

## Development Management Report

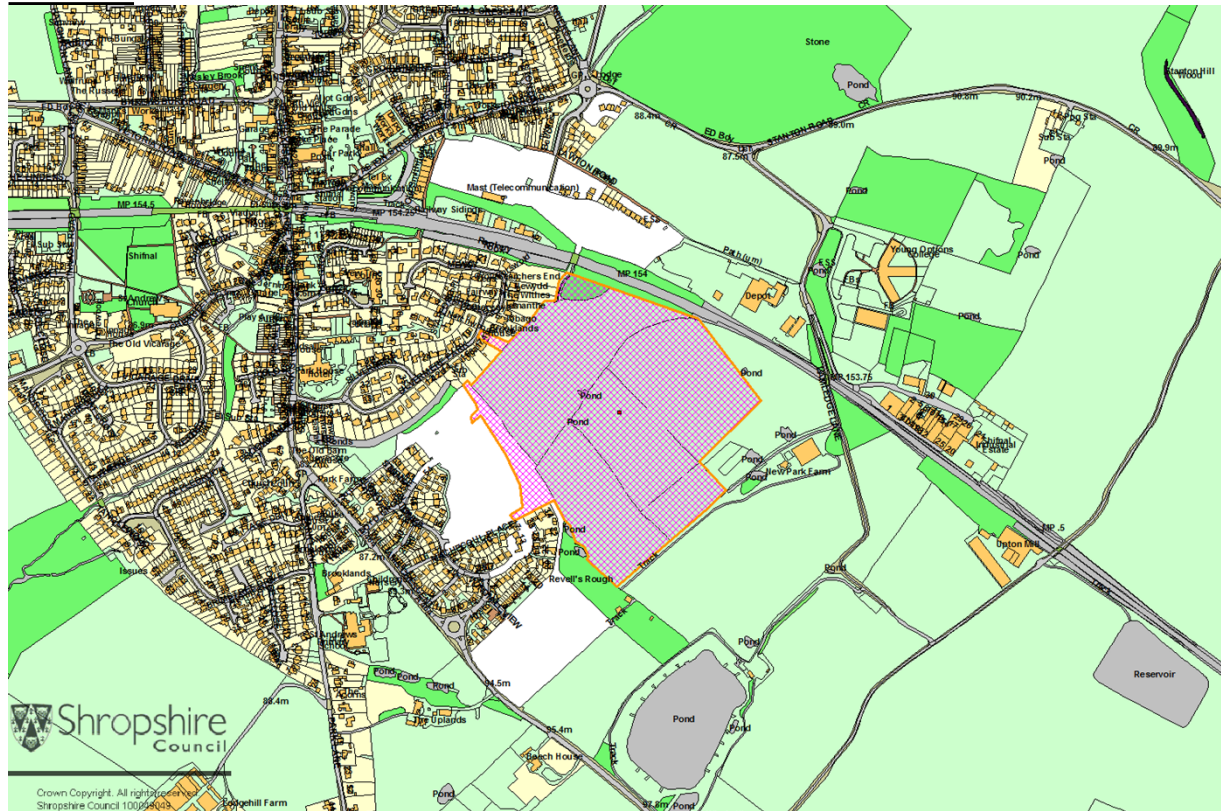
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/00645/REM	<b><u>Parish:</u></b>	Shifnal
<b><u>Proposal:</u></b> Reserved matters application (pursuant to permission 14/00062/OUT) for the layout and structural landscaping of the estate loop road and public open space (including a town park), including associated infrastructure; pedestrian and cycleway routes; strategic drainage systems (including balancing ponds, swales and pumping station) and an electricity sub-station and the demolition of a dwelling (18 Silvermere Park).		
<b><u>Site Address:</u></b> Land North East Of Stone Drive Shifnal Shropshire		
<b><u>Applicant:</u></b> Taylor Wimpey North Midlands & Gallagher Estates		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375425 - 307324



