Object subject to conditions: If right of way is being moved closer to eastern boundary, needs correct diversion order. Highway authorities' consent required if any change of surface. Strongly urge the Planning Authority as part of any agreement that the route is upgraded to Bridleway status

Neighbour consultation responses

- 5.14 As a result of a site notice and direct neighbour letters, 14 representations were initially received. Many repeated the observations made by the Parish Council, however, additional issues raised are summarised as follows;
- Some residents supported the principle of some form of development, as it fell within the 'natural boundary' of the village – but size of 39 dwelling scheme disproportionate.
 - Exit/entrance of large vehicles onto Plantation Road will be difficult due to restricted width
 - Soak-away drainage may be difficult due to deep underlying clay bed
 - does not take into account current traffic along Back Lane or future planned developments
 - increase the volume of traffic on single width Plantation Road and consequent risk to road users
 - No passing places will mean damaged verges
 - Need improved pedestrian link along Plantatin Road to PRow
 - Car park – no pedestrian linkage across field and increase traffic adding to congestion
 - No capacity at school for 39 dwellings
 - Existing telephone and broadband provision is already grossly inadequate and additional properties will make this worse
 - Need to safeguard to long term provision of the open space.
 - Why propose footpath to neglected field which has large deep well.
 - Avoid suburban type path – but provide easy access
- 5.15 Following reconsultation on the amended scheme, 4 objections were received, additional observation were as follows;
- Feel that if this planning application is agreed and no footpaths of safety measures are put in the local authority will be seriously neglecting the welfare and safety of their residents.
 - No point in a community green
 - shortage of facilities in the village cannot support such a development
 - TWC Brownfield register shows 26 designated Brownfield sites, some of considerable size. Telford should avoid using greenfield land for housing and prioritise brownfield land.
 - Proposed passing places in front of people's houses
 - There is a potential safety issue with children walking thru the woodland to the waiting cars on new estate.
 - There is a potential risk of the woodland attracting undesirable people or stray dogs.

5.16 Also 2 letter of support/comment were also received;

- I support this redesigned plan, however vehicle access should be incorporated onto the field adjacent known as The DMA Trust land (TWC/2016/0785) to allow for possible future development of the aforementioned site in an appropriate manner
- Look at Tibberton as a whole - the field next to this application has had many planning applications refused due to the proposed access being via a narrow private drive (TWC/2016/0785). It would be relatively easy to enable vehicular access to this field from the proposed development

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;

- The principle of residential development
- Character and appearance
- Impact upon highway safety
- Impact upon residential amenity
- Trees
- Drainage and Flood Risk
- Impact upon Ecology
- Planning obligations
- The Planning Balance and whether sustainable development
- Other matters

The principle of residential development

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Telford and Wrekin comprise the Core Strategy, the 'saved' policies in the Wrekin Local Plan and the saved policies of the Shropshire, Telford and Wrekin Minerals Local Plan.

6.3 The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions, but advises at Paragraph 12 that it does not change the statutory status of the development plan as the starting point for decision making, whereby development that accords with an up-to-date local plan should be approved and development that conflicts should be refused, unless material considerations indicate otherwise.

6.4 Paragraph 14 of the NPPF advises local authorities that when deciding a planning application that they should be:-

- "approving development proposals that accord with the development plan without delay; and
- where the development is absent, silent or relevant policies are out-of-date, granting unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
- specific policies in this Framework indicate development should be restricted.”

