



Committee and date

South Planning Committee

11 August 2015

Development Management Report

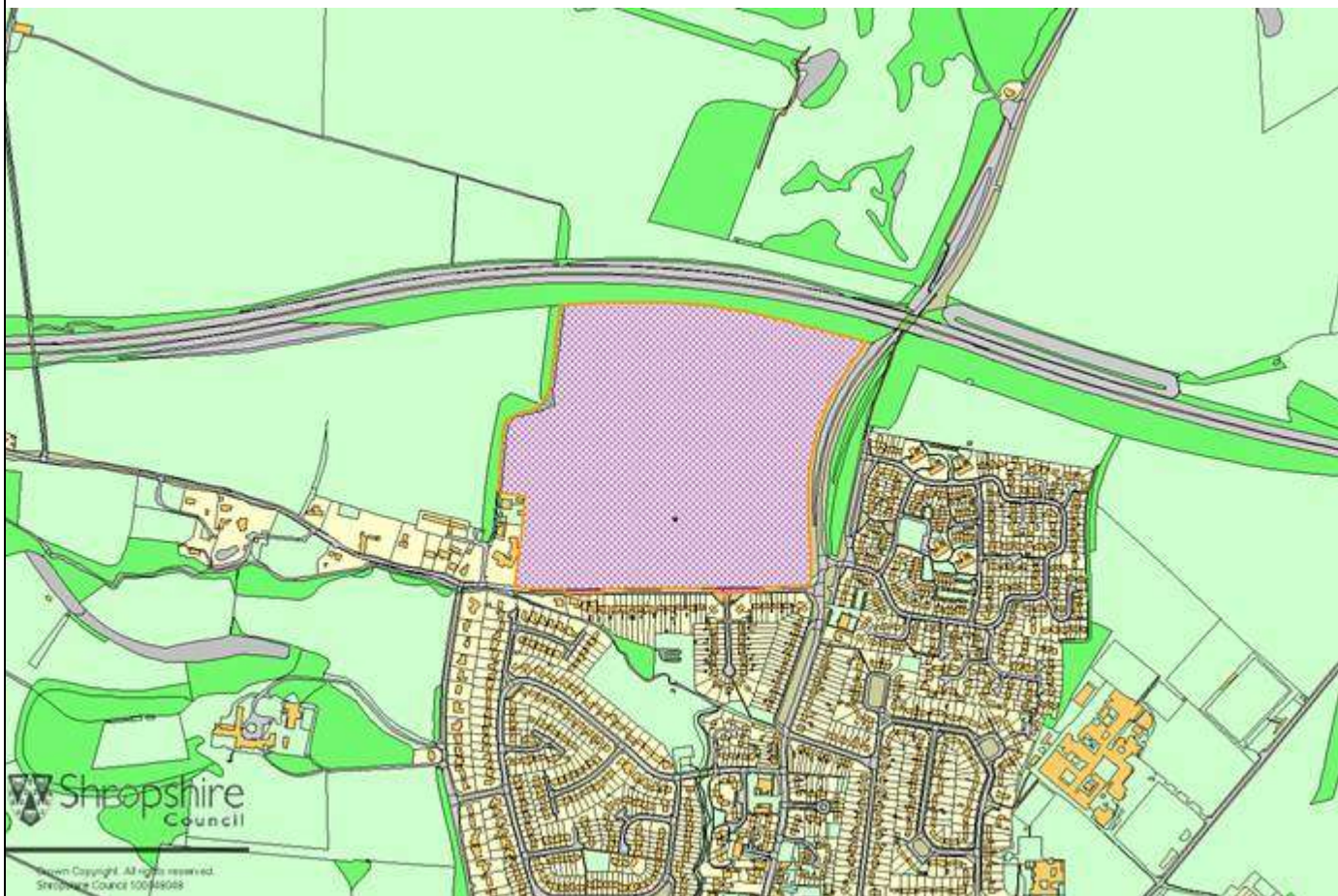
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Summary of Application

Application Number: 15/01741/REM	Parish:	Shifnal
Proposal: Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT		
Site Address: Proposed Residential Development Land North Of Haughton Road Shifnal		
Applicant: Bovis Homes Ltd		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 374773 - 308704



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Contact: Tim Rogers (01743) 258773