**Recommendation:- Grant Approval subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 At the May 2014 meeting, following a deferral at the 29<sup>th</sup> April 2014 meeting in order that a schematic plan and details could be provided showing how the drainage from the development would work and be managed to a satisfactory standard, it was resolved to grant outline planning permission for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park) at land north east of Stone Drive, Shifnal (ref 14/00062/OUT). The outline submission included vehicular access from Stone Drive and Hough Way. The decision to grant consent was re-affirmed at the September 2014 meeting after it had been established Shropshire has a 5 year supply of housing land. The decision was subject to the completion of a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and off site drainage works; and maintenance of the Town Park/open space by an appropriate body. The completion of that legal agreement was delayed by negotiations to establish the contribution rate to the Travel and Movement Strategy and then by the applicants challenging the Council's policy to set the affordable housing rate at the reserved matters stage. This challenge was subsequently withdrawn and the outline planning permission issued on the 3<sup>rd</sup> February 2016.
- 1.2 At the time the outline planning permission was issued the Site Allocations and Management of Development (SAMDev) Plan had been adopted by Shropshire Council. The application matches the allocated housing site SHIF006 set out in schedule S15.1.a of the SAMDev Plan.
- 1.3 This reserved matters application relates solely to the layout and landscaping reserved matters for the estate loop road; pedestrian and cycle way routes and structural landscaping of the public open space (including the town park); the balancing ponds as part of the surface water drainage system and associated infrastructure. It does not include the six parcels of land within the strategic landscape framework where new housing is proposed (In the order of 250 units). This housing would be the subject of separate reserved matters submissions, the first of which for two of these parcels may be found elsewhere on this agenda (ref 16/00646/REM).
- 1.4 The proposed layout of the 7.3 metre wide estate loop road, the network of open space areas, location of the Town Park and of the attenuation ponds follows closely that of the illustrative Master Plan submitted with the outline application. The estate road would form a loop linking Stone Drive and Hough Way to facilitate the extension of the bus service which already passes through the Thomas Beddoes development immediately to the south west. The area enclosed by the loop road

would be the location for two pockets of housing, but with the bulk of this area forming a Town Park of approximately 2 hectares. Within the Town Park area existing trees, hedges and ponds would be retained and supplemented with new planting. New trees would include oak, wild cherry, birch, alder, Norway maple, lime, field maple and dog wood. The trees would be a mix of standards and extra heavy standards. A swale with reed planting would parallel part of the ecological corridor to be retained through the Town Park area, which the footpath network would divide into four parcels. Three of these areas are labelled as amenity space, kick about area and picnic area, with the fourth area at the northern end retaining an existing pond and having a section of existing hedge removed to open access to the Town Park area and create a visual link to further public open space to the north. An equipped play area is shown close to the intersection of the paths, the equipping of which would be a matter for the CIL priorities in the Shifnal Place Plan. (Examples of the equipment which could be installed has been included in this application). The amenity space and kick about areas would be enclosed from the road with 1 metre high cleft chestnut fencing with pedestrian access gates and a maintenance gate to the former. (Access being primarily from the proposed footpath network).

- 1.5 Along the north western side of the site the site of 18 Silvermere Park would provide a pedestrian/cycle link into the development. A gate way feature is proposed on the Silvermere Park frontage, with the path aligned centrally through the site of the dwelling to be demolished. The path would have tar spray and chipped surface. Tree and shrub planting would be provided along the northern and southern boundaries to this area, with the new trees comprising of flowering cherry. This path would then intersect with a continuation of the tarmac cycle path/ footpath continuation of the existing path from the Thomas Beddoes development, which would parallel the north western boundary alignment to the northern extremity of the site, which ends at the boundary with Network Rail property and where there is an archway through the railway embankment. The path from Silvermere Park would continue on a straight alignment, through an area proposed for two attenuation ponds, and would directly align with path in the Town Park area. The attenuation ponds would be designed so that only a small part of them would be a permanent body of water for ecological purposes. The main part of the pool areas would be of a wild flower meadow mix suitable for a pond edge and clumps of common rush, with lesser bulrush adjacent to the permanently wet areas. Trees around the attenuation ponds would include white willow, river birch, downy birch, alder and oak.
- 1.6 At the northern end of the site, adjacent to the boundary with the railway embankment, an existing pond would be retained and restored to maximise its wildlife value. There would be a swale leading to this pond seeded with a wild flower mix. A tar spar and chip surfaced path would be routed from the tarmac cycleway/footpath around the southern side of the existing pond and around the northern edge of a housing development pocket to a crossing point on the access loop road that leads directly into the main Town Park area. The area through which this path would run would be another significant area of public open space with informal paths around groups of thicket planting, with new native hedgerow, tree and thicket planting to the boundary with the railway. New tree planting to supplement existing trees in this area would include silver birch, beech, field maple and oak.

