



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 11 July 2016

Committee:
South Planning Committee

Date: Tuesday, 19 July 2016

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Nigel Hartin
Richard Huffer
John Hurst-Knight
William Parr
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Charlotte Barnes
Lee Chapman
Heather Kidd
Christian Lea
Cecilia Motley
Vivienne Parry
Kevin Turley
Leslie Winwood
Michael Wood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the minutes of the South Planning Committee meeting held on 21 June 2016.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 14 July 2016.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land Adjacent To Telephone Exchange, Lower Galdeford (16/01156/FUL) (Pages 7 - 30)

Erection of new commercial retail unit, with alterations to existing wall fronting Lower Galdeford, and formation of 2 new pedestrian access areas onto unit, including auxiliary works.

6 Barn South East Of Stoke Lodge, Stoke St. Milborough, Shropshire (16/01723/FUL) (Pages 31 - 40)

Erection of 1 dwelling and installation of septic tank following demolition of existing barn.

7 Schedule of Appeals and Appeal Decisions (Pages 41 - 42)

8 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 16 August 2016, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

19th July 2016

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 21 June 2016

2.00 - 3.50 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257718

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Nigel Hartin, John Hurst-Knight, Madge Shingleton, Robert Tindall and Cecilia Motley (Substitute) (substitute for Tina Woodward)

13 Apologies for Absence

Apologies for absence were received from Councillors Richard Huffer, William Parr and Tina Woodward (Substitute: Councillor Cecilia Motley).

14 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 24th May 2016 be approved as a correct record and signed by the Chairman subject to Minute No. 10, paragraph eight, being amended as follows:

- In the ensuing debate, Members considered the submitted plans, the proposed amendments to the originally approved scheme and noted the comments of all speakers. Concern was expressed in relation to elements of the application including the amendments to the conservatories on plots 1 and 2, the addition of hips to the roofs, the increase in floor levels on plots 3-6, the reduction of the pitch of the dormers and with regards to overall site layout consideration should be given to careful tree planting.

15 Public Question Time

There were no public questions received.

16 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the agenda.

17 Proposed Residential Development Land to the South Of Rocks Green, Ludlow (15/04158/OUT)

The Principal Planning Officer introduced the addendum report to outline planning application 15/04158/OUT Proposed Residential Development Land to the South of Rocks Green, Ludlow for the erection of 2 detached dwellings (all matters reserved). The Principal Planning Officer explained that there had been a significant change in national policy on affordable housing since this application was approved by the Committee on 2nd February 2016 and the affordable housing contribution should no longer apply.

In the ensuing debate, Members considered the submitted plans and noted that there was a need for a wider debate in relation to applications of this type that have been reviewed in light of the change in national policy on affordable housing.

RESOLVED:

That the requirement for an affordable housing contribution accompanying the approval resolution for the application at the 2nd February 2016 committee is removed on the basis that there has been a subsequent material change to national affordable housing policy.

18 Barn To The North Of Woodfield House, St Mary's Lane, Much Wenlock, Shropshire (16/00642/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations and noted that at the meeting of the South Planning Committee held on 24th May 2016, Members resolved to defer the application to enable further discussion with the developer on the need for and potential harm to the historic fabric that could result from the proposed raising of the roof. He added that an amended scheme had been received which deleted the first floor and therefore addressed the concerns raised regarding the raising of the roof.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Mr Rhys Davies, Owner of adjoining property, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Turner, as local Ward Councillor, made a statement and then left the meeting, took no part in the debate and did not vote on this item. During his statement a number of points were raised including the following:

- He welcomed the applicant's decision not to increase the existing roof ridge and eaves height;

- He remained concerned about the roof lights and questioned the need for them when balanced against the amenity of neighbours; and
- He requested that if the Committee was minded to approve the application that great care was exercised in considering Condition 5 which refers to parking of vehicles and a traffic management plan and Condition 11 in relation to construction works and deliveries.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That planning permission be granted, subject to the conditions set out in Appendix 1 and that Condition 11 be amended to read:

Demolition, construction works or deliveries shall not take place outside 8am - 6pm Monday to Friday, and 8am - 1pm on a Saturday, with no work taking place on Sundays or bank or public holidays.

19 Proposed Residential Development at Old Mill Close, Worthen, Shropshire, SY5 9JT (16/00952/VAR)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations and noted that at the meeting of the South Planning Committee held on 24th May 2016, Members resolved to defer the application with a request to the developer to come back with further amendments in relation to elements of the application that Members expressed concern about.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

A statement from Councillor Heather Kidd (local Ward Councillor) was circulated to the Committee, a number of points were raised including the following:

- She raised concern that building on the site does not follow the planning permissions in place and noted that the detached properties now have hipped roofs which look better but do not have permission;
- She raised concern about the drives being tarmacked noting that there was a flooding problem below these houses and increased run off would exacerbate this issue.
- She requested that the work be completed on site as soon as possible but not at any cost and asked the Committee to balance the improvements put in place against the possibility of the site work stopping altogether which could happen in some circumstances; and

- She asked the Committee to make recommendations for future planning policy and noted the stress on the local residents, asking the Committee to balance the pain of the residents against the development of the site.