- 6.5 This second bullet point test has become known as the “enhanced presumption” or “tilted balance”.
- 6.6 Paragraph 49 of the NPPF states that housing supply policies in the development plan should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. The Council can demonstrate it has a 5 year housing land supply. As a consequence, the above titled balance in NPPF para 14 is not *automatically* engaged. However, even though Telford and Wrekin Council has a five year housing supply and the enhanced presumption is not *automatically* engaged, if the Council’s relevant policies are out-of-date anyway e.g. because they are based on information which has since been superseded, the position is that the tilted balance will apply when considering a residential application.
- 6.7 There have been a series of recent appeal decisions regarding sites in the Borough which are located on the edge of the built up areas. These have, in the Council’s view, left the housing policy position as follows:
- The Council can demonstrate a 5 year supply of housing
 - However, on an individual basis, the Council’s relevant policies for the supply of housing are, as a matter of planning judgement, not up-to- date - as they are either time expired, or based on housing figures from a revoked Regional Spatial Strategy or there is some inconsistency with elements of the NPPF.
 - Applications for residential development should be determined with reference to the NPPF para 14 tilted balance and should therefore be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework (or in the development plan) indicate that development should be restricted.
- 6.8 Even though the Council needs to apply this presumption/tilted balance in favour of granting permission, this does not mean that planning permission will always be granted. The approach to the determination of planning applications is still a matter of planning judgment.
- 6.9 As required by statute, applications for planning permission are still to be determined in accordance with the development plan unless material considerations indicate otherwise. Even though the Council has had to concede that its housing supply policies are “out-of-date”, those policies still retain statutory force and have to be given weight in the determination process. The difference is that, in some applications, the enhanced presumption may “tilt the balance” in favour of approval.
- 6.10 The weighting of relevant policies in the planning balance needs to be done with reference to:-

(i) para 215 NPPF which states that "...due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies on the Framework, the greater weight that may be given)." and

(ii) para 216 NPPF which states that "decision takers may also give weight to relevant policies in emerging plans according to:-

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

6.11 CS Policy CS1 indicates that housing needs within the rural area will be met by approximately 170 new dwellings. It is not disputed that this number has been exceeded. However, the CS was adopted in 2007 and Policy CS1 is considerably out of date for reasons including its age and that it is based upon the revoked Regional Spatial Strategy for the West Midlands which set out the maximum numbers of dwellings to be permitted.

6.12 CS Policy CS 7 states that development within the rural area will be limited to that necessary to meet the needs of the area and will be focused on three settlements, of which Tibberton is one. Outside of those settlements development is to be limited and strictly controlled within open countryside. In the two recent appeals in Tibberton, the Inspectors agreed that Policy CS7 '*should not be interpreted as imposing an absolute policy limit on the numbers of new housing*'.

6.13 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.

6.14 The Council has now accepted that its housing policies CS1 and CS7 have limited weight, as they had been based on old figures and they belonged to a plan that has now time-expired. However, weight and relevance can still be afforded to these policies when applying planning judgment and balancing the planning merits of this application.

6.15 Policy HO10 of the TWLP relates to residential development within the rural area and this too identifies Tibberton as a suitable settlement, along with 4 others, to accommodate new development. It states that a limited amount of

infill housing in five settlements will be supported where they will help meet the rural housing requirement, and elsewhere in the rural area residential development will be strictly controlled. Policy SP3 has an increased requirement of 900 dwellings (increased to 1000 in the Inspectors Proposed Main Modifications), over the plan period. Most of which has already been identified through the planning application process, including two large previously developed sites at Crudgington and Allscott.