1.7 A wide amenity grass land strip would continue along the remaining section of the northern site boundary, with new native hedgerow planting, two areas of thicket mix and trees which include hornbeam, beech, oak, wild cherry, birch, whitebeam, sessile oak, lime and wild cherry. Along the eastern site boundaries new native hedgerow including trees would be planted in gaps in existing planting. The amenity grass land would continue as a strip around the site boundary. The south western boundary would be a strip of wildflower meadow mix incorporating a swale and adjacent to established planting outside the site boundary.

1.8 With the application site to the south east of the proposed town park area existing hedgerows and trees would be retained to define the edges of housing parcels, as would existing trees within them.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is situated within the development boundary for Shifnal shown in the adopted SAMDev Plan and is an allocated housing site. The site is predominantly agricultural land but also includes an area on its eastern side used for caravan storage. It is bordered by the Wolverhampton to Shrewsbury railway line to the north; the existing Silvermere Park housing to the north west; the Thomas Beddoes Court housing development to the south/southwest which is nearing completion, an existing landscape tree belt feature, known as Revels Rough, to the south, and agricultural land to the east. The site also contains the existing property at 18 Silvermere Park.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The South Planning Committee has requested that at all reserved matters applications relating to housing sites around Shifnal permitted as departures from the Development Plan when the Council was unable demonstrate a 5 year supply of housing land should come to Committee for determination. In addition the Town Council has submitted a view contrary to the Officer recommendation.

## **4.0 Community Representations**

### **- Consultee Comments**

(Please note that where Consultees have made more than one set of comments, the latest comments are listed first to demonstrate where any previous concerns have been overcome).

4.1 Shifnal Town Council – Object:

- Thomas Beddoes 1 site drainage issues have not been satisfactorily resolved to date, as the SUDs designed for that phase are always full, demonstrating the lack of draining capability;

- Thomas Beddoes 2 site would only add to and exasperate the lack of drainage capability;

- The 2 applications are premature in that the combined issues of the identified blocked culvert plus the associated drainage issues needs to be addressed before these 2 Applications are even considered;

- The drainage issue at Silvermere Pool have been identified by Shropshire Council and Town Council, and listed as an action in the Shifnal Place Plan, for consecutive

years and recently in 2015/16 (page 17). This action is still OUTSTANDING.

- In the S106 agreement there is an reference to a drainage works contribution to the value of £7,000 to be used by Shropshire Council "... for the purposes of providing the off-site drainage works and investigating and enhancing outfall arrangements at Silvermere Pool". As far as we know, the Pool has not been investigated and enhanced (the need was identified, thereby the £7,000 allocated) therefore, how can Shropshire Council be satisfied that the drainage proposed by the developers is satisfactory?

- The 2 Applications are totally contrary to Policy EN3 pertaining to Flood Risk Management, in the emerging Shifnal Neighbourhood Plan;

- In relation to the Town Park, in the Planning Statement section 3.13, it states "... including an equipped play area which, it is understood, will be installed by or on behalf of the Town Council using Community Infrastructure Levy (CIL) funds". The Town Council at no time agreed to this, in actual fact no discussion on this matter has taken place with the Town Council;

- The concept of the Town Park dictates ease of access for the public, however, it is not clear whether any plans are in place for unhindered access from the Redrow development part of the Town to the Town Park.

-The location of the Town Park should be moved towards the Silvermere Park side, as it is the Town Park and not a park for the development houses and will be seen as such. The figure of 8 design should be adopted which takes in both sides of the bridge linking Redrow and Taylor Wimpey areas.

#### 4.2 SC Highways Development Control (03-05-16) – No Objection:

The proposed development is considered acceptable from a highways and transport perspective, to specifically fulfil the planning requirements.

It should be noted, that there may be some minor alterations to the access, road, footway and street lighting and landscaping necessary to fulfil any Highway Authority technical approvals and constructional requirements, should any of the proposed infrastructure be considered for future adoption, as highway maintainable at public expense.

#### 4.3 SC Parks and Recreation (03-05-16) - No Objection:

The master Plan design and location of the Town Park presented meets Public Open Space policy requirements. The location also corresponds with the information provided within the Shifnal Neighbourhood Plan. Would like more information regarding the future ongoing maintenance of the Town Park.

#### 4.4 SC Drainage (27-04-16) – No Objection: Surface water network design details submitted includes the pipework, proposed attenuation ponds and inflow from existing pond. All the information required has been submitted and is satisfactory, allowing condition 6 of 14/00062/OUT to be discharged.

#### SC Drainage (25-04-16) – Comment:

Regarding my original Point 1, the north pond has been modelled using a greenfield run-off area of 1.670 ha, producing an outflow of 9.5 l/s.