Mr R. Cass, a local resident, spoke against the proposal in accordance with the Council’s Scheme for Public Speaking at Planning Committees.

Councillor Kim Golden on behalf of the Worthen and Shelve Parish Council, spoke against the proposal in accordance with the Council’s Scheme for Public Speaking at Planning Committees.

Mr Wayne Sidell, applicant, spoke in support of the proposals in accordance with the Council’s Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans, the proposed amendments to the originally approved scheme and noted the comments of all speakers. The Committee raised concern in relation to the situation on the monitoring and enforcement of the development on the site .

Councillor Andrew Boddington left the meeting at this point.

RESOLVED:

That planning permission be granted, subject to the conditions set out in Appendix 1.

(In addition to the resolution, the Committee made the following requests:

- That the development be completed within 3 months;
- That Officers monitor the site twice a week;
- That the condition in relation to drainage be reaffirmed;
- The case be referred to the relevant Scrutiny Committee.)

20 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 21 June 2016 be noted.

21 Date of the Next Meeting

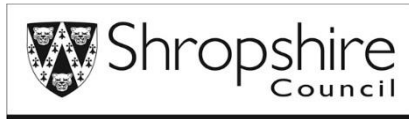
RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 19 July 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed _____ (Chairman)

Date: _____

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Committee and date

South Planning Committee

19 July 2016

Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/01156/FUL	Parish:	Ludlow Town Council
Proposal: Erection of new commercial retail unit, with alterations to existing wall fronting Lower Galdeford, and formation of 2 new pedestrian access areas onto unit, including auxiliary works.		
Site Address: Land Adjacent To Telephone Exchange Lower Galdeford		
Applicant: Morris Bufton & Co Ltd		
Case Officer: Grahame French		email: planningdmsw@shropshire.gov.uk

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1

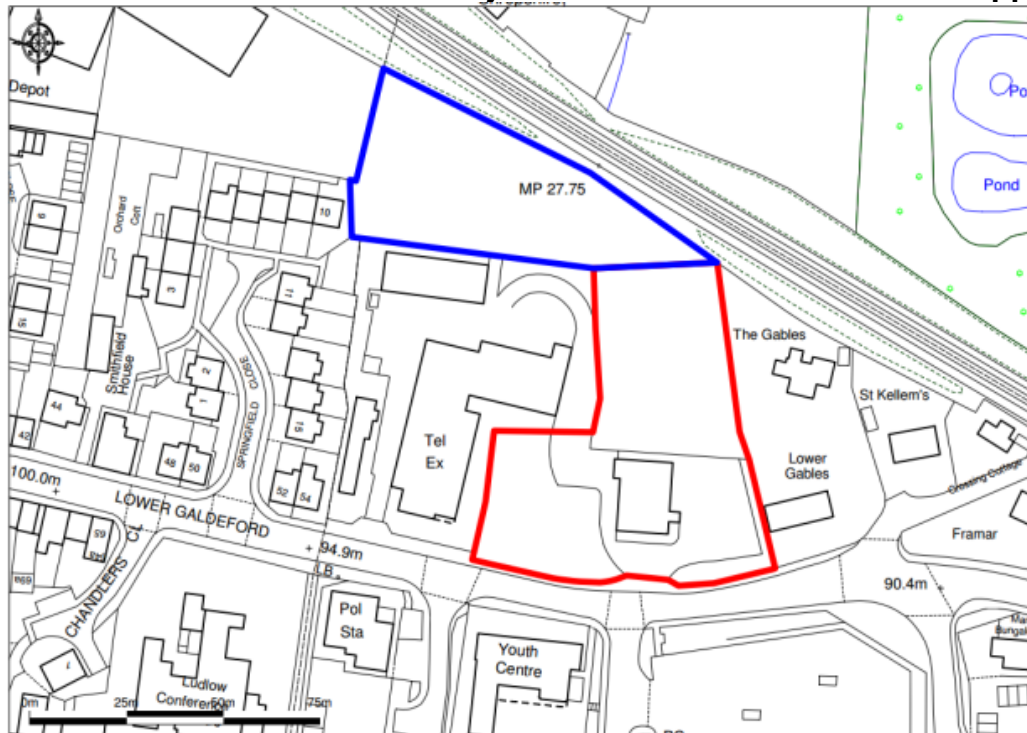


Fig 1 - Location

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a new retail & commercial building on land adjacent to the Telephone Exchange, Lower Galdeford, Ludlow. The proposal is for a two-storey commercial building which has an internal gross floor area of approximately 800 m². The building has been designed to be like a modern retail unit rather than a warehouse. The front (eastern elevation) acts as a focal point with two full height sections of glass providing natural light into and a modern style, contrasting with the Cedar wood timber panelling.
- 1.2 Ten external car parking spaces are proposed, one disabled. The application also includes for the alterations to the wall fronting Lower Galdeford. There will be two pedestrian access into the site, one near the site entrance will primarily be for the existing building on the site. Another to the west near to the pedestrian crossing on the highway will primarily be for the proposed commercial building. The car parking areas will be a level or shallow gradient hard surface suitable for wheelchair users.
- 1.3 The site is designed to allow delivery and pickups by HGV's. These would turn around at the north end of the site and could then reverse into the warehouse section of the building under the surveillance of a banksman.