- 6.16 Housing applications in Tibberton that have been refused and dismissed on appeal have focused on these potential sites being outside of the core of the village. The planning appeal for 22 dwellings on Mill Lane (TWC/2014/1080) was found to be sited close to the village core which developed in the form of a broadly quadrilateral settlement bounded by 4 roads, it was also judged not to harm the character of Tibberton and not encroach into open countryside. Furthermore, recent planning application (TWC/2016/0365) supported by Planning Committee for 8 dwellings at Sutherland Farm was partly supported on the basis that the site was close to the village core in Tibberton with housing development on both sides and together with a definitive boundary, this limited the extent of development and prevented encroachment into the countryside.
- 6.17 Whilst the Natural England Agricultural Land Classification Maps attribute this site to be Grade 2 (good quality), it cannot be concluded to be open countryside. Indeed the Planning Statement submitted with this application states that, *'The site forms a natural rounding off of the settlement in this location, and the area does not project into open countryside'*.
- 6.18 The site is bounded by mature native species hedgerows along with individual trees around the site boundary. It currently forms part of an open area within the main confines of the village, which is built around the primary quadrangle of development, close to the primary school with playing fields, church, public house, village shop and access to public transportation links. The applicant also refers to two recent approvals (TWC/2012/0961 and TWC/2014/0230) to the western boundary for further residential development, the extent of which essentially result in a more urban and built up periphery and containment to the application site. Indeed walking within the application site along the eastern route PRow and Plantation Road, existing build development around the boundaries is visible. This extent to which this occurs will increase given recent planning approvals.
- 6.19 A 'village context' plan accompanies the application, and it is evident that areas to the north-west, north and east form part of the built up part of the village of Tibberton. It is on the opposite side of Plantation Road, to the south, that the land is predominantly open with expanses of agricultural land and a woodland to the south-west. This existing landscape setting would ensure that any new development would be screened from outside the site, and would allow the development to be automatically assimilated into the grain of the surrounding development.

- 6.20 Though the application comprising 22 dwellings might not constitute 'limited infill' as required by emerging TWLP Policy HO10, when giving consideration to the character of the application site, its location and relationship to neighbouring development, the LPA consider it reasonable to determine that the application site is within the village envelope and part of Tibberton. It would not therefore result in the extension of Tibberton into open countryside. That the proposal would make a contribution towards the supply of houses in Tibberton (including affordable housing provision) in this regard, the proposal would accord with Policy CS7 of the TWLP. It still remains to consider the impact the development would have on the character and appearance of the area, and this is considered below.

Character and appearance

- 6.21 Policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy provide guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Amongst other issues, policy BE1 of the Telford & Wrekin Local Plan (Publication Version) advises that the Council will support development which will respect and respond positively to its context, demonstrating an integrated design approach and respecting its landscape setting.
- 6.22 There is a variety of styles and character within the village with a mixture of mature properties including Duke of Sutherland estate cottages, new traditional and modern single and two storey buildings in Tibberton as well as a complex of converted barns nearby. The village has seen some recent growth in residential development over the years and it is noted that many of the new dwellings built have retained a traditional character, sympathetic to the village.
- 6.23 The arable field as it exists serves as a break in the village and has a landscape value in its own right, it positively contributes to the rural character of the area characterised by a largely undeveloped road frontage demarked by a mature hedge, albeit there are gaps where the field gate is located and outbuildings immediately adjacent to it. Also, further evidence of its landscape contribution is provided in the Landscape Sensitivity & Capacity Study (May 2009). Though several years old now, this document provided a landscape sensitivity and capacity assessment for defined areas around Telford and Newport, and includes the application site. This report describes the site as follows,

The site forms a green wedge into the settlement. It is surrounded on three sides by houses, which form a square around it, of variable permeability, but with views in especially from the western and southern sides. On the internal edge of the site many houses within the settlement have views over it, harking back to its historic identity as commonland. At its southern end the site is influential in defining the

character of the settlement on arrival - at present it is very rural, with individual houses appearing gradually among the plentiful vegetation.

...it is highly visible for many residents within the settlement, including users of the sports ground and the footpath. Development would inevitably change this and extend the built form southwards, providing a possibly jarring juxtaposition with the adjacent woodland. The arable field provides valuable and accessible internal space for many residents.

The zone in which the application sits was given a medium sensitivity rating, indicating key characteristics of landscape are susceptible to change and have value as a landscape resource.