For the proposed ponds 1 and 2, a similar method has been used, using the FEH model, with an outflow of 18.5 l/s. The storm network shows an outflow for a 1 in 100 year storm +cc and urban creep to be 1076 l/s.

Confirmation is required what inflow has been used for the proposed Ponds 1 and 2, demonstrating that the 9.5l/s from the existing pond and the 1076 l/s from the development has been fully accounted for.

SC Drainage (19-04-16) – Comment:

The following drainage details, plan and calculations should be submitted for approval to discharge drainage Condition 6 on Outline Application 14/00062/OUT

1. Confirmation is required that an allowance has been made for the flow from the existing pond to the proposed attenuation ponds.
2. Calculations should be provided demonstrating that discharge from the proposed attenuation ponds is limited to the 18.7 l/s as identified in the MEC report.
3. As shown on drawing 15011-PL101 K, the start of the swale in the north-east corner has a higher bed level than the surrounding levels. Confirmation is required of the flow direction of the surround watercourses.
4. Calculations should be provided demonstrating that the appropriate allowance for urban creep has been included in the design of the drainage system. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10%
30	8%
35	6%
45	4%
More than 50	2%
Flats & apartments	0%

It should be demonstrated where within the calculation urban creep has been accounted for.

5. As highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period, calculations are required demonstrating that the gullies will be able to convey the 100 year plus 30% storm to the piped network.
- 4.5 SC Archaeology – No Comments, other than to note that the programme of archaeological work required to fulfil Condition 21 for Planning Application 14/00062/OUT has now been completed and that no further archaeological work is required.
- 4.6 SC Trees (29-04-16) – No objections to the amended drawings on arboricultural grounds.

SC Trees (10-03-16) – Comment:

I am generally happy with the tree and hedge planting species choices, numbers,

locations and planting and maintenance specifications as described and shown on the landscape drawings CSA/1988\_129 135 inclusive.

However, I would suggest that in order to reduce competition for light and water, new thicket and ornamental shrub planting should be withheld from under the canopy spread of established mature trees on the site. This would also reduce the possibility of damage during under-planting to the root systems of the established trees. This is relevant at a number of locations, but notably with regard to the protected mature alder tree on the south side of the new access from Silvermere Park. I would recommend the drawings be amended to take account of this and the planting numbers be revised accordingly.

With regard to matters of protection of the existing trees and hedges on the site during implementation of the development, I would refer to my previous consultation response to the associated discharge of conditions application at this site (ref: 16/00647/DIS; my memo of 1<sup>st</sup> March 2016 refers). For convenience my comments are reproduced below:

Two arboricultural method statements (AMS) have been registered - one produced by Ian Keen Ltd (20th November 2015, JTK/8225/S/Rev C/so) and one produced by the Environmental Dimension Partnership Ltd (January 2016, EDP2474\_02c). The latter relates only to two oak trees referenced as T6 and T7, but the tree protection plan included within the AMS does not provide any context as to the location of the trees within the site. It would assist interpretation if the location of these trees could be clarified.

The Tree Protection Plans attached to the Ian Keen Ltd AMS (drawings 8225/S/02/RevD sheets 1- 3) show the trees and hedges to be retained and those to be removed and the locations of lengths of tree protective barriers to be employed during the development. However, I note that there are several lengths of hedges and a number of trees that are shown as not being protected by a barrier; some of these trees and hedges are close to proposed roads and drainage swales and thus at risk of suffering damage during the development. These trees and lengths of hedges should therefore be protected by an appropriate barrier. Further, the tree protection plans do not plot the extent of the Root Protection Areas (RPAs) of the trees and therefore it is not possible to assess the extent of any proposed incursion into the RPA and the associated potential for root damage.

In order for the Council to be able to properly assess the arboricultural implications of the proposals, I would recommend that: 1) the tree protection plans be amended to show the RPAs of the trees and hedges in and adjacent the site; and 2) the plans be amended to include a suitable temporary protective barrier around the following currently unprotected trees and hedges: numbers 96 99 and 139 144, numbers 128 137, numbers 145 147, numbers 122 127 and numbers 66 71.

Thus, whilst I do not necessarily object in principle to the submitted tree protection plans and arboricultural method statements, I consider that further details should be provided before I would be able to fully assess the arboricultural implications of the proposals and hopefully be in a position to recommend approval of the current reserved matters application.

## 4.7 SC Ecology – Comment:

## Landscaping

The proposals for the public open space are welcomed including the proposed attenuation ponds, restoration of existing pond and retention of the majority of trees and hedgerows on site.