Amendments:

- 1.4 The following amendments to the scheme have been made following discussion with the officer:
- The roof slope has been decreased in pitch from 30 degrees to 15 degrees to reduce the overall ridge height by approximately 2.5 metres. This makes the new and proposed building's pitches similar to each other;
 - The building has been reduced in length by 2.5 metres in order to step the building's main gable back away from Lower Galdeford road;
 - The material on the southern (roadside) gable has changed from cedar cladding to New Rutland Red Multi Brick with a string course and date stone in a Aldridge Multi Rustic Brick (by Ibstock), so as to match the styles of the surrounding buildings;
 - On the front (eastern) elevation, the brick plinth has been increased to a height of 1 metre to break up the cedar wood cladding;
 - The material on the northern and western elevation has been changed to profile sheet cladding as these aspects are both relatively concealed by the retaining walls and current landscaping;
 - The roof material has been altered to an imitation slate tiles - Meta-Slate Plus System (by Steadmans) to reduce the impact near to the conservation area and reduce the likeness to an agricultural building;
 - The originally proposed highway boundary has been altered from a brick wall to a 0.9m stone wall with iron railings above;

- Further landscaping has been added to the eastern and southern sides of the site to 'soften' the impact of the site on the residential dwellings in the Lower Gables and when approaching the conservation area from eastern Ludlow;
- It is confirmed that the commercial building will be limited to 250m² of A1 (non-convenience) retail, with the remaining area of the building having an A2 office and B8 warehouse use class;
- It is confirmed that whilst the site has been designed for access by heavy goods vehicles, daily deliveries by these vehicles is very unlikely due to the nature of the proposed use.

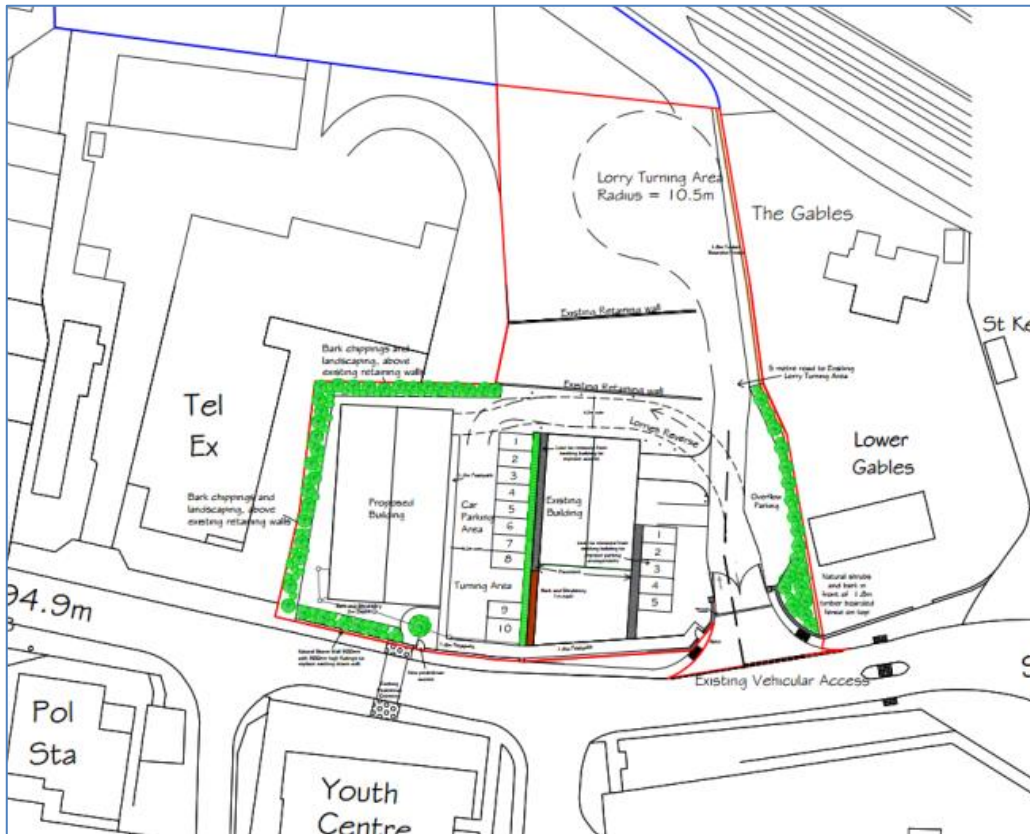


Fig 2 – Proposed layout

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is brownfield land currently acting as parking and unloading area for the existing building situated on the site. It was previously used as a sales area by South Shropshire Glass. It is located opposite the Galdeford Road Car Park and an existing nearby zebra crossing point which is by one of the proposed access gates.
- 2.2 Vehicular access is via the existing access off Lower Galdeford road which was granted planning permission in January 2014. Cars would fork left and drive around the back of the existing building into the car park area. Lorries would fork right before reversing back into the warehouse section of the building under banksman supervision.
- 2.3 The Ludlow Conservation Area is located 40m to the east. Two residential properties are located 50m to the west of the proposed building