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

- 1.1 This proposal relates to some 8.8 hectares (21.74 acres) of land immediately to the north of the bulk of the current built up area of the town. The application site extends northwards to the M54 boundary, is bordered by agricultural land to the east which benefits from the same outline planning permission for residential development as the application site (and is the subject of reserved matters application 15/01390/REM approved at the 14th July 2015 South Planning Committee meeting), by Haughton Road to the south, and agricultural land and a residential/nursing home to the west, immediately beyond which is the Haughton conservation area
- 1.2 The South Planning Committee resolved to grant outline planning permission for residential development on some 18 hectares of land, of which the current reserved matters submission forms part, at the February 2013 meeting, subject to a Section 106 Agreement relating to Affordable housing provision; the provision of community land to allow the opportunity for a group nominated by the Council to construct public swimming baths within a specified period and a financial contribution towards a proposed swimming baths (ref 12/04646/OUT). That outline planning permission was issued on the 22nd March 2013 following completion of the Section 106 Agreement. Subsequently reserved matters approvals have been granted under officer delegated powers (on the 23rd December 2014) for the siting, design, appearance and landscaping of four areas of the site under references 14/00691/REM; 14/00692/REM; 14/01519/REM and 14/01520/REM. Areas of the site not covered by these reserved matters approvals are the south east corner, which is reserved at present for a possible medical centre, and the north eastern portion of the site which is the 'community land' referred to in the Section 106 Agreement where the swimming pool building and allotments would be located.
- 1.3 This proposal is for an alternative scheme of reserved matters to cover essentially the same part of the site as the extant reserved matters approvals 14/01519/REM and 14/01520/REM for the western half of the site. These approvals together contain 216 dwellings, which is the same number proposed in this alternative scheme. The principle of residential development cannot be re-visited in the consideration of this reserved matters application.
- 1.4 The layout of the proposed development follows the principles of the indicative master plan submitted with the outline application and that accepted with the grant of reserved matters approvals 14/01519/REM and 14/01520/REM.
- 1.5 Along the eastern side of the site, outside of the land covered by this reserved matters submission, would be an area of public open space containing two attenuation basins which would form part of the surface water drainage system for the application site and the remainder of the land covered by outline planning permission 12/04646/OUT. These works are included in the Taylor Wimpey reserved matters approval (ref. 15/01390/REM) and the surface water drainage system would be jointly used by both reserved matters schemes.

- 1.6 The main access route into the site would have a carriageway width of 5.5m, with footpaths either side, and would be designed to connect with the road in the eastern half of the development site to form a loop linking the two accesses onto Haughton Road already approved as part of the outline planning permission. It would have a curving alignment to close off views, to provide traffic calming and create focal points at junctions to cul-de-sacs, seven of which would extend from this road in a westerly direction and four in an easterly direction, together with a private drive on the western side and two private drives on the eastern side. The junction areas would be reinforced as focal points by block paved surface treatment. From the ends of the cul-de-sacs would be short private drives serving small groups of dwellings. The proposed development off the western side of the main access route, would be of a higher density, containing groups of semi-detached and terraced dwellings in addition to detached properties. The proposed dwellings at the northern end of the site would be on the southern side of the main access road and a cul-de-sac, which would run along the northern site boundary, a would provide passive surveillance of a large area of public open space within the application site and extending up to the bank of trees on the northern site boundary with the M54. The properties at the southern end of the site would be separated from Haughton Road itself by a landscaped space and the proposed private drives cul-de-sacs to access those properties.
- 1.7 The proposed dwellings would be predominantly two storey, although there would also be three terraces each containing three dwellings which would be of 2.5 storeys, with second floor accommodation lit by a dual pitched roof dormer on the front elevation and a rooflight on the rear elevations of these properties (These would be situated on two cul-de-sacs which extend from the western side of the main access road). 12 two bedroomed flats would be in groups of four within two storey buildings. There would be 17 different house types in the proposed scheme, providing a mix of two, three, four and five bedroomed accommodation. Integral and detached garages are included in the proposals. There would be a variety of design features in the dwellings, including some with two storey short gable front projections; single storey monopitched elements to some house designs; full gabled roofs with variations in ridge heights to elements within larger properties; dual pitched, mono pitched and flat roofed canopy porches; bay windows; dormer peaks over some windows; arched and flat brick window heads and sills. There would be chimneys to 76 plots at key focal points within the development, including at junctions, overlooking the public open space to the east and north, agricultural land to the west, Haughton Road to the south and in the vicinity of turning heads on cul-de-sacs. External wall finishes would comprise of four types of main facing brick, a smooth red detail brick, an ivory render finish to some properties or parts of their elevations, brick plinths, brick corbelling to eaves and gable verges or bargeboards, tile hanging to some bays and gables. There would be three types of main roof tile, with small plain tiles used on all porches or single storey elements of properties.
- 1.8 Most properties would have two parking spaces in addition to garages (where provided). The exception would be 11 plots which would have a single parking space in addition to a garage space; 4 two bedroomed semi-detached dwellings and 4 one bedroomed flats would form a group each with a single parking space