- 6.24 It is important to note, that the site appraisal also included land that has now received planning approval, most recently for 25 dwellings on the corner of Back Lane and Plantation Road (TWC/2016/1127). This fundamentally alters the rural character that exists, introducing a more tighter urban grain and built form on entry into Plantation Road and Back Lane.
- 6.25 In referring the actual application site in the Landscape Sensitivity & Capacity Study (May 2009) it is evident that some form of residential development is foreseen to be accommodated on this site;

The western part of the arable field could be developed subsequently, as long as the rest was retained to provide a significant green corridor within the centre of the settlement. Development of the southern end of the site would require careful attention to scale and massing, plus the retention and management of existing boundary vegetation (including large oaks on internal field boundaries) and the pond, plus additional screening, to conserve its rural character

- 6.26 The application is in outline form, and so the full implications cannot be determined, however, the indicative site layout plan at this stage gives a likely indication of how the applicant seeks to realistically accommodate 22 dwellings taking into the above guidelines in sympathetically developing this site.
- 6.27 The indicative layout has been substantially reduced from the initial 39 dwellings originally sought and now shows the retention of green corridor running through the site, and adjoining a woodland area to the north, and open space alongside the eastern PRoW. Towards the southern boundary, there would only be a single point of access, where two dwellings are shown either side, this would follow the pattern and scale of large detached houses in generous plots along the Plantation Road frontage.
- 6.28 On entering the site, the indicative density (6 dph) of the scheme is not unduly high and is compatible with the immediate context to the east, comprising of detached dwellings in individual plots set along a quite definitive building line and cul-de-sac arrangements, built to a density of some 11dph. As mentioned

above, the 25 dwelling scheme (TWC/2016/1127) recently approved in the corner of Back Lane and Plantation Road was designed to a much higher density of 18 dph. The remainder of dwellings to the west and opposite are more sporadic and simpler in design, built at relatively lower densities.

- 6.29 The indicative layout now shows a community woodland and associated open spaces in the northern and eastern parts of the site, covering an area of approximately 1ha, with a proposed woodland trail connecting with the existing PRow network.
- 6.30 Street Trees will be planted within broad verges that would provide conditions for trees to make a positive contribution to the landscape character of the village and further help dwellings assimilate into the landscape setting.
- 6.31 The proposal offers an opportunity to complements the existing grain, both in terms of its proposed siting and layout to reflect the rural character. Clearly at reserved matters stage there would be a need to ensure the appropriate scale of development with highway quality design of dwellings and landscaping. The proposal would therefore comply with the urban design objectives of objectives of CS Policy CS 15, Policy UD2 from the Wrekin Plan and BE1 of the Telford and Wrekin Local Plan.
- 6.32 Policy SP4 of the TWLP also relates to a presumption in favour of sustainable development. The application site is located between existing built developments fronting the highway 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. Taking the above in to consideration; Tibberton is one of the villages identified as being sustainable and suitable for residential development and therefore, on this basis, the principle of development is acceptable subject to the other usual planning considerations.

Impact upon highway safety

- 6.33 The site fronts onto Plantation Road which runs along the southern edge of the Village, access would be taken into the site from west of 61 Plantation Road. There is already a gated field access present.
- 6.34 A number of comments have been received from Tibberton and Cherrington Parish Council and local residents which raise concern with the highway impacts of the development. Since the original submission, it should be noted that an overspill car park to serve the primary school has been removed.
- 6.35 The Council's Highway Officer has assessed the proposals, and advises that Plantation Road has adequate width to accept the likely traffic generated by the development. With an appropriate condition, there is appropriate forward visibility along the site road frontage and either side of the development, which would need to be secured by imposition of a condition. In addition the Appeal Inspector for the Mill Lane appeal decision (TWC/2014/1080) for 22 dwellings acknowledged that single lane traffic is not unusual in rural

locations, and that as traffic generated by a number of other new developments approved in the area, are unlikely to result in significantly increased numbers of vehicles on the roads so as to adversely affect highway safety.