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has attracted objections from Ludlow Town Council and the committee chairman has determined that the proposals should be referred to the Committee under the Council's Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 Ludlow Town Council: Initial comments prior to amendments:
Objection. i) The building is oversized for the plot; and the siting and mass of the development are inappropriate. ii) The oversized building extends beyond the existing building line and significantly reduces parking on the site.
iii) Members stated that full reinstatement and maintenance of the stone wall was of utmost importance to the site. The lack of the stone wall was to the significant detriment of the historic environment of the street scene and the visual amenity of the area. To this end, members ask that the Conservation Officer enforces the conditions of the approval granted to 13/05045/FUL on 27th January 2014.
- 4.1.2 Ludlow Conservation Area Advisory Committee: Initial comments prior to amendments.
Objection. The proposal is of no architectural merit and is overscale for the character of the area. Comparison with the scale of the telephone exchange is inappropriate as that building sits well back from the street frontage. Compared to other street frontage buildings the proposal will be jarringly obtrusive. Its obtrusiveness will be accentuated by the fact that, perversely for a retail building, it provides no presence on the street frontage. The use of sheet metal for the roof would be damaging to the character of the area. The application notes that the access has already been approved. This approval was conditional upon the retention/reinstatement of the stone boundary wall. Any consent for this site should continue to stipulate this requirement. The stone boundary walls are and have always been a feature of the character of the area and should not be replaced by the proposed boundary treatment.
- 4.1.3 Historic England: No objection.
- 4.1.4 SC Highways: No objection subject to the development being carried out in accordance with the approved details and the following conditions and informatives. The development is considered acceptable from a highway perspective, as the existing access serving the current commercial unit is acceptable to serve the potential additional vehicular activity for this development. The site is also considered to be in a sustainable location, being close to the town centre and public car parking facilities.
- 4.1.5 SC Archaeology: No objection. The development site lies within 20m of the buried remains of the scheduled monument, Augustinian Friary adjacent to the junction of Lower Galdeford and Weeping Cross Lane (National Ref: 1021354) and on the site of a possible road, north of Lower Galdeford, Ludlow (HER PRN 06173) thought to be medieval in date but un-securely located. The development site also lies adjacent to the extent of the Medieval Town of Ludlow (HER PRN 06293), and part of the medieval road system (HER PRN 06267). The site was previous occupied by a 20th century building, which has since been demolished, and has recently been subject to significant

levelling/ engineering works. Together, this is likely to have disturbed or truncated earlier below ground archaeological features or deposits which may have existed on the site. The site is therefore deemed to have low archaeological potential. We therefore have no further comments to make on this application with respect to archaeological matters. We note Historic England have been consulted for their views on this application in relation designated heritage assets.

- 4.1.6i. SC Conservation: Initial comments prior to amendments. Objection. The proposal is just outside but adjacent to the Ludlow (Galdeford) Conservation Area and an Augustinian Prior to the south that is a Scheduled Monument. The site is also adjacent non-designated heritage assets including Lower Mascall Centre that is a former primary school. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policies CS6 Sustainable Design and Development Principles and CS17 Environmental Networks of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Due regard should also be taken of the Ludlow (Galdeford) Conservation Area Statement.
- ii. It is acknowledged that the site has been subject to previous planning applications including 16/01156/FUL which has involved the removal of the section of a stone wall which in effect is breach of condition 3 of that consent. There is objection to the further loss of the existing stone wall along the principal highway which currently provides an attractive frontage in this sensitive location. Despite this site not being in the conservation area, it is an important gateway into the historic core of Ludlow with key views coming in from the east (as acknowledged in paragraph 4.13 of the Conservation Area Statement), where such proposals should seek enhancement as an opportunity site where paragraph 4.21 acknowledges the current harm that has occurred from existing inappropriate development upon the general character and appearance of this location. The removal of the wall would still be harmful to the setting, character and appearance of the adjacent conservation area as well as the loss of key historic fabric. Whilst the boundary would be replaced with a brick wall, the existing stone wall is still viable where it is in a good condition.
- iii. Overall there is objection to this proposal as it would be harmful to the setting of the Ludlow (Galdeford) conservation area as well as the setting of adjacent non-designated heritage assets. It is acknowledged that the existing setting has been compromised with the existing 1960s telephone exchange though this building is much more set back within its plot as well as the existing building to the east that is also set back. The proposed footprint coming straight to that of the highway will also introduce harm upon setting, where the gable would impact on key views going in and out of the conservation area. The proposal is therefore contrary to section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, section 134, 135 and 137 of the NPPF as well as the relevant NPPG guidance on setting and design and policy MD13 of SAMDev covering setting. Also it is contrary to the aims stated in paragraph 7.4 of the Ludlow (Galdeford) Conservation Area Statement. Overall condition 3 of planning permission 16/01156/FUL should be honoured where this proposal is a clear departure from the agreed plans in that approval.

