

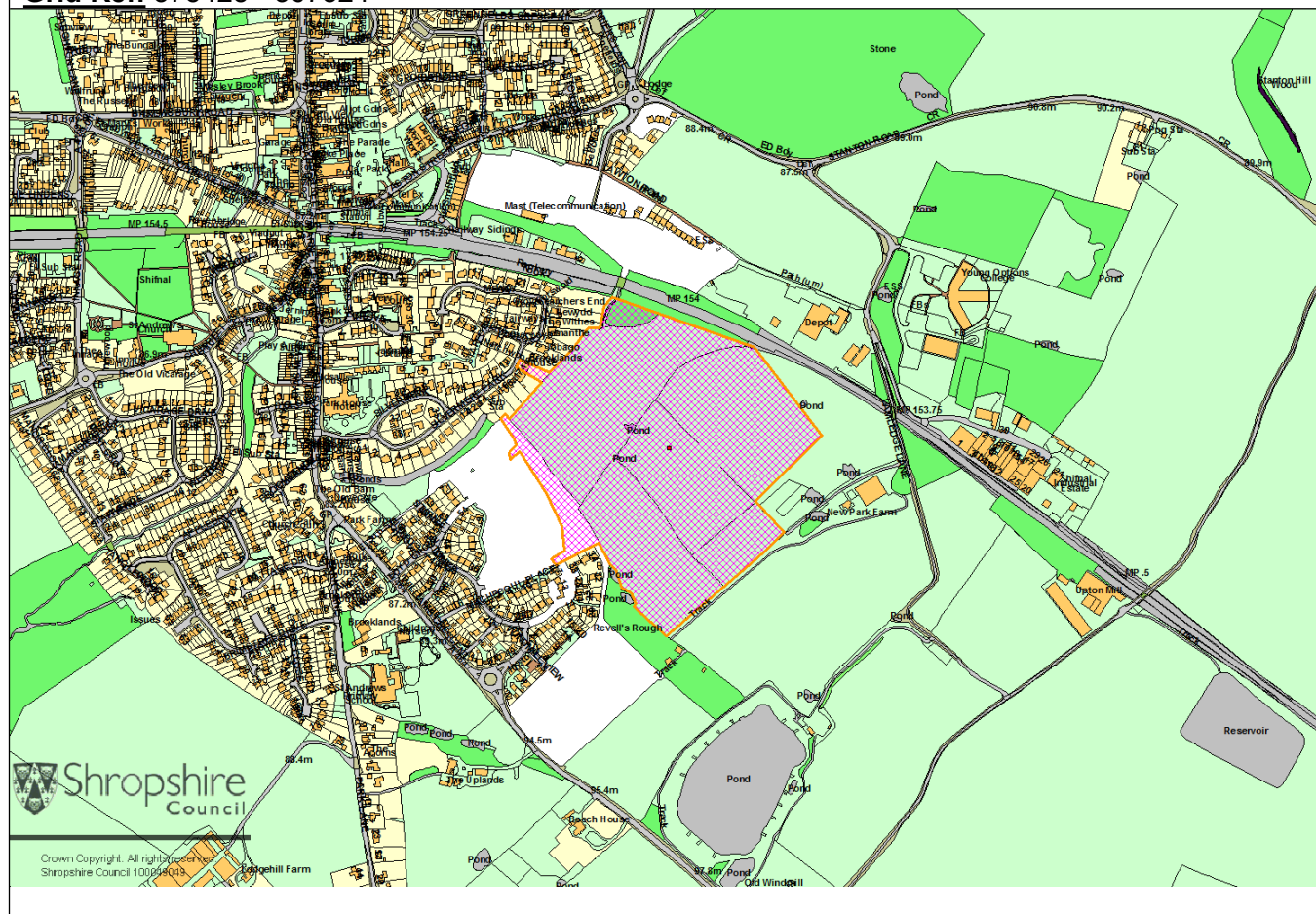
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 16/00646/REM	<b>Parish:</b> Shifnal
<b>Proposal:</b> 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	
<b>Site Address:</b> Land North East Of Stone Drive Shifnal Shropshire	
<b>Applicant:</b> Taylor Wimpey North Midlands	
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>
<b>Grid Ref:</b> 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 This challenge was subsequently withdrawn and the outline planning permission issued on the 3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 relates to part of the allocated housing site SHIF006 set out in schedule S15.1.a of the SAMDev Plan.
- 1.3 This reserved matters application relates the reserved matters ( Access, Appearance, Landscaping, Layout and Scale) is for two of the six housing parcels within the layout and structural landscaping of the estate loop road, public open space (including the town park) and associated infrastructure shown in application 16/00645/REM which has preceded this application on the Committee Agenda. This reserved matters application would provide a total of 75 dwellings, 11 of which would be affordable dwellings.
- 1.4 There would be 15 different house types comprising of a mix of one ( 4 plots); two (18 plots); three (19 plots) and four (19 plots) bed properties. Of this mix the affordable dwellings would comprise of the 4 one bedroomed properties; 4 of the two bedroomed properties; 2 of the three bedroomed properties and 1 of the four bedroomed properties. All the accommodation would be two storey, with the one bedroomed properties in the form of a terrace; the two and three bedroomed properties a mix of terraced and semi-detached properties; and the four bedroomed properties would be detached, with the exception of the affordable unit which would