and sharing four visitor spaces; and one group of 7 one bedroomed flats would each have a single space each and would share three visitor spaces. Where garden boundaries would be adjacent to the public realm they would be enclosed by 1.8m high brick screen walls, with close boarded fencing or fence panels used less public locations. A 450mm high timber knee rail fence would separate one private drive from an adjacent footpath close to part of the western site boundary.

Tree planting is proposed throughout the development, including within the open space fronting Haughton Road where existing hedging would be retained apart from the section to be removed for the approved vehicular access, to the edges of the eastern site boundary, adjacent to the footpath along the western edge of the site, and with a substantial amount of the proposed new planting to the edges of and within the area of public open space at the northern end of the site. There would be trees in the front gardens and to the side of selected properties which would front the main access road, cul-de-sacs and private drives, hedge planting to some front and side garden boundaries adjacent to roads within the development. The tree planting would include a mix of extra heavy standard, heavy standard and standard trees. The tree species which it is proposed to use include field maple, silver birch, crab apple, wild cherry, oak, field maple, alder, hornbeam, plum, pear, white beam and lime. Hedge planting would include hazel, hawthorn, guilder rose and hornbeam.

- 1.9 The layout of the site provides for carriageways with adjacent footways to clearly delineate between vehicular and pedestrian routes. Private drives would be shared surfaces where traffic levels and speeds would be low. There would be a clear hierarchy of routes and pedestrian connections through to the open space areas and the residential development land to the east. The application is accompanied by tracked drawings showing how refuse vehicles could manoeuvre through the development and identifies bin collection points for dwellings which would be situated off private drives.
- 1.10 A Design and Access Statement accompanies the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises part of a single agricultural field, located on the northern side of Shifnal. The site is bounded by Haughton Road to the south, which has existing residential development along its southern side, and to the west is a farm track associated with Haughton Village Farm, agricultural land and, adjacent to the south western corner of the site, existing dwellings (including a nursing home) and the Haughton village conservation area. To the north is the tree lined boundary with the M54, which is in a cutting. The whole field is bounded by Newport Road to the east, beyond which is the Admirals Farm housing development. The current field gate access is in the south eastern corner of the field, at the junction of Haughton Road with Newport Road, and outside of this reserved matters application site boundary.
- 2.2 The land is generally level, but there is a gentle slope down to part of it to the north western corner of the site. The site is enclosed by hedgerows, with close boarded fence in the south west corner adjacent to the nursing home, and a low stone wall

supplementing the hedging along part of the southern boundary. There are trees along the northern boundary with the M54 which are outside of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation and the Division Member has requested that this application be determined by Committee. The Committee Chairman in consultation with The Area Planning Manager has agreed that the application is one to be determined by Committee.

4.0 Community Representations

- Consultee Comments

(Please note that where consultees have made several comments the latest comments are listed first, as these record the outcome of discussions and demonstrate whether any concerns raised earlier have been addressed).

4.1 Shifnal Town Council – Object:

Councillors expressed concern regarding the proposed development and these concerns are noted below:-

1. Any residential housing provided should include more one bedroom properties for single occupancy and detached bungalows for the older population of Shifnal.
2. There must be adequate green space allocation for youngsters to use.
3. The parking provision for each property must be satisfactory in order that the road infrastructure does not become overburdened by parked vehicles.
4. The erection and installation of a leisure centre incorporating a swimming pool on the site must be agreed by public consultation.
5. The area allocated for the development of a medical practice to be gifted to Shifnal Town Council in order that a full consultation with the residents of Shifnal may be carried out.

(Officer Comment: Items 4 and 5 in the above list relate to land not under the control of the applicants in this case)

4.2 SC Highways Development Control – No Objection:

Access

Vehicle access to the development has been established at outline planning stage, prior to commencement of works on site, a Section 278 Agreement under the Highways Act 1980 should be entered into prior to cover all proposed works on the existing highway.