4.1.7 Ecology: No objection.

4.1.8 Drainage: No objection subject to drainage conditions.

4.1.9 Public Protection: (23/06/16) A 1.8m boundary fence has been proposed on the eastern boundary of the site (drawing number KI 2865 30B and 30C). In order to ensure this fence will have the desired noise reduction I recommend the following condition should the applicant not stipulate it on additional amended drawings.

4.2 **Public Representations:**

4.2.1 The application has been advertised in accordance with statutory provisions. Comments have been received from 10 residents objecting. The following points are raised:

- i. Traffic and access: Concerns about heavy vehicle reversing within the site and the potential for traffic safety and amenity issues. The parking planned for the site appears to be blocked in by any HGV manoeuvring vehicles or deliveries. This location has no suitable access route for HGVs. Access from all three directions is severely restricted - Any development which would increase HGV traffic in this part of town is not appropriate as the road network is not suitable. Access to the site would be difficult for lorries from both directions and we are surprised to see that the Highways department have made no objection to the proposed access, considering that additional HGV traffic will be utilising what is already a difficult junction with the added complication of an almost "blind" junction if joining from the top of Weeping Cross Lane. On viewing the site online, the rear of the site appears to link to the rear of Bufton's Gravel Hill site - we are concerned in relation to any future potential access link which could become a "rat run" for local drivers, lorries and other visitors to drive through. Access to the site from the West for large Lorries involves negotiating the acute junction between Upper Galdeford and Lower Galdeford. Access from the East along Sheet Road involves negotiating the 90° left & 90°right bends under the Railway Bridge with a 13'3" height restriction where large vehicles have to be in the centre of the road. Arrival from the South over Ludford Bridge is currently impossible as part of the Bridge parapet has been demolished recently by a large vehicle and is closed for repair. Damage to the bridge is not infrequent. Departure towards the A49 involves negotiating one or other of these tricky points again. There is no through flow of traffic on site.
- ii. Parking: Minimal Car Parking provision on site will result in additional use of the Car park opposite (Smithfield), as this is the only place near to the site where there is parking. The proposal itself states "... this will also provide the facilities for larger vehicles to park". The car park is already full most days. The proposal is for a large retail shopping development with inadequate provision for car parking that brings into question the validity of the current plan. As the engineered terracing to the rear has been fitted with a crash barrier the implication is that this much larger area could become parking in the future making for an even greater traffic problem with access from the public road. The current plans seem to indicate reliance on customers parking at the nearby Smithfield public car park which will put further pressure on an in-town car park.
- iii. Stone wall: The removal of the current traditional stone wall would appear to be an act of architectural vandalism and be inappropriate for a "Gateway" into the historic centre

of Ludlow. I object to the current proposal to enclose the site on the south side with a red brick wall topped by iron railings and to demolish a further 30 odd metres of sound stone wall in addition to the 26m already removed. The original stone wall ran from the west end of the site to the original stone wall in front of Lower Gables. The red brick wall as proposed would abut and clash to the east with the stone wall in front of the 3 houses. The previous application to create the new access specified that the original stone wall should be reinstated. The current plan indicates demolition of the original stone wall and shows a precast concrete wall with stone facing and railings. This is unacceptable, it does not retain the natural character of the area which is close to the conservation area. A new 'stone' wall (what does 'natural stone' mean?) will look incongruous and will not match the adjacent original stone walls in the road. I note that the Stone wall which was removed in association with an earlier approved application has not been reinstated, in clear breach of the planning conditions.

- iv. Building: The size of the proposed additional building appears somewhat large for the size of the site with minimal parking for staff and customers - the risk to this being that customers are likely to park as close to the development as possible creating congestion and additional safety hazards. The building dimensions compared to the existing building indicate that the volume of the former is almost five times that of the latter, which it will dominate. As proposed it would be the second largest building on Lower Galdeford and situated next to the largest, the telephone exchange. Unlike the exchange, the bulk of which is set back from the road, the proposed building will be the closest building to the road. It will affect views from the street whether from the West, South or East. I do not think that Ludlow needs another commercial retail unit and if one was needed then the industrial park would be a more appropriate place. The proposed building is a fifth wider, nearly twice as long and twice as high as the existing building indicated on the plans, so to say it will fit in, using the size of the Telephone Exchange building as an excuse, is disingenuous at best. As far as Policy CS6 goes the new building has no architectural merit, nor does it acknowledge vernacular materials or techniques in any way. There is no indication that the building will have low intensity use and conditions should be applied with regard to use, opening hours, deliveries etc. The proposed new building is an over scale development and of poor design and does nothing to enhance the area.
- v. Drainage: Having reviewed the Defra "risk of flooding from surface water drainage map" we would express concern over building development in what appears to be a surface water flow area.
- vi. Safety: Large vehicles & cars turning into the site from either direction cannot fail to obstruct the major road. Lower Galdeford and Sheet Road is a major link route between Town Centre and the A49. The Fire and other Emergency Services use this in either direction as their principle route from the station on Weeping Cross Lane to incidents. The increased traffic could adversely affect these services.
- vii. Amenity: The juxtaposition of the lorry access drive to the neighbouring properties will lead to a great deal of nuisance, particularly with the reversing warning devices sounding, not to mention the pollution of the air from exhaust fumes. Despite the claim that the development has no impact on existing neighbourhood properties, the access road now runs right next to Lower Gables and the proposed lorry turning circle is immediately adjacent to our garden, our conservatory and our bedroom windows,