be part of a terrace of three dwellings. External finishes would be a mix of five different facing bricks, with ten dwellings in focal point corner positions including areas of ivory rough cast render. There would be a contrasting brick detail for opening heads and cills. Three types of roof tile are proposed, coloured anthracite, peat brown and red. Chimneys would feature on nine of the plots, with six of these plots fronting the estate loop road and facing the town park area, two facing the northern area of public open space and the remaining plot being adjacent to the southern attenuation pond. The roofs would be predominantly full, dual pitched gables, with some dwellings in corner positions having hipped roofs with projecting gable details. Dwellings on other corner plots would have 'L' shaped floor plans. There would be a mix of mono pitch and dual pitched canopy porches to the front doors. The inclusion of short front gable and monopitch projections, bow and bay windows would add to the variety in the street scenes. There would be two parking spaces for each dwelling, with the exception of the 4 one bedroomed units which would have a space each plus shared use of two visitor spaces. Some dwellings would, in addition, have garages.

- 1.5 The layout of the smaller housing parcel immediately adjoining what was known as the 'maitrix' site would be a continuation of the form and density established by that approval (ref 14/03356/FUL). It would accommodate 18 dwellings. This area is defined by the existing housing development to the south west and a band of existing trees and hedge planting to the north east which would be on the edge of the town park area. A cul-de-sac access road would run adjacent to this north eastern boundary for about two thirds of its length, forming a junction with the estate loop road at its south eastern end. A terrace of four properties would face onto this road, with parking provided in the area between their front elevations and the back edge of the footpath. Adjacent to the turning head there would be a shared parking area fronted by a terrace of three properties on its southern side and a terrace of four on the northern side. The latter terrace has been turned through 90° in comparison with the drawings originally submitted to address concerns that were raised by the County Arboriculturalist about their juxtaposition with nearby trees. On the Stone Drive frontage at the northern end of the site there would be a detached dwelling and a semi-detached pair of dwellings continuing the building line established by the adjacent development, with a detached garage set to the rear of tandem parking spaces situated between them. At the southern end of the site there would be two pairs of semi-detached properties positioned close to the back edge of the footpath. Tandem parking would be provided at the side of three of these dwellings, with the fourth dwelling (Which would have a dual fronted design to address the corner position at a road junction) having two spaces accessed from the cul-de-sac. Four affordable rent and three of the shared ownership properties would be within this group.
- 1.6 The larger housing parcel would be enclosed by the estate loop road to the south east, beyond which would be the town park, further public open space adjacent to the north eastern end, the open space containing the attenuation ponds to the north west together with the pedestrian/cycle links and link through to Silvermere Park, and open space which would include the pumping station to the south west. At the south western end of this parcel a private drive would give access to the pumping station and also serve the terrace of four one bedroomed affordable rent dwellings. There would be a shared, private amenity space around these dwellings. Continuing along the estate loop road, overlooking the town park opposite, would