## Bats

The 2015 update bat report for 18 Silvermere Park has been submitted by email. This reports that fresher bat droppings were found in the September 2015 update inspection confirmed as Daubentons bat. No bats were found to emerge on the 6/08/15, 1/09/15 or re-entered on the 21/08/16. CSa confirmed their view that a European Protected Species licence would be required before the dwelling is demolished. A condition on the outline consent requires this. As of today's date the bat licence application has not been submitted.

The mitigation proposed is four bat boxes installed on hedgerow trees prior to the start of development, which will be required to comply with the Natural England licence. As an enhancement measure bat tubes should be installed in the southern and western gables of dwellings. The bat box details shown on Planning Layout Plots 1 75 480 PL-01 Rev M are acceptable.

## Drainage strategy

The Taylor Wimpey Drainage Strategy South Side Feb 2016 shows no foul drainage works adjacent to the existing attenuation pond to south west. This is acceptable. Proposed Drainage Strategy Rev A dated 29.11.13 showed a secondary option to link to a foul sewer adjacent to the existing attenuation pond to the south west of Phase 1, which would be of concern as the pond contains a GCN population. Katie Critchley from CSa advised by email on the 15th March 2015 that if the drainage works took place during the GCN hibernation season and were to be under an existing path no impacts would result. However if the route would be through long grass a watching brief and non-licensable method statement would be the best solution. If the secondary foul drainage connection is to be implemented then the above mitigation measures would be necessary.

(Officer Comment: It has been established that the drainage scheme shown on the Feb 2016 drawing is that which would be carried out).

4.8 SC Public Protection – No Objection: It is noted that a pumping station and electrical substation will be installed as part of this development. The developer is advised that these should be suitably located and insulated so as not to cause a noise problem at closest residential properties.

4.9 SC Rights of Way – Comment: No currently recorded rights of way cross the development site.

## - Public Comments

(The comments which have been received are summarised below and the full texts are viewable on the Council's web-site).

## 4.10 7 Objections:

-Still three vital parts of the infrastructure jigsaw for Shifnal missing and making a start on this development unsustainable.

-Outline permission BR/APP/OUT/08/0869 promised a footpath/cycleway route running north-east from the development to form a direct link to the schools, but



now an indirect route now proposed via a bungalow to be demolished and a dingy, unlit railway tunnel.

-What has been done to secure access beneath the railway to the Redrow development?

-Suggest a pedestrian/cycle link is made from the eastern part of the proposed development to the industry sites at Lamledge Lane and the countryside beyond.

-Site too far from the proposed medical centre at Haughton Road.

-No development should be commenced until the necessary highway infrastructure improvements in and around Shifnal are carried out.

-Unresolved issue of Silvermere watercourse draining to the unknown surface water system outfalling to the Wesley Brook; more than likely to be increased flooding effects and should be resolved before this development commences.

-Nothing has been done to deal with water displaced by development; Shropshire Council has failed in its duty to ensure the blockage to the Silvermere stream is removed.

-Were led to believe there would be no more development until the stream was running properly.

-Since building of Thomas Beddoes the water level in the mere has remained very high and is often a brown colour suggesting soil is being washed into it; over time will lead to silting of the mere.

-Developments in Town will raise water levels even further in his garden and at some point will reach a critical level causing properties to flood.

No confidence that today's climate of extreme rainfalls has been taken into account.

-Idea of a Town Park is very good but this plan splits it into two sections, one on the Aston Street development and the one here, which would be better just the other side of the railway as a more effective, whole park.

-Nearly a quarter of the Town Park would be unusable areas such as landscaping, vegetation or ponds; not enough green space for a child to play a game of football away from the roadside; kickabout area appears very small; should be encouraging children to run around, explore and play sports.

-Proposed path in place of 18 Silvermere Park not the best route to the village; with better route under the railway arch as previously proposed.

-Town infrastructure insufficient to cope with new housing and this additional housing will make matters worse.

-Additional traffic on A4169 will add to congestion in Shifnal.

#### 4.11 4 Comments

-Provision of new pedestrian access via demolition of 18 Silvermere Park an important element, giving a direct connection to the railway station and the town centre; would provide direct access to the new Town Park for Silvermere Park residents.

-Suggest developer should commit to completing this link by the end of 2016.

-Concerns about the impact of the demolition of 18 Silvermere Park on their

adjacent property and the treatment of the boundary on access to the rear of their property; security issues with an open walkway next to them; would like to be informed of the exact date of proposed demolition to ensure no damage occurs to their property and belongings.