implying both noise and air pollution. - It also has another road marked on it outside of the development area travelling parallel with the railway line indicating the probability of future through traffic. We strongly object to the siting of the lorry turning area and the lack of clarity about the purpose of the onward road. Lorries delivering to the unit will be required to reverse along a lengthy confined stretch behind the existing building, creating significant irritating noise pollution that will affect the whole neighbourhood. The claim that the development will have no impact on "privacy...nor existing neighbouring properties (Page 5 para 4 - Scale.) cannot be accepted. The Access road has been created and is close to the W boundaries of Lower Gables and The Gables. It is also closer to St Kellem's, Framar and Crossing Cottage than the existing Gate. The layout of the private road and the complicated manoeuvres to get large Lorries or Trucks around the Turning Circle to reverse to the Loading or Unloading bay will increase fumes, and noise, especially the mandatory audible reversing devices (whether speech or horn) fitted to each Truck, These will come into action at roughly the same position on the site access road and continue for a similar length of time for each truck movement. This will affect all of the properties in the immediate area. It is noted that the SC Public Protection Specialist has made a new proposal regarding an acoustic fence to protect neighbouring residential properties and this is appreciated. However, it will not protect my property from noise because my land is approximately 2 metres higher than the land in question. If a 1.8m acoustic fence is erected at ground level on the site, the top of it will be approximately half a metre lower than the ground on my side, making it totally ineffective. HGVs and other vehicles will create engine noise, reversing warning noise and movement noise on the road surface, which is large chippings and gravel. I request a noise pollution assessment. The combination of this lower ground level and the huge BT building has created a 'bowl' effect whereby any sounds made on the site are magnified and bounced off the BT building towards the properties on the east side. Large chippings and gravel have been spread on the surface and as a result any vehicle moving across the surface makes a loud crunching noise which is magnified by the 'bowl' effect.

- viii. Future Intentions: There is another road marked outside the site area but in the Blue bounded area on KI 2865 31 which is connected to the Lorry Turning Area and running parallel to the railway to the NW. The site has a history of incremental applications, development and changes of direction. What is it for? What are the future intentions?
- ix. Planning History: Although planning permission was granted on 27th January 2014 for new vehicular access, it was a condition of the planning permission for the developer to submit stone samples so that the site should be enclosed with a stone wall inside the visibility splays. The wall was demolished regardless and the original access gate remains. At the same time extensive ground works were undertaken including engineering work on retaining walls and the ground has been reshaped into a series of level terraces with crash barriers, together with the footprint of a road system. This radical landscaping was not included in the original planning application and as far as we are aware permission for these works has never been granted.
- 4.2.2 Ludlow Swifts Group: Ludlow is an important home for swifts which are amber listed due to a significant decline in their numbers in recent years. Swifts are unobtrusive, urban birds and while most nest sites are in older houses new buildings offer a very important chance to provide new nest sites in the form of bricks or boxes that can readily be incorporated into the structures and meet building regulations. If this retail

development in Lower Galdeford proceeds, it provides an opportunity for new nest sites: swift boxes could be sited on the north, cedar-clad elevation which is at the rear of the site against the boundary. We urge the council to include a requirement for swift boxes.

- 4.2.3i. SC Property Services: The Council, in its capacity as landowner of the adjacent property, Lower Gables (known as Path House), has the following. The proposal presents an intensification of use of the existing vehicular and pedestrian access into the wider site area to serve a new building, and sets out a rather remote Lorry Turning Area within the rear, upper part of the site, immediately adjacent to residential properties and their associated grounds and private gardens.
- ii. Proposed New Building: The planning application proposes a commercial building with a footprint which takes up a major part of the land area where it abuts the adjacent Telephone Exchange Site to the west. Because of the scale of the building proposed, there is the need to utilise a separate area solely as a Lorry Turning Area. The arrangement for vehicles also appears to require larger vehicles to reverse within a section of the site access, which will result in the warning beeps sounding every time a vehicle is reversing, thus causing significant disturbance to the adjacent residential properties and general locality. Because of the restrictions within the site, and the conflicts it will create between cars and delivery vehicles, it is likely that deliveries will be made outside the general opening hours of the unit, thus causing further disturbance potentially earlier in the morning or later in the evenings and impacting significantly on the amenities of local residents.
- iii. Submitted Plans: The site layout plan, as proposed, indicates an area of 'existing' parking immediately abutting the boundary with Lower Gables, however from a roadside inspection of the site, the land in its present form is not formally developed, and has instead been used for storage of building materials. Whilst a landscaped margin is indicated for the boundaries of the site where it abuts the Telephone Exchange to the west, there are no proposals for any planting shown along the more 'sensitive' eastern boundary where the land use changes from commercial to residential properties.
- iv. Impact on adjacent Residential Properties: It is considered that the overall scheme, with the layout as proposed, will have a significant impact on the amenities of the two adjacent residential properties by way of noise and general disturbance. The proposals do not give any recognition to this impact, and there are no measures shown to attempt to mitigate the noise in any respect. In view of the foregoing, the applicant should be required to review the scale and layout of the scheme, as it is considered that the present proposals are totally contrary to the general planning policies on design, scale and layout as contained within the adopted Shropshire Core Strategy development plan document (Policy CS6 – Sustainable Design and Development Principles)