be eight detached dwellings of six different designs, positioned with varying amounts of set back from the road. They would have a mix of detached and integral garages. A road junction would then be reached, with development along the estate loop road continuing with eight detached dwellings of five different designs and the same garage mix, following the curvature of the road and varying amounts of set back from the pavement. At the north eastern end of this row there would be a short cul-de-sac serving two detached dwellings, off which a private drive would serve five detached dwellings of three designs that would front the large area of open space adjacent to the railway embankment.

- 1.7 From the road junction mentioned in paragraph 1.6 above, a 4.8m wide road, with a footpath on one side and a service strip on the other, would have a terrace of three properties, set to the rear of a landscaped parking area on its south western side. On its north eastern side a pair of semi-detached properties would be set back some 8 metres from the road, with tandem parking spaces to each dwelling on either side. Two 'L' shaped detached dwellings (one on each side of the road) would be set closer to the road, forming a focal point at a 'T' junction at the end of this road section. The pedestrian link to Silvermere Park would join the road at this junction. The remainder of the housing would be served off a continuation of this road that would run parallel to the south eastern side of the attenuation pools. At the south western end of this road a private drive would serve two detached dwellings of different designs and a pair of semi-detached dwellings that would overlook the southern attenuation pond area. The housing along the south eastern side of the road, facing towards the northern attenuation pool area would comprise of a pair of semi detached dwellings, with tandem parking spaces to each side, set back some 3 metres from the road, similar to the 'L' shaped dwellings at the junction. There would then be a terrace of four dwellings and a semi detached pair of dwellings positioned some 10 metres back from the road, to the rear of parking areas on the back edge of the service strip area.
- 1.8 The turning head at the north eastern end of this road would be flanked by two pairs of semi detached dwellings. Two private parking courts would also be accessed from the turning head, one of which would give access to a terrace of three dwellings, and the other two pairs of semi detached dwellings.
- 1.9 Where private gardens would be adjacent to the highway and drives they would be enclosed by either 1.8m high brick screen walls or 1.8m high low brick wall and close boarded fence combinations. 450mm high timber trip rails would be used to define the edges of private drives and parking spaces which would adjoin areas of public open space. Bin collection points are shown for the private drive and parking court areas. Landscaping to the plots would include hedges to the side boundaries of front garden areas facing the town park and areas of public open space, shrub planting on corner plots and a total of 27 trees to some private gardens and parking areas, comprising of snake bark maple, Himalayan birch, hornbeam, whitbeam and tilia.

## **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 part of an allocated housing site, forming two of the

housing parcels within the layout of the estate loop road, public open space and town park included in reserved matters application 16/00645/REM which is also on this agenda. The housing and town park allocation 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.

### **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 drainages 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 a 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 – 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 Trees (29-04-16)- No Objections on arboricultural grounds to the amended plans.

##### SC Trees (23-03-16) – Comment:

I have had a look at the drawings attached to the email below and I can confirm that they address the issues identified in my previous consultation responses. The addition of the root protection area (RPA) makes it much clearer and easier to interpret the plans and their arboricultural implications and the additional tree protection barriers to fully protect retained trees and hedgerows are welcomed.

The drawings do now raise one point of concern: Trees 77, 78 and 79 – are three mature oaks within a thicket of regenerating scrub. They are recognised as ‘visually significant components’ of the landscape and I have concerns about the development proposed immediately to their south-west ie clearance of the overgrown thicket currently surrounding them, construction of the hammer head and parking bays for plot 64 and creation of the front gardens and access paths to plots 61 – 64 inc. These works involve construction within a significant part of the RPA of these oak trees and have the potential to cause substantial damage to them.