- 6.36 The scheme was accompanied by a scheme of improved/additional passing places on Plantation Road, but these were not considered acceptable. However upon visiting the site, the Highways Officer has requested a condition to cover the provision of passing places along Plantation Road, details of which will be submitted and agreed at Reserved Matters. These would need to be 6m in length, with tapers on either side. The depth of passing places can be variable, dependent upon the adjacent road width ideally 6m inc carriageway & passing place). In locations where there is not enough highway verge available to provide 6m, a minimum of 5m should be provided.
- 6.37 One of the westernmost passing places was actually conditioned out as part of the adjacent site off Back Lane/Plantation Road. The proposed condition in this current application would cover its implementation in the event that the adjacent scheme does not come to fruition. Further consideration is required as to the proposed location of passing places, as part of the proposals for the adjacent site involve the provision of a 1.5m wide footway along the northern verge.
- 6.38 The incorporation of passing places, would ensure the proposed development would not impact upon the rural nature of the lane. Furthermore these would be required to be implemented prior to the commencement of on-site construction works.
- 6.39 The proposed development will link thorough internal to the existing footway link to access amenities within the centre of Tibberton.
- 6.40 The Highways Officers did consider the visibility at the junction of Plantation Road and Back Lane, and advises that adequate visibility (2.4 x 43m) can be achieved within the adopted highway corridor. Should the visibility at this junction be restricted due to overgrowth of the existing hedgerow, this is the obligation of the highway authority to preserve the visibility at the junction within the adopted highway.
- 6.41 Dealing with the wider ramifications of increased vehicular flows into/out of the village, a Section 106 contribution of £1900 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction and a Highway Safety improvement scheme on the B5062 and Cherrington Road Junction. The monies are to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.
- 6.42 The applicant is to be aware that all off site Highway Improvement Works will need to be secured via Legal Agreement with the Local Highway Authority

under S.278 Highways Act 1980, this can be secured by imposition of a planning condition.

- 6.43 In the absence of the any objection from the Highways Officer, and in light of the improvements that can be secured by the S106 Agreement and conditions, it is concluded that the proposal would not have an adverse impact upon highway or pedestrian safety, and therefore the proposal would comply with saved Wrekin Local Plan Policies UD2 and H6, Core Strategy Policies CS 9 and CS 15, and Telford &Wrekin Local Plan Policies BE1 and C3. In so far as these policies seek adequate access and car parking provision to new development which preserves highway safety. The policy aims are consistent with the National Planning Policy Framework.

Impact upon residential amenity

- 6.44 The NPPF requires the provision of a good standard of amenity space for all existing and future occupants of land and buildings.
- 6.45 In principle the development does appear to have the potential to be laid out in a manner which ensure that there would be no adverse impact on the residential amenity of neighbouring properties in terms of loss of privacy, daylight or outlook. For example the indicative layout shows 37m between the rear of plot 21 to No 64 Plantation Road, and some 20m between the side elevations of Plots 1 and 6 to No. 61 Plantation Road. Obviously this matter would need further examination at the reserved matters stage.
- 6.46 Each dwelling has the potential to be provided with an adequate private garden area. However, with no information submitted to judge the arboricultural impact of protected trees adjacent to the plots closest to the southern boundary, the Council is not able to fully assess impact whether these would be harmful to the outlook from and daylight to these dwellings. This ultimately would have a bearing on to determine accurately how these closest dwelling could be accommodated on the site.
- 6.47 Whilst a future application would require sufficient information to determine the arboricultural impact of trees adjacent to the plots closest to the southern boundary, the proposed development is unlikely to harm the residential amenity of adjacent occupiers and therefore this would be compliant with Wrekin Local Plan Policy UD2 and Telford &Wrekin Local Plan Policy BE1.

Trees

- 6.48 The Council's Arboricultural Officer requests a condition to require a full BS 5837 (2012) Tree survey will be required accompanied by a Tree Protection and Retention Plan and an Arboricultural Implications Assessment will be required to show sun shading of properties. Future development would need to ensure no encroachment onto the root protection areas of trees and ensure no conflict between new home owners and mature trees.

- 6.49 A detailed landscaping plan would be required to ensure the appropriate mix of trees and planting is achieved across the site, whilst providing a long-term maintenance plan
- 6.50 With the imposition of a relevant conditions to secure this, the proposal would comply with Wrekin Local Plan Policy OL11 which seeks to retain and enhance trees which contribute toward landscape character.