Design and Layout

Shropshire Council as Highway Authority does not raise an objection in principle to the overall layout of the development, the majority of initial comments have been taken on board. However, we would raise concerns with regard to localised areas of grass verge within the proposed highway.

It is desirable from a highways perspective if a continuous footway is provided on one side of the carriageway. The proposed landscape arrangements indicate that section of grass verge will be provided on the side/access roads. An example of the proposed arrangement is access between Plot 163 to 168. It would be desirable from a highways perspective a proportion of the landscaping is removed to ensure a continuous footway is provided in sections.

Phasing Plan and Construction.

Submitted Phasing Plan Shif-02-006A provides details of proposed phasing of development. It is unclear from the submitted plan, the extent of the road construction to facilitate the phasing of the development. It is therefore recommended details of phasing and any proposed temporary turning facilities should be submitted as part of the relevant Construction Management Plan, conditioned as part of the outline application to be submitted prior to commencement of works.

Recommendation

It is recommended that the following planning condition is attached to any permission granted;

1. Prior to the commencement of development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas completed to at least base course macadam level and made available for use before the dwellings they serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

4.3 SC Drainage – Comment:

The following drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per Drainage Condition 7 on Outline Application 12/04646/OUT

The Flood Risk Assessment submitted for planning application 12/04646/OUT should be reviewed and the drainage design amended accordingly to take account of layout revisions, including:

1. Confirmation is required of the surface water drainage layout and the outfall location. Drainage calculations for the final layout to limit the discharge rate from the site equivalent to a greenfield runoff rate, or as agreed with the Severn Trent Water, should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. Details of the attenuation pond including side slopes are also required. The construction phasing of the attenuation ponds and the piped surface water drainage network should be provided.

2. A plan should be submitted for approval showing exceedance flow routes to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

3. If non permeable surfacing is used on the driveways and parking areas, a drainage system should be proposed to intercept water prior to flowing on to the public highway.

4. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be submitted for approval.

(Officer Comment: These matters can be addressed adequately through consideration of the discharge of condition application, as was accepted in the consideration of the adjacent Taylor Wimpey reserved matters 13/01390/REM.)

4.4 SC Ecology – No Comments on this application.

4.5 SC Trees – Comment:

The tree and hedge works should be carried out and tree protective fence installed in accordance with the Tree Protection, Retention and Removal Plan (03-081, Bovis Homes, 14.04.15). Once the fence has been satisfactorily installed I would be able to recommend approval of this element of the reserved matters.

I am happy with the tree and hedge planting information in terms of species choices, size of stock and planting locations / mixes and also the specifications and schedules for the planting operation itself. I would recommend approval of these elements of the landscape details.

However, I note that condition 21 to the outline permission (ref: 12/04646/OUT) required a landscape management plan to be submitted thus:

'A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.'

I could not see in any of the submitted drawings and schedules any information relating to post-planting maintenance of the trees, hedges, shrubs and other soft landscape features. For example items such as: weeding / watering as required to ensure successful establishment and growth of the newly planted vegetation; replacement of any losses during the maintenance period; re-firming of plants and straightening of tree stakes, ties and guards if required; loosening and eventually removal of tree ties and shelters at the end of the maintenance period; and so on.

I suggest this information, along with details of routine on-going operations such as grass cutting, hedge trimming, litter picking etc, should be provided in the form of a maintenance schedule and timetable, in order to fully meet the requirements of the landscape condition attached to the original application.

(Officer Comment: The above are matters for a separate discharge of condition application).

4.6 Environment Agency (05-05-15) – No comments to make.

4.7 SC Public Protection (18-05-15) – Comment:
Having considered the information I would advise that details of the glazing to be provided particularly in dwellings closest to the M54. The specification should ensure that internal noise levels are capable of achieving noise level targets specified in the World Health Organisation Guidelines on Community Noise document with windows open or proposing alternative ventilation where windows will need to remain closed.

(Officer Comment: The above matters have been addressed by conditions 5 and 6 on the outline permission and the reserved matters submitted in terms of layout conforms to these requirements. It is not possible to condition or require the submission of further mitigation measures in assessing the reserved matters application.)

4.8 SC Learning and Skills (12-05-15) – Comment:
Shropshire Council Learning and Skills reiterates that this development, in aggregation with others in the town, will cause capacity pressures at the local primary schools in the near future. It is therefore essential that the developers of this and any other new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the schools.

(Officer Comment: This is a CIL matter and not one for the reserved matters stage of a development).