-Location of Town Park not that initially agreed to meet the broad principle of a figure of 8 shaped park through the railway tunnel to the area of public open space set aside on the neighbouring Redrow development; would like to see it located next to railway to enable all the citizens of Shifnal to see it as their park and not just for the new estate. Would pull areas together to provide a larger park.

-Concerned about maintenance of approach from the north through the railway tunnel deterring people from coming to the Town Park.

-Believe that crime has been 'designed in' by the retention of scrubland, wild untended hedges and old drainage ditches; could lead to anti-social and criminal behaviour.

-If the Town Park is to stay where the developers want, request that the wild area is cleared to have clear sight lines throughout.

-Amount of land allocated to the Town Park should be maximised and the open space should be 'useable' open space.

-Landscaping of the Town Park should be of the highest standard and if the location is not changed especial attention should be given to the area under the railway and past the existing pond which is vastly overgrown.

-There should be clear sight lines to the park to make it clear where the park is located.

#### 4.12 Shifnal Forward Steering Group – Comment:

The provision of a Town Park in the application is welcome, however, the location in the centre of the new development, not adjacent to the south side of the railway tunnel as expected is not that preferred by Shifnal Forward. The area of the park is specified as a Town Park and it remains a source of concern that the designated area should be seen by both Shifnal's current and new residents as a resource for the whole town, not just for residents on the new development. The original concept focused on a figure of eight design either side of the railway tunnel and that remains the preferred location of this group.

If, however, the new location is supported at the Reserved Matters stage, it is very important that the original vision is borne in mind and every effort is made to make the approaches as broad, open and welcoming as possible with particular attention in the area of the existing pond next to the railway arch which provides the link from one side of town to the other.

In addition, including the Thomas Beddoes site, there will be circa 476 new dwellings co-located with the park and Shifnal Forward would like to see maximised the amount of open space dedicated to the park.

There are also concerns over 'usable' public open space. It is in the Community's interest that the Town Park and its approaches are landscaped to make the area usable. The existing Thomas Beddoes site contains drainage areas that were meant to be usable and in fact retain water year round and it would be highly regrettable if this was to happen again. "Wildlife corridors/ecological areas" deteriorate rapidly into scrubland and it would seem appropriate that the natural

aspect of the site should not undermine its recreational value.

## **5.0 THE MAIN ISSUES**

Principle of development  
Layout and landscaping  
Drainage  
Residential Amenity

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The principle of residential development on this site, incorporating a Town Park as part of the public open space and the use of balancing/attenuation ponds as part of the surface water drainage arrangements has been accepted through the grant of outline planning permission 14/00062/OUT. These principles cannot be re-visited in the consideration of this reserved matters application.

### **6.2 Layout and landscaping**

6.2.1 Shropshire Core Strategy policy CS6 seeks to secure development that is appropriate in scale, density, pattern and design taking into account the local context and character. It also seeks to secure adaptable, safe and accessible developments. Policy CS17 requires that developments should not adversely affect the visual, ecological, geological, heritage or recreational values of Shropshire's natural, built and historic environment. SAMDev Plan policies MD2 relating to sustainable design and MD12 in respect of the natural environment give further guidance on meeting these objectives.

6.2.2 The Council's Highways Development Control Team are content that the proposed layout of the estate loop road within this proposal would not be detrimental to highway safety. It would be an important component of creating an accessible environment, giving the opportunity for bus service(s) to travel through the development to serve both the dwellings and the Town Park area.

6.2.3 The footpath and cycle path layout within the proposals would facilitate non-car modes of travel to and from the site and are considered to be appropriately positioned. The continuation of the cycle footway along the western side of the Thomas Beddoes Court development to the boundary with the Network Rail land on the northern site boundary was part of that earlier planning permission, but land ownership issues meant that the alignment shown for this cycle footway could not be achieved. The current application revises the alignment to ensure it would be on land wholly under the control of the applicant. The aspiration for there to be an official public right of way through the arch under the railway is the subject of on-going discussions with the relevant interested parties. In any event the outline planning permission included the creation of a pedestrian route into Silvermere Park to give a more direct connection to the railway station and town centre, through the demolition of 18 Silvermere Park, and this forms part of the reserved matters layout. The precise details of the gateway feature onto Silvermere Park and additional details on the boundary treatment to the existing properties adjacent to this link can be conditioned on any approval, in order to safeguard neighbour and visual amenity. The alignment of other footpaths through the public open space

area and the Town Park are considered to follow the likely pedestrian desire lines when the proposed housing parcels are taken into account.