Drainage and Flood Risk

- 6.51 The site fall within Flood Zone 1 (low probability of fluvial risk), the River Meese is some 500m away to the north of the site. This is greater than 8m lower than the application site, and therefore the area is not at risk of flooding.
- 6.52 Information submitted as part of the Drainage Report (including a Flood Risk Assessment) has been assessed by the Drainage team, and is considered acceptable, any future development should adhere to the principles of this document.
- 6.53 It is proposed to retain all of the site surface water drainage within the site boundary and each property to discharge into individual soakaways. The sites road infrastructure will also be designed to drain to its own individual soakaway which is to be located to the woodland area of land to the North of the site. There is an existing foul mains sewer which lies on the Eastern edge of the proposed dwellings.
- 6.54 The Councils Drainage Team advise that each property should be served by a private soakaway or, if this is not possible, any soakaway serving more than one property should be located in an area of POS and details of the future ownership and maintenance requirements provided. Conditions are require to provide a detailed drainage scheme providing above ground attenuation and surface water treatment.
- 6.55 The site's foul drainage is designed to discharge directly to the adopted foul drainage network crossing the site. Free discharge to this network is expected to be approved, however the connection is subject to completion of an application to Severn Trent Water. There are known issues raised by the Parish Council associated with the capacity of the Severn Trent Water (STW) foul sewer network in Tibberton, this is an issue for STW to resolve and carry out improvements to accommodate this development. Any concerns in this regard can be addressed by the STW recommended condition requiring details of drainage, to confirm no objection is raised by STW to this development.

Impact upon Ecology

- 6.56 Policy CS12 (Natural Environment) states that biodiversity will be protected from development and where possible enhancements will be incorporated in to proposals to ensure nature conservation.

- 6.57 This application is supported by a Phase 1 and Phase 2 Environmental Surveys by Greenscape Environmental (2014 updated 2016) and the Environmental Appraisal by Greenscape Environmental (May 2017).
- 6.58 The site comprises some 3.2ha of arable land with a species rich hedgerow with mature trees on the western boundary and species poor hedgerows and fences around the rest of the site according to Greenscape Environmental (2017). A short section of the species poor hedgerow on the southern boundary will be removed and replanted to achieve the required visibility splays for the site entrance.
- 6.59 Although Greenscape Environmental (2014) recorded a badger sett with the entrance in the western hedgerow and the excavated area of the sett out into the adjacent arable field, the 2017 survey found no evidence of badger setts on or within 20m of the boundary of the site and so no negative impact upon this species is predicted. It is recommended that a pre-commencement check for badgers will be required to ensure that badgers have not excavated new setts on the site.
- 6.60 The Survey work concludes that no harm to protected species (bats, badgers, great crested newts, nesting wild birds) would arise, although Reasonable Avoidance Measures relating to badgers and great crested newts would be secured by condition.
- 6.61 Ecological mitigation and enhancements are proposed which seek to incorporate biodiversity in and around the development. This includes the erection of bat boxes, artificial nesting boxes for birds, submission of lighting plan.
- 6.62 The woodland glade is likely to include seating and woodland groundcover planting such as English Bluebells and Wood Anemones. There may also be opportunities to integrate sculptures within the woodland with the input of the community.
- 6.63 The new woodland would enhance biodiversity and in addition to the native tree, shrub and groundcover planting there would be hibernacula, such as log piles, created to provide shelter for a range of wildlife. The retention of existing boundary hedgerows provides a readymade green network, connecting the woodland to existing habitats.
- 6.64 The proposed community woodland is of considerable size and will require a significant amount of investment in order to become successfully established and then will require appropriate management in the long term. The Council's Ecologist recommends that full specifications for the planting proposals should be required as part of the landscaping condition for the site and that a detailed woodland management plan be required by condition. From a biodiversity point of view the woodland management plan should cover at least a 30 year management period.

6.65 The survey work has been assessed by the Council's Ecologist and is considered satisfactory, and as long as relevant conditions are attached, the proposal would be in accordance with Core Strategy Policy CS12.