5.0 THE MAIN ISSUES

- Principle of development;
- Layout and design, including materials and boundary wall;
- Highways and access;

- Residential amenity;
- Other considerations.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy: Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Consideration also needs to be given to this presumption in favour of sustainable development.
- 6.1.2 In terms of planning policies, Policy MD10a of the adopted SAMDev plan defines Ludlow as a Category 'B' Centre and advises that there is a presumption in favour of retail (A1) proposals in ground floor premises within Primary Shopping Areas and for main town centre uses within the wider Town Centre. SAMDev policy S10 advises that 'to support Ludlow's role as a Principal Centre, new main town centre uses will be focussed within the defined town centre area and Primary Shopping Area identified on the Polices Map, and will be subject to Policies CS15 and MD10'. The site is just outside the primary shopping area and the Town Centre as defined in the adopted SAMDev Plan. It is however close to this area, opposite a public car park and adjoins an important route into town. Hence, it is in a generally sustainable location.
- 6.1.3 SAMDev Policy MD10b – advises that applicants will be required to prepare Impact Assessments for new retail, leisure and office proposals where amongst other matters in Principal Centres such as Ludlow they have a gross retail floor space exceeding 300 m². The policy advises that the Council will not permit proposals which have a significant adverse impact on town centres. In this particular case the applicant has provided further clarification on the nature of the proposals and as confirmed that the commercial building will be limited to 250m² of A1 (non-convenience) retail, with the remaining area of the building having an A2 office and B8 warehouse use class. As such the officer concludes that there is no conflict with SAMDev policy MD10b and that a mixed office, warehousing and retail use of the scale proposed would not be inappropriate in this location.
- 6.1.4 Planning history / context: The wider site including the current application area was granted permission for use as a depot for Severn Trent Water in September 1978 (SS/1978/467/O). There were no conditions relating to vehicle movements or hours of working and the permission was not time limited.
- 6.1.5 In January 2007 planning permission was granted for a warehousing use with an ancillary retail area for trading to the public of windows and associated products (SS/1/06/18952/F). This was on land to the immediate east of the proposed building plot. Subsequently in February 2010 a temporary permission was granted to South Shropshire Glass for 'change of use of vacant land to interim works to area of land adjacent to existing works unit for display and sale of garden sheds, greenhouses and general landscaping materials at the current application site (10/00425/COU).
- 6.1.6 This latter permission has now expired and use of the adjacent warehouse unit by South Shropshire Glass has also ceased. However, the wider site continues to benefit

from the earlier permission for depot use which was not time limited. Some storage of trailers and vehicles has continued to occur at the rear of the site since the glass sales use ceased and the depot permission forms relevant context for the current proposals. Whilst recent depot activity has been at a low key rate this could potentially increase without the need for any further planning permissions. It should therefore be recognised that the current proposals would not be the main traffic generator within the wider site. They would also offer the potential to provide some improvements to the existing situation.

6.2 Layout and Design

- 6.2.1 The Council's Conservation team expressed concerns that the building as originally proposed extended too close to the public highway and could impact adversely on the nearby Conservation Area. In response to this the applicant has amended the plans in order to move the south gable a further 2.5m into the site. This provides a distinct visual break between the building and the highway frontage and also creates sufficient space to undertake some localised planting along the highway frontage. In addition, the surface treatment design of the south gable has been changed from cedar cladding to a red brick with a string course in rustic brick so as to match the styles of the surrounding buildings. The roof slope has been decreased in pitch from 30 degrees to 15 degrees, reducing the overall ridge height by approximately 2.5 metres so that it is similar to the existing building and harmonises with the flat roofs of the adjoining Telephone Exchange building.
- 6.2.2 On the front (eastern) elevation, the basal brick plinth has been increased to a height of 1 metre to break up the cedar wood cladding. The roof material has also been altered to an imitation slate tile in recognition of the proximity of the site to the Conservation Area.
- 6.2.3 Stone boundary wall: It was originally proposed to replace the existing low stone boundary wall with a brick wall with iron railings above. However, in response to planning consultations the applicant is now proposing that the wall would be a 0.9m stone wall with iron railings. Further landscaping has also been added to the eastern and southern sides of the site to 'soften' the impact on the residential dwellings in the Lower Gables and when approaching the conservation area from eastern Ludlow. The stone wall is not listed and is not within the Conservation Area. However, it does re-inforce the local vernacular and the retention of a stone wall is therefore desirable.
- 6.2.4 An objector has questioned the construction method for the stone wall whereby stone would be placed up against a concrete support wall. The objector suggests that the original wall should be maintained as it is in an acceptable state of repair. However, the sections accompanying the application confirm that the stone would appear like a traditional stone wall as viewed externally from Lower Galdeford. The construction method would also allow the existing stone to be re-used along the entire length of the highway frontage before the access point and would provide a robust anchor for the proposed iron railings.
- 6.2.5 Design, conclusion: The officer considers that these changes represent a significant improvement relative to the original design and result in a much higher quality structure than the adjoining warehouse which was approved in 2007. The amendments result in