A detailed method statement should therefore be provided as to how any works within the RPA are to be designed and implemented so as to avoid significant damage to the roots (and of course stems and canopies) of these trees. The method statement should be based upon an appraisal of the potential impacts of the proposed works upon the trees and solutions should be agreed between the project arboricultural advisor and project designers / engineers as appropriate. Level changes may be critical here. This matter should be addressed prior to finalisation of the layout.

There is, however, a potentially more fundamental concern with regard to these plots, in that I consider that they are located too close to the trees. The canopies of the oak trees already extend over most of the front amenity space to the houses

and have the capacity almost to reach the front of the buildings as the trees further grow and mature. I think they will have an overbearing dominance on the dwellings and be a cause of concern and annoyance to future residents, with worries over safety of the big, old trees, perceived blocking of light and shading, leaf fall and other detritus dropping etc. Even if a TPO were placed on these trees, the Council would find it hard to defend requests for excessive pruning or even removal of the trees, when faced with genuine safety concerns or damage to property.

I would therefore urge a revision to this particular part of the layout – if it is not possible to shift the row of four houses further away from the trees, then I would recommend reducing the number of properties, to say perhaps 2 dwellings, each of which would have a relatively larger amenity space which would provide a more 'liveable' (ie sustainable) solution with respect to the trees.

SC Trees (10-03-16) – Comment:

Whilst I am happy with the numbers and locations of the tree planting shown on the Plot Landscape Proposals drawing (PDP Associates, dwg: c-1330-01 Rev D), I would query the species selection in relation to *Sorbus aria Lutescens* (a whitebeam) and *Carpinus betulus* Frans Fontaine (a hornbeam). Whilst these are perfectly nice trees, they are very frequently specified in modern housing developments and I wonder whether opportunity might be taken with the current scheme for something a little different. Given the native alder to be planted on parts of the surrounding public open space, cut-leaved alder (*Alnus glutinosa* Laciniata) might be a good substitute for the hornbeam and Turkish hazel (*Corylus colurna*), a variety of Sweet gum (*Liquidamba styraciflua*) or variety of field maple (eg *Acer campestre* Queen Elizabeth or Louisa Red Shine) might be good substitutes for the whitebeam.

However, I put this forward merely as an idea for consideration and I would not object if the decision was made to stick with the species choices as currently submitted.

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.

- 4.4 SC Drainage – Comment: Drainage details, plan and calculations should be submitted for approval prior to the approval of the reserved matters as per drainage condition 4 on outline permission 14/00062/OUT.  
(Officer Comment: Full drainage details have been submitted in discharge of condition application 14/00647/DIS for these proposed dwellings and the technical assessment has found these details to be acceptable).
- 4.5 SC Waste Management – Refuse and recycling advice note for developers submitted, but no specific comments made with respect to these reserved matters details.
- 4.6 SC Rights of Way – Comment: No public rights of way affected.
- 4.7 SC Public Protection (02-03-16)– Comment:  
Could the applicant specify what noise reduction the 6 - 12 - 4 glazing specified will produce. Manufacturer information is required to validate this.  
(Officer Comment – This matter is addressed by condition 5 on outline planning permission 14/00062/OUT).
- 4.8 SC Archaeology – No comments, other than to note that a programme of archaeological work has been completed, allowing condition 21 of outline permission 14/00062/OUT to be discharged at the appropriate time.
- 4.9 SC Ecology – Comment: The submitted layout and landscaping details are acceptable.

Note that demolition of 18 Silvermere Park requires an EPS licence for bats. The whole development requires a great crested newt (GCN) licence prior to development commencing. The GCN mitigation measures include 30 days trapping so this must be allowed for in the development timetable.