4.9 SC Conservation (19-05-15): No comments to make from a conservation perspective.

4.10 Shropshire Fire and Rescue (20-05-15) – No comments.

4.11 SC Archaeology (21-05-15) – No comments:
We have no comments to make on this application with respect to archaeological matters, only to reiterate the archaeological conditions applied to application 12/04646/OUT. Archaeological condition 20 pertaining to application 12/04646/OUT took the form of.

20. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be

carried out in complete accordance with the approved specification.

Reason: The site is known to be in an area of archaeological interest.

- 4.12 SC Waste Management (20-07-15) – Comment that the waste collection contractor considers the tracked vehicle details look fine, provided that no one parks in the turning areas.

SC Waste Management (21-05-15): Copy of updated guidance supplied.

- 4.13 West Mercia Constabulary (29-05-15) – No Objection:
The applicant should aim to achieve the Secured By Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

Finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states. It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

- 4.14 Severn Trent Water (29-05-15) – No Objection.

(Officer Comment: Their recommended drainage condition forms part of the conditions on outline planning permission 12/04646/OUT).

- 4.15 Highways England – No reply received.

- 4.16 SC Affordable Housing – No objection to affordable housing layout and size of units..

The affordable housing prevailing target rate for the application site is 15%; therefore for a development comprising 216, 32 affordable units are required together with a financial contribution for the remaining fraction. The affordable housing provision as outlined on plan reference SHIF-02-008 indicates 32 affordable units. The location and size of the affordable units is considered to be acceptable and will assist in meeting part of a high and growing need for affordable dwellings. The issue that requires adjustment is the split between rented and low cost home ownership, which is required to be a 70:30% split between rented and low cost home ownership. The plan indicates a higher than 30% of the low cost home ownership tenure (4 units). Otherwise the provision is acceptable.

-Public Comments

- 4.17 1 Objection:
-Impact of additional traffic on the Haughton Road/ Haughton Lane junction; have seen no proposals to reduce the severity of these problems.

-The sustainable (SUDS) design and maintenance plan is not fit for purpose.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structures
Landscaping and Ecology
Open Space
Residential Amenity
Highway Safety
Affordable Housing and Housing Mix
Sustainability

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development on this site has been accepted with the grant of outline planning permission 12/04646/OUT. The issue of access onto Haughton Road, junction designs and the associated highway improvements/traffic calming measures was considered at the outline stage and these details are controlled through conditions on the outline consent. The precise foul and surface water drainage details, noise reduction measures to be incorporated in dwellings, the content of a Travel Plan, archaeological investigation, the provision of a landscape management plan, external lighting, provision of bat boxes and artificial birds nests are all matters covered by conditions on the outline consent requiring the approval of details by the local planning authority. Discharge of condition applications to cover the phasing of the development (ref 15/01899/DIS), ecology (ref 15/02833/DIS) and access/junction design (ref 15/02836/DIS) are currently under consideration, and further application(s) will need to be made to cover the other details controlled by conditions. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale, landscaping and access arrangements within the application site.

6.2 Siting, scale and design of structures

6.2.1 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 Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 The proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile, but with some units having rendered elements, and the brick detailing would reflect features found in and around Shifnal. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches, full gabled and hipped roofs, and chimneys on plots at focal points within the development would provide variety and interest to the street scenes. There would be variations in the depth of set back of dwellings from the roads. The block paved surface treatment to some road junctions and road sections within the development and the curving alignment of road sections would also enhance the street scenes. The proposed walls and fences to garden areas, along with the hedge and tree planting would create an attractive public realm within the development. It is considered that the network of footpaths along the southern boundary, through the western area of open space and connections to the east into open space contained within the Taylor Wimpey reserved matters approval would create an attractive, accessible environment. The proposed layout would not prejudice the achievement of satisfactory drainage arrangements under the discharge of condition applications.

6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions. The same Act requires special regard to be paid to the preservation or enhancement of the character or appearance of conservation areas and their setting by local authorities in the exercise of statutory functions. The nearest listed building is the grade 2 Haughton Grange, which is situated some 225 metres to the west of the current application site, with a group of existing properties in the intervening gap. The proposals would have no adverse impact upon the setting of that listed building. Haughton Hall is listed grade 2* and is set within extensive grounds some 450 metres to the south west of the application site. The combination of this separation distance, the relatively level topography and existing development ensure that the proposals would have no detrimental impact upon the setting of that building. The Haughton Conservation Area is some 50 metres from the application site at the closest point and it is considered that the setting of that area would not be harmed by the details contained in this proposal. It is noted that the Conservation Officer has no adverse comments to make on the proposals.