Planning Obligations

6.66 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

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

6.67 In addition account has to be 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 financial contributions set out below meet the relevant tests and should be included within a draft S106 that would be provided to the Planning Inspector in the event that a subsequent appeal is made.

6.68 The development is likely to have a number of impacts on local infrastructure, most notably on the demand for affordable housing, play provision, education and on the local highway network. The developer has agreed to the following contributions:

- In accordance with Core Strategy Policy CS7 - The provision of 40% on site affordable housing (9 dwellings)
- The need for a contribution towards local educational facilities reflects the link between a major development comprising of family houses and its impact on local school rolls. £89,862 towards primary (refurbishment of the demountable on site at Tibberton Primary School to bring it back into use as a class base)
- £1900 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction and a Highway Safety improvement scheme on the B5062 and Cherrington Road Junction. This contribution is towards the local transport infrastructure and reflects the features of the site and the additional traffic impact generated by the development.
- £600 per dwelling towards the enhancement of local play and recreational space at the nearest Tibberton Playing Field. The contribution towards enhancing off site play and recreation is justified because of the additional pressures places on play space on the site and its negotiation is consistent with the NPPF and Local Plan Policy H22.

6.69 The Council is satisfied that contributions towards these projects and the provision of affordable housing are 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.

The Planning Balance and whether sustainable development

6.70 The titled balance is triggered in paragraph 14 of the NPPF because the Council's relevant housing policies are out-of-date. In exercising the planning judgement and as part of the Planning Balance, there is a need to consider whether the proposal represents sustainable development. The NPPF sets out, in paragraph 6, that the purpose of the planning system is to contribute to the achievement of sustainable development, which is defined as the policies in paragraphs 18 to 219 taken as a whole. Paragraph 7 sets out the three dimensions to sustainable development: economic, social and environmental, and paragraph 8 says that these roles should not be undertaken in isolation because they are mutually dependant.

Economic

- 6.71 The proposal would positively contribute in the short term to the economy through construction jobs associated with the dwellings. Also, the potential occupants would pay Council tax and contribute to the local economy, given the local facilities on offer, this attracts a moderate positive weight.
- 6.72 The site lies within the settlement of Tibberton where there is the provision of suitable infrastructure, thereby negating the need to extend infrastructure to rural areas.
- 6.73 The construction work is to be undertaken by a local development company which will secure construction jobs locally.
- 6.74 The development will assist in rebalancing rural communities by supporting local services and facilities including the Community Shop and Public House
- 6.75 The economic loss of the agricultural land which is Grade 2 (very good quality), would be a factor that would weigh against the sustainability of the proposal. It is noted however, that in the long term, the viability of the plot of land would be possibly jeopardised by the extent of housing already surrounding or permitted under planning applications adjacent to the application site.

Social Role

- 6.76 The social role would benefit from the proposed provision of affordable housing, creating mixed communities, this would comply with Council's prevailing target rate of 40%, based on the requirements given in Wrekin Local Plan Policy H23 and Core Strategy CS7.
- 6.77 Financial contributions would be provided towards local education facilities, open space, recreation and highway improvements, and footpath

improvements which would benefit existing and future occupiers. This is of limited weight as the development has triggered their need.

- 6.78 The proposal would support local services and facilities in the village.
- 6.79 The proposal would not be solely reliant on private transport due to the presence of a moderately good bus service by local rural standards, and a footpath link would provide linkages to village services.
- 6.80 The proposal is likely to provide a good standard of amenity for neighbouring occupiers, a condition to secure the submission of a arboricultural impact assessment will specifically look at the amenity of future occupiers without harm to adjacent TPO'd trees.