(Other comments made relate to reserved matters application 16/00645/REM and discharge of condition application 16/00647/DIS).

4.10 SC Parks and Recreation – No Objection.

-Public Comments

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

4.11 4 Objections:

-Homes proposed directly behind his property would overlook, impact on privacy and create a cramped living environment.

-Bought house overlooking field giving privacy that would be destroyed by proposals; three dwellings in the Matrix project has already impeded their privacy. Value of home will suffer greatly.

-Lived on estate since December 2014 and family has been subject to construction site traffic and noise from 0700hrs every weekday bar Christmas, work shifts and can seldom find a parking space; now find applicants want to spread north directly behind his garden and continue the disturbance for another 18 months.

-Density of estate becoming ridiculous and further building will exacerbate issue. Not in keeping with Shifnal's image.

-Cars parked on unmarked roads making some impassable and result in driving on grass as the road is too narrow.

-When Taylor Wimpey were selling Thomas Beddoes Court they stated that Hough Way would not be a joined up road and would remain a cul-de-sac, with Stone Drive being the main thoroughfare, which was reiterated in the form of the Matrix development.

-Hough Way is not suitable for a continuous stream of fast moving traffic due to blind bends and narrow widths

-Standard of ground work in the existing Thomas Beddoes Court needs to be addressed due to poor workmanship; lack of basic facilities such as dog foul bins, road markings.

-No improvements have been made to existing highway infrastructure as recommended in the outline permission and proposed by developer.

-Area at back of house was home to a rare type of wildlife last summer, which strengthens argument that this proposal should be scrapped.

-A start of this development would be unsustainable due to direct footpath/cycleway link to the schools not established and now have an indirect route proposed via a bungalow to be demolished.

-Suggest a pedestrian/cycle link to existing industry sites at Lamledge Lane and the countryside beyond.

-Too far from the proposed medical centre at Haughton Road.

-Unresolved issues relating to the existing Silvermere watercourse.

- Proposed 75 dwellings substantially located on the land that is the preferred location for the Town Park, to achieve a figure of 8 shaped park linked through the railway underpass; Town Park should be for the whole community and not just

TW/Gallagher residents and accessible without walking through the new houses.

## **5.0 THE MAIN ISSUES**

Principle of development  
Affordable Housing and on site Development Mix  
Scale, layout and appearance  
Landscaping  
Highway Safety  
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.

6.1.2 The matters relating to drainage and the location of the town park raised by the Town Council and third parties have been addressed in the report on application 16/00645/REM.

### **6.2 Affordable Housing and on site Development Mix**

6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. In this particular case the applicants were party to the Section 106 Agreement which forms part of the outline planning permission which states that affordable housing would be delivered at the 15% prevailing rate applicable at the time the application was submitted, which in this case is 15%. It is considered that the affordable housing mix of four 1 bedroomed units, four 2 bedroomed units, two 3 bedroomed units and one 4 bedroomed unit, and their positioning within the proposed development, is acceptable. (Their tenure is a matter for the Section 106 Agreement). The total of open market and affordable dwellings mix of 5% one bedroomed, 23% two bedroomed, 45% three bedroomed and 26% four bedroomed is considered to be appropriate for this part of the site.

### **6.3 Scale, layout and appearance**

6.3.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in 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.

6.3.2 It is considered that the layout, providing surveillance of the town park and open space areas, would be in keeping with the locality, respecting the two storey scale of the adjacent development. The predominant use of brick and tile, but with some units having rendered elements, would add interest to the street scene. The inclusion of mono and dual pitched canopy porches, the staggered alignment of units in terraces and as semi detached and detached units, coupled with the mix of house styles within them, front facing gables to some units and chimneys on dwellings at key focal points within the development, would also contribute to the variety and add interest to the street scenes.

6.3.3 It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design as required by policies CS6 and MD2, and would not detract from the quality of the built environment to this part of Shifnal, satisfying policy CS17 in this respect.