6.3 Landscaping and Ecology

6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. At the outline stage the Council's Planning Ecologist was content that the development would not harm ecological interests and she has no comments to make on these detailed proposals.

6.3.2 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows around the application site. The County Arboriculturalist has no objection to the tree and hedge planting proposals within the landscaping scheme, and they are considered appropriate for this location.

6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment and landscape setting to this part of Shifnal, satisfying also Core Strategy policy CS17.

6.4 Open Space

6.4.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and is being incorporated into the emerging Site Allocations and Management of Development Plan (SAMDev) in policy MD2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. The existing and emerging guidance allows for sustainable urban drainage (SuDS) areas to be counted as part of the open space in a development where they are shown to be capable of dual use. For example a SuDS pool which does not hold water permanently and has gentle gradients to its banks can function as part of the public open space. In this particular case there would be 783 bedrooms in the development, which would generate a requirement for 23,490 sqm of public open space. (In the Lioncourt Homes applications the 2011 Census data showing occupancy levels in the Shifnal North Ward of 2.4 persons per dwelling were accepted in the analysis which, if averaged with the bedroom calculation, result in a requirement for 15,552 sqm. The basis for this approach to calculating the open space is the expression of the standard as 3 hectares of space per 1000 population as set out in the IPG).

The public open space areas within the site area covered by this reserved matters submission comprise primarily of the large area adjacent to the northern site boundary, the green corridor along the western side of the site containing a foot path, a linear strip adjacent to Haughton Road and some parcels adjacent to the eastern site boundary that would join with the public open space in the Taylor Wimpey approval of reserved matters. In addition there are small areas of amenity land throughout the proposed layout adjacent to parking areas and the highways. Considered in isolation from the remainder of the land which is included in outline planning permission 12/04646/OUT this proposal, and the approved Taylor Wimpey scheme (ref. 15/01390/REM), would fall below the target for the amount of public open space in the interim planning guidance. However, when the area of 'Community Land' is taken into account, and allowing for the land take likely for a swimming pool building and allotments, then the development of the land with outline planning permission as whole could meet the target, in line with the illustrative layout submitted with the outline planning application.

6.4.2 This same issue arose in the consideration of the set of four reserved matters applications which have been approved, which did not include the community land area, but at that time there was no issue with parts of the outline permission site being in different ownerships to secure delivery of the open space for the whole development. The agent was asked to comment on the amount of open space provision with this reserved matters submission and, in response, has submitted detailed plan showing the open space calculations.

6.4.3 In addition, it is considered relevant to take into account the open space addendum report in connection with the adjacent Taylor Wimpey reserved matters approval, reported to the July 2014 South Planning Committee meeting, which did address open space provision for the whole outline permission site. That report notes that for the approved Lioncourt Homes reserved matters application the open space assessment for the whole site showed that those proposals generated a requirement for some 2.88 hectares of open space and the schemes exceeded that figure by providing some 3.5 hectares comprising of 1.6ha of amenity open space, 1.0ha of recreational open space and 0.9ha of natural and semi natural open space. An overlay of the open space plan produced for the Lioncourt schemes with that of the Taylor Wimpey scheme and this application proposal shows that the attenuation basins are reduced in size in the current scheme, creating more amenity space. The comparative open space areas are some 34,149 sqm for the Lioncourt scheme compared to 34,200sqm for the combined Taylor Wimpey/ Bovis schemes. The detailed breakdown open space review in that document advises that:

16,842 sqm of amenity open space would be provided within the central spine of the site and in areas surrounding residential development, which follows the same approach undertaken with the Lioncourt Homes reserved matters approvals.
7,762 sqm of natural and semi-natural open space would be provided in the vicinity of attenuation areas and on the northern border of the site, again following the approach with the Lioncourt Homes reserved matters.

9,556 sqm of recreational open space is provided to the north of and in the Bovis Homes scheme and 400 sqm of recreational open space would be provided within the central open space corridor to accommodate a play area funded by CIL.

The above totals approximately 3.5ha, which matches the provision in the Lioncourt Homes approvals.

6.4.4 Other factors to be taken into account in relation to open space is the area that would contain the allotments and, potentially, a swimming pool as the former would have a potential area of some 2075 sqm based on the masterplan with the outline permission, and the latter a land take that would still enable to Community land area to deliver some 7478 sqm to come forward as open space (incorporating the proposed allotment land).