Environmental

- 6.81 In terms of the environmental role, the site is not covered by any landscape or ecological designation. Planning conditions would ensure that ecological interests would be protected and enhanced.
- 6.82 The site sits within the centre of the settlement of Tibberton and does not negatively impact upon the natural, built and historic environment.
- 6.83 Policy CS7 does impose a numeric restriction on the number of dwellings to be supported. The proposal would not result in built development that would extend the village in such a way as to harm its established form and character as a settlement and to encroach into open countryside resulting in a loss of an important area of open space. it would focused on the central quadrangle.
- 6.84 The development is likely to be capable of integrating into the form and layout of existing dwellings along Plantation Road, and to residential development bordering the east and west boundaries.
- 6.85 In defining the environmental role of the planning system, paragraph 7 of the NPPF emphasises the need to protect and enhance the natural and built environment. The core planning principles set out in paragraph 17 of the NPPF also include the need to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 6.86 For the reasons provided above it is not considered that the economic harm arising from the loss of agricultural land is not significant enough to outweigh the economic and social benefits of the scheme. The proposal ultimately can be considered as sustainable development.

Other matters

- 6.87 The concerns of residents in respect of other infrastructure, such as broadband and mobile phone coverage are noted, but development can potentially help to sustain and encourage investment in local services and

infrastructure, as well as place demands on it. Consequently, there are no strong reasons to find in principle that the infrastructure demands of the current proposal are insurmountable.

7.0 CONCLUSION

- 7.1 There are no specific policies in this Framework (or in the development plan) which are of sufficient weight and effect to indicate that development in this location should be restricted.
- 7.2 The application site lies within Tibberton village which has consistently been identified as a suitable settlement and a sustainable location for new housing development. It is acknowledged that emerging T&WLP policy HO10 seeks to restrict development to limited infill housing. Core Strategy Policy CS7 which although out-of-date, is one of the Council's relevant Development Plan policies and does not stipulate infill or limited numbers, must be given more weight alongside the enhanced presumption in favour of sustainable development in the Framework.
- 7.3 Having had regard to all matters raised and discussed above, the proposed development would result in the efficient use of land, for market and affordable housing with an added community benefit in the form of woodland. Whilst the only illustrative at this stage, the illustrative layout shows a development site located in the heart of the village which would not harm the character of Tibberton or encroach into open countryside. With appropriate conditions, it is considered that highway safety, drainage of the site and ecological interests would not be adversely harmed.
- 7.4 The proposal would constitute sustainable development when assessed against the three dimensions detailed within the NPPF. There is conflict with Emerging TWLP Policy HO10 and harm caused by loss of the agricultural land. However, as a matter of planning judgment, it is considered that these adverse impacts are not sufficient to significantly and demonstrably outweigh the benefits of the provision of 22 dwellings in Tibberton. On balance, it is therefore concluded that the proposal conforms to the development plan when considered as a whole and the wider objectives of the Framework.

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 :
- The provision of 40% on site affordable housing (9 dwellings)

- £89,862 towards refurbishment of the demountable on site at Tibberton Primary School
 - £1900 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction and a Highway Safety improvement scheme on the B5062 and Cherrington Road Junction.
 - £600 per dwelling towards the enhancement of local play and recreational space at the nearest Tibberton Playing Field.
- D) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

19. Time limit – Outline
20. Submission of Reserved Matters
21. Standard Outline – Some Matters Reserved
22. General Details Required (to include open space and community woodland)
23. RM application requires Tree survey, Tree Protection and Retention Plan and an Arboricultural Implications Assessment
24. Noise survey to accompany RM application
25. Visibility Splays (2.4m x 43m)
26. Road design detail
27. Parking, Turning, Loading, Unloading
28. Scheme of off-site highway works to provide passing bays/localised widening located along Plantation Road
29. Site Environmental Management Plan
30. Foul & surface water drainage scheme
31. Landscaping Design (to include provision of community woodland)
32. Long term management and maintenance of all areas of woodland and open space
33. Reasonable Avoidance Measures – Badgers & Great Crested Newts
34. Artificial nesting/roosting boxes (bats/birds)
35. External Lighting Plan to minimise bat disturbance
36. Development in accordance with plan

Informatives

S106

Highways - Section 184 Highways Act 1980

Ecology – nesting wild birds, Great crested newts