#### **6.4 Landscaping**

6.4.1 Core Strategy policies CS6 and CS17 seek to protect those features which contribute to local character. The County Arboriculturalist's comments are set out at 4.3 above. The revisions made to the layout of plots 61 to 64 has ensured that the existing trees outside of the current application site and proposed for retention in reserved matters 16/00645/REM would not impinge upon the living conditions to these dwellings. The proposed landscaping within the housing plots would enhance the appearance of the streetscenes and complement those of the landscaping for the surrounding areas of public open space and the town park.

#### **6.5 Highway Safety**

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development, which in this case requires consideration to be given to the road layout within these housing parcels and the proposed parking arrangements.

6.5.2 The level of off-road parking provision (Which matches the standards of the former Bridgnorth District Council for south east Shropshire) would be achieved without counting garages as parking spaces.

6.5.3 SC Highways Development Control are content that the proposed layout of these housing areas would not lead to conditions detrimental to highway safety and would allow for adequate access by service vehicles. It is considered that there are no highway safety refusal reasons relating to the proposed layout of these housing

parcels which could be sustained.

## **6.6 Residential Amenity**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The living conditions of the existing dwellings along the north western side of the site, which are separated from the proposed houses by the public open space containing attenuation ponds in application 16/00645/REM would not be significantly affected due to these features and the resulting separation distances of some 80 metres at the closest point. The residential amenities of dwellings to the south west, which would adjoin the smaller housing parcel, would be positioned either in line with the proposed dwellings or, where dwellings rear elevations would face each other, the separation distances between elevations would be a minimum of 24 metres, and where a side gable would face the rear of existing properties to the west, a gap of some 11metres would be provided. The amenities of these properties would not be unduly harmed by the proposed development.

6.6.2 The residential amenities of dwellings to the south west, which would adjoin the smaller housing parcel, would be positioned either in line with the proposed dwellings or, where dwellings rear elevations would face each other, the separation distances between elevations would be a minimum of 24 metres, and where a side gable would face the rear of existing properties to the west, a gap of some 11metres would be provided. Existing dwellings to the south east of this smaller development parcel would be on the opposite side of the main estate loop road contained in reserved matters application 16/00645/REM and an area containing two protected trees, with a separation distance of some 36 metres across this public realm at the closest point. The juxtaposition of the existing and proposed dwellings and these separation distances would ensure that no undue harm would be caused to the residential amenities of the existing dwellings. Any effect that development proposals may have on the value of neighbouring properties is not a matter to which any significant weight can be attached in appraising planning applications.

6.6.3 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself.

6.6.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed on the outline planning permission through conditions on the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact, along with the requirement for a construction method statement to be approved..

## **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, appearance, scale, access and landscaping of the two housing parcels included in this application. The matters relating to drainage and the location of the town park have been addressed in the report on application 16/00645/REM, with drainage details being controlled through a planning condition on the outline planning permission.

7.2 The layout and mix of affordable housing within the housing parcels, along with the overall housing mix, is considered acceptable for these parts of the site. The proposed development would be appropriate in scale, density, pattern and design taking into account the local context and character. The proposed landscaping scheme would enhance the appearance of the streetscenes and complement those of the landscaping for the surrounding areas of public open space and the town park. The proposed layouts would not be detrimental to highway safety and would not unduly harm neighbour/residential amenity.

## 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

16/00645/REM 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). PDE

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 Arboricultural Method Statement Construction Management Plan Ecological Briefing Note
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. 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.

3. The access roads, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be fully implemented in accordance with the approved details, with the estate roads, footways, vehicle manoeuvring, parking and turning areas constructed to at least base course macadam level before the dwellings that they would serve are first occupied.

Reason: In the interests of highway safety.

### **Informatives**

1. In determining this application the Local Planning Authority gave consideration to the following 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

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.