6.4.5 The current proposal would deliver some 19,417 sqm of public open space, with the smaller areas of amenity land contributing some 1900 sqm. The total provision with the current reserved matters approval site would therefore be in the order some 21,317 sqm of open space directly within the application area, against an IPG target of 23,490 sqm. The applicants comment that the short fall of some 2,173 sqm would equate closely to the indicative area for the allotments shown in the outline consent 12/04646/OUT. The above context, taking account of the full extent of the land with outline planning permission; the extant reserved matters approval comparisons, and the likelihood that the development proposals for the whole site will be constructed even with the splits in land ownership of the outline permission site between developers, is considered sufficient to demonstrate that the proposal would deliver an appropriate amount of open space in accordance with Core Strategy policy CS6 and the guidance in the Interim Open Space SPD.

6.4.6 Measures to secure the future maintenance of the open space are through condition 21 of the outline consent.

6.5 Residential Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those on the southern side of Haughton Road. The nearest for these dwellings would be some 20 metres from the application site boundary, where an area of linear public open space and a cul-de-sac road would run parallel to Haughton Road and the southern end of the open space along the western side of the application site, which would contain the attenuation pools, would abut Haughton Road located. The nearest dwellings in the proposed development would be the Netherwood residential home immediately adjacent to the south west corner of the site, and the dwellings on the opposite side of Haughton Road, which would be some 35 metres from the proposed dwellings at the closest point. It is considered that the layout of the proposed development relative to the residential home and the separation distances to the dwellings opposite would not result in any undue harm to residential amenity. The location of the open space areas would not significantly impact on the living conditions of nearby properties.

6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. The positioning and orientation of the proposed dwellings along the northern side of the site, and condition 5 of the outline consent that requires the incorporation of noise reduction measures in accordance with the approved Noise Assessment Report, would ensure there would be no undue harm to the residential amenities of properties in the proposed site layout.

6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed by a condition (15) on the outline permission restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and condition 16 requiring the approval of a construction method statement to mitigate the temporary impact.

6.6 Highway Safety

6.6.1 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 and whether:
“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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 and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where

the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within Shifnal and this aspect of the proposal was fully appraised in the consideration of the outline application. All details of the accesses onto Haughton Road and off site improvements to accommodate traffic generated by the development of this site have been under planning permission 12/04646/OUT. The highway considerations in this reserved matters application relate solely to the road and parking layouts within the site.

6.6.2 Highways Development Control are content that the proposed highway layout within the site is acceptable on highway safety grounds and would allow for adequate access by service vehicles. The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area. The issue of a continuous footway being provided to one side of some cul-de-sacs is being raised with the applicants and the outcome of these discussions will be reported at the Committee meeting. The phasing plan is the subject of a separate discharge of condition application.

6.7 Affordable Housing and Housing Mix

6.7.1 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 are prepared to deliver affordable housing at the 15% prevailing rate applicable at the time the application for reserved matters was submitted. The mechanism to secure this delivery of affordable housing and for it to be affordable in perpetuity is included in the section 106 agreement which forms part of the outline planning permission. 32 affordable dwellings would be delivered on site with the 0.4 fraction of a dwelling resulting from the 15% calculation being in the form of a financial contribution.

6.7.2 Throughout the whole development there would be 27 two bed roomed properties; 67 three bed roomed properties; 82 four bed roomed properties and 40 five bed roomed properties. The Council's Affordable housing team are content with the affordable housing mix (27 two bed split between 12 flats and 15 semi/terraced houses and 5 three bed houses within the above housing totals), and the positioning of the 32 units of affordable housing within the proposed development. (The applicants propose that the tenure of 18 of these affordable dwellings would be for rent, with 11 two bed roomed dwellings and 3 three bed roomed dwellings for shared ownership and this tenure matter is for discussion through the Section 106 Agreement that forms part of the outline consent). With regard to the Town Council's comments on the mix of properties the applicants have responded that they have carefully considered the proposed mix before submission; the housing policy does not set out an explicit requirement for bungalows. They consider that the proposed mix represents an appropriate balance of house typologies and

tenures (having regard to the affordable housing provision). The precise open market dwelling mix is a marketing decision for the applicant. While Lioncourt Homes decided to include 5 three bedrooed detached bungalows in their scheme, it is considered that the mix of development proposed here in the Shifnal context with existing and proposed developments would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities. The lack of bungalows would not be a sustainable ground for refusal of this reserved matters submission.