- 6.2.4 The location of the proposed attenuation ponds is dictated by the topography and the function which they would perform. It is considered that their form and location would not detract from the visual amenities of the area. (The technical aspects of the attenuation ponds, as part of the sustainable urban drainage system, are a matter controlled through condition on the outline planning permission, which is discussed below).
- 6.2.5 The proposed landscaping scheme would retain the majority of the existing trees, hedgerows and ponds, and would include substantial amounts of new tree planting as outlined in Section 1 of the report above. The County Arboriculturalist and the Planning Ecologist are both content that the landscaping proposals are acceptable and would be in keeping with the locality and safeguard ecological interests/corridors.
- 6.2.6 The proposed Town Park area seeks to serve a number of purposes and is based around existing significant natural/tree features. It is noted that Policy LE3 of the Shifnal Neighbourhood Plan Submission Stage Consultation (On which the Government Inspector has reported and will be the subject of a local referendum about adoption later this year) relates to a town park and expects such provision to address the potential to create a nature reserve as part of the park, as well as play facilities for children. The proposals in this application would secure both these objectives with the areas containing existing ponds and trees forming an ecological corridor and a location for an equipped play area. It is considered that the proposed landscaping of the town park area would be appropriate on visual and ecological grounds to serve its recreational purpose.
- 6.2.7 A number of third party comments/objections have questioned the location of the proposed town park in this application. The location shown in this reserved matters application accords with the illustrative master plan supplied at the outline planning application stage and incorporated into the Section 106 Agreement forming part of the outline consent. It also matches that shown on the Shifnal Neighbourhood Plan Submission Stage Consultation Proposal Map. Policy LE3 of that document states “As shown on the Proposals Map, land in the centre of the centre of the new housing development (Thomas Beddoes Phase 2) is allocated as a town park”. These proposals comply with that statement. While the main body of the town park would not be immediately to the south of the railway embankment, the proposed layout includes a substantial area of public open space in that area, incorporating a pond which has been identified as being of wildlife value, which feeds into the northern end of the town park area. It is considered that this will achieve connectivity with the public open space to the north of the railway line in the event of authorised public access through the existing arch being secured, which would be perceived as a wider town park area. An advantage with the town park location proposed in this application is its relationship to the pedestrian access route to be achieved through the demolition of 18 Silvermere Park, as there would a direct, almost straight approach off Silvermere Park through the housing parcel to it. There are not considered to be any sustainable planning reasons relating to the town park location to justify a refusal of this reserved matters application.

- 6.2.8 At 4.3 above the Council's Parks and Greenspace Team Leader has requested more information on the maintenance regimes for the town park/public open space. The maintenance responsibilities for the town park and open space are a matter addressed by the Section 106 Agreement associated with outline planning permission 14/00062/OUT. There is an anomaly in the text of the agreement, with a clause in the landowner obligations stating that prior to the submission of the first reserved matters application for any phase there shall be submitted to and approved by the Council the Public Open Space Scheme for that phase of the development. However, the definition of 'Public Open Space Scheme' in the agreement states:

“a scheme for the laying out specification and maintenance of the Public Open Space within a Phase to be submitted to and agreed in writing with the Council as part of a Reserved Matters Application for a Phase to include details of the body or bodies that will manage the Public Open Space within a Phase whether the Council, the Town Council or a Management Company and details of any maintenance funding payments that will be required to maintain the Public Open Space within a Phase together with an annual maintenance plan that will be implemented by the body responsible for maintaining the Public Open Space once it has been transferred.”

The applicants have elected to submit this scheme in parallel with the reserved matters application as per the underlined phrase above. The matter is being discussed with the applicants at the time of writing this report and it would appear likely that a Management Company will be responsible for maintenance.

- 6.2.9 With regard to the Shifnal Town Council comments about the provision of play equipment, the report on the outline planning application advised at paragraph 6.8.1 that the equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure Levy (CIL) receipts. This has been the case with all housing developments in Shropshire following the introduction of CIL.