6.8 Sustainability

6.8.1 Core Strategy policy CS6 seeks to ensure that sustainable design and construction principles are incorporated within new development. The applicants have advised that Bovis Homes proposes the adoption of a fabric first strategy which delivers a 10% reduction in energy consumption; such a strategy has been labelled by the Zero Carbon Hub as a “fit and forget” strategy and addresses the key policy objectives of sustainable construction of:-

- 1) Reduced CO2 emissions to combat climate change.
- 2) Reduced energy consumption, thereby lessening the developments appetites on imported fossil fuels.

This fabric first strategy incorporates enhanced thermal elements within the fabric of the building, by way of a larger depth cavity wall construction, and offers a lifetime of energy saving due to the ‘fit and forget’ nature of it being built within the envelope of the dwelling. The method means that no future maintenance is required, which in other methods can be detrimental to the energy saving elements if not maintained properly for the lifetime of the property and also this method is not reliant on the behaviour or life style habits of the occupants to deliver these CO2 reductions.

6.8.2 It is considered that the above measures are sufficient to satisfy this element of Core Strategy policy CS6 and the components of the environmental dimension of sustainability set out in the NPPF, relating to the use of natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

7.0 CONCLUSION

7.1 The principle of a residential development of up to 400 dwellings on the land with outline planning permission, of which this reserved matters submission for 216 dwellings forms part, along with the access arrangements off Haughton Road has been accepted with the grant of outline planning permission 12/04646/OUT. The proposed scheme in terms of layout, scale, appearance and landscaping would not detract from the wider landscape setting of Shifnal, and would not harm the setting of the Haughton Conservation Area and the heritage assets within the locality. The amount of public open space within the development, in the context of the whole outline permission site, would be satisfactory in relation to the Council’s interim planning guidance on open space. The design of the internal road network would not be detrimental to highway safety and the amount of off road parking would accord with the standards of the former Bridgnorth District Council which still apply to south east Shropshire. The design of the proposed development would have no significant impact on neighbour amenity. The reserved matters scheme would deliver affordable housing at the current prevailing rate for Shifnal.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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 and saved Local Plan policies:
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space IPG

RELEVANT PLANNING HISTORY:

12/04646/OUT Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works GRANT 22nd March 2013
13/00273/OUT Outline planning application (all matters reserved) for the development of 3,000sqm office floorspace, with associated parking, earthworks and other ancillary works REFUSE 5th June 2013
14/00691/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 83 properties; associated highway works; ancillary works (Phase 1 of residential development) GRANT 23rd December 2014
14/00692/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 101 properties; associated highway works; ancillary works (Phase 2 of residential development) GRANT 23rd December 2014
14/01519/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 97 properties; associated highway works; ancillary works (Phase 3 of residential development) GRANT 23rd December 2014
14/01520/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 119

properties; associated highway works; ancillary works (Phase 4 of residential development) GRANT 23rd December 2014

15/01390/REM Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 15th July 2015

15/01399/DIS Discharge of conditions 7 (Drainage), 8 (Phasing Plan), 9 (Location of Affordable Housing), 11 (Visibility splays), 13 (Travel Plan), 16 (On-site Construction), 17 (Ecology), 19 (Nests), 20 (Archaeology), 21 (Open Space) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works. PCO

15/01741/REM Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT PDE

15/01899/DIS Discharge of Condition 8 (Phasing Plan) relating to outline planning permission 12/04646/OUT

15/02017/ADV Erection of non-illuminated freestanding Land Acquired promotional board PCO

15/02833/DIS Discharge of conditions 9 (Affordable Housing Layout), 17 (Ecology) and 19 (Nests) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works PCO

15/02836/DIS Discharge of Condition 11 (Access) and 12 (Roundabout Detail) relating to planning permission 12/04646/OUT -Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works PCO

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

Design and Access Statement

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Kevin Turley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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. The new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be fully implemented in accordance with details to be approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure the provision of adequate means of infrastructure and access prior to occupation, in the interests of highway safety.

3. All hard and soft landscape works shall be carried out in accordance with the approved details in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with 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.

Informatives

1. 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.
2. The land and premises referred to in outline permission 12/04646/OUT are the subject of an agreement under Section 106 of the Town and Country Planning Act 1990.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from

www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. 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. 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.