### **6.3 Drainage**

- 6.3.1 The Shifnal Town Council and public objections have made reference to drainage issues relating to the Silvermere Pool. The drainage arrangements for this development are the subject of a condition on the outline planning permission and they are not a reserved matter for consideration in this application. Applications to discharge planning conditions are not the subject of public consultation and do not come before any of the Shropshire Planning Committees. This is because such conditions invariably relate to detailed technical matters which require assessment by the relevant technical specialists. In this particular case the South Planning Committee looked in detail at the proposed drainage strategy at the outline planning application stage, and accepted the detailed design of the systems would be the subject of a planning condition. The Council's Drainage Consultants have assessed the detailed drainage information submitted and have confirmed that the drainage condition on the outline consent can be discharged. It must be stressed that the existing drainage issues with Silvermere Pool and the drainage system to be provide for this development are two separate matters. The application site land already drains naturally to the existing water body. It is understood that works are programmed for later this year to address the drainage issues with the pool. It must

be stressed however that, even without these works, the proposed development drainage infrastructure would provide extensive on site attenuation which would provide a significant betterment over existing Greenfield run-off conditions, providing an enhancement to the operation of the Mere through the control of surface water discharge rates from the catchment: These provisions meet the requirements of the National Planning Policy Framework.

## **6.4 Residential Amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard neighbour amenity. This matter has been addressed by conditions on the outline planning permission requiring the approval of a construction method statement and restricting the hours of construction and demolition works. The amenities of the properties on Silvermere Park that adjoin the pedestrian link would be further safeguarded by the recommendation for a condition on the boundary treatments to them to supplement the proposed planting. The layout of the open space would ensure that no new dwellings would be immediately adjacent to the rear gardens of properties on Silvermere Park. The lengths of the gardens to these properties, coupled with the landscape boundary treatment, would ensure that the extension of the cycle footway, footpaths and the open space in this area would not unduly harm their residential amenities. The amenities of the existing dwellings in the Thomas Beddoes Court development to the south west would not be adversely affected by the proposed public open space and town park layout.

## **7.0 CONCLUSION**

7.1 The principle of residential development has been accepted with the grant of outline planning permission 14/00062/OUT. The only matters for consideration in this particular reserved matters application relate to the layout of the site in respect of the main loop road, footway and cycleway routes, the locations of public open space and the town park, and the landscaping of these areas. The road layout would not be detrimental to highway safety and would allow for the bus service to pass through the site, serving the dwellings and the town park. The footpath and cycle path routes are appropriately aligned to facilitate access to and from the development by those 'non-car' means. The location of the town park accords with the illustrative layout submitted at the outline stage, the approximate location shown in the Section 106 Legal Agreement that forms part of the outline planning permission, and the location shown in the Shifnal Neighbourhood Plan, which has reached the stage that the next step will be the local referendum. The location of the town park, in conjunction with other areas of significant public open space linked to it in the vicinity of the railway embankment to the north would be available and accessible to the whole Shifnal community, whether or not an authorised public right of way is secured through the railway arch which is adjacent to the northern corner of the site, due to the connection that would be available through Silvermere Park. The layout of the open space, town park and roads would not unduly harm neighbour amenity. The layout of the town park and other areas of open space would safeguard and enhance ecological interests. These areas would also satisfy the amenity space requirements of the housing that would be provided in the housing parcels.

8.0 Risk Assessment and Opportunities Appraisal

## 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as

they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy:  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan:  
MD2 Sustainable Design  
MD12 Natural Environment  
S15.1a Shifnal

### RELEVANT PLANNING HISTORY:

13/04548/SCR Screening opinion for a proposed residential development EAN 20th February 2014

14/00062/OUT Outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park) GRANT 3rd February 2016

16/00646/REM Details of all reserved matters pursuant to permission 14/00062/OUT for 75 dwellings with associated estate roads, car parking, on-plot landscaping and site drainage PCO

16/00647/DIS Discharge of conditions 6 (Drainage), 7 (Phasing plan), 11 (Construction Method Statement), 12 (Tree Protection), 13 (Landscape Management Plan), 15 (Lighting Plan), 19 (Bat & Bird Boxes), 20 (Adoptable Highways) and 21 (Archaeological Programme) on planning permission 14/00062/OUT for outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park) PCO

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>



List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement

Design and Access Statement

Landscape and Ecological Management Plan

Arboricultural Method Statement

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Stuart West

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

1. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. Before its construction details of the materials and appearance of the proposed gateway feature at the access from Silvermere Park, shown on drawing number CSa/1988/134 Rev G shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with such details as may be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

3. Before the demolition of 18 Silvermere Park takes place, details of the boundary treatment from the gateway feature at the access from Silvermere Park along the side garden boundaries with existing adjacent residential properties, to supplement the approved planting, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard neighbour amenity.

4. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out in accordance with a timetable to be approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.