a building which integrates successfully with its surroundings without negative impact to the nearby Conservation Area. The overall appearance of the streetscape is improved by mitigating the current vacant / unfinished appearance of the open yard and framing views of the unattractive Telephone Exchange and the modern building behind it. The proposals are therefore considered to comply with Core Strategy Policy CS6 and SAMDev policy MD2 relating to sustainable design.

6.3 Highways and access

6.3.1 Local residents have expressed concerns that the proposals may lead to traffic safety issues, particularly with respect to HGV movements. However, highway officers have no objections subject to recommended conditions. They advise that the existing access is acceptable to serve the potential additional vehicular activity for this development. The site is also considered to be in a sustainable location, being close to the town centre and public car parking facilities.

6.3.2 The applicant has provided further clarification on traffic movements. It is confirmed that the nature of the use envisaged (warehouse distribution with ancillary office and public sales (non-food)) would be unlikely to generate more than 1 HGV per day on average as the trade would deal with high value, low bulk items. Confirmation of the reduction in area of the A1 retail storage use to 250m² also provides appropriate reassurance regarding the adequacy of the proposed 10 parking spaces to support this use. It should be recognised that the general depot use covering the wider site could potentially generate significant vehicle movements without the benefit of modern planning restrictions. Provision is made to separate trade and public vehicles within the site and all internal HGV movements associated with the proposals would be supervised by a banksman. It is not considered that highway refusal of the current proposals could be justified on this basis.

6.4 Residential amenity

6.4.1 Noise: A resident of The Gables to the east of the site has expressed concerns about amenity impact from increased vehicular traffic and the proposal for a lorry turning area along this boundary. This includes from engine noise, reversing alarms and from tyres negotiating a slope with loose stone chippings where the turning area is located. In response to this the applicant has proposed landscaping and fencing along this boundary and has confirmed the low level of anticipated HGV movements. A resident has expressed concern that as the site is 2m lower than The Gables the proposed 1.8m timber boarded fence would not succeed in providing appropriate acoustic screening for this property. However, the height differential with The Gables is considered favourable with respect to noise attenuation.

6.4.2 Public Protection has recommended a 2.5m acoustic fence adjoining The Gables and, if this is not feasible, then a noise assessment condition. The applicant has shown a 1.8m fence along this margin, hence a noise assessment would be required. An appropriate condition covering this matter has been recommended. Given however the anticipated very low level of HGV movements associated with the proposed development and the ability to also impose an hours of working restriction it is not considered that the current proposals would in themselves be likely to result in an adverse amenity impact to this property. A condition has also been recommended

requiring a review of surfacing material for the lorry turning area with the objective of achieving a quieter running surface by compaction and / or use of quieter surface material.

6.4.3 As noted above, it should be recognised that the existing depot permission could potentially generate a significant level of HGV movements within the remainder of the site. The recommended noise and re-surfacing conditions would therefore represent an improvement relative to the existing situation.

6.5 Other considerations

6.5.1 Swifts: No ecology comments have been received on the basis that the site is currently an open yard area with no habitat interest. The Ludlow Swifts Group has requested that a condition is imposed requiring installation of Swift nesting boxes. Whilst this is supported in principle on biodiversity grounds a condition covering this would not meet relevant legal tests. An advisory note seeking a voluntary commitment to deliver this is therefore being recommended instead.

6.5.2 Development precedent: Some objectors have expressed concerns that the proposals could establish a precedent for further development of the site. A concern has also been raised that any future development of the site could seek to establish a through route for HGV's from land to the rear of the site to Lower Galdeford. These matters are not material to the current application which seeks a mixed retail, office and warehousing use for a specific part of the wider depot site.

7.0 **CONCLUSION**

7.1 The wider site is a brownfield location which benefits from permission for a depot use. The principle of warehousing with some public sales has already been established on the immediately adjacent warehouse unit.

7.2 The current scheme has been amended in response to the planning consultation process and the officer considers that the design can now be accepted as appropriate in this location. The development also represents a significant improvement relative to the existing 'standard' warehouse building to the east. The building would be set against the backdrop of the Telephone Exchange building. The proposed amended design and associated landscaping would break up the form of this larger 1960's building, resolve the current open and unfinished appearance of the yard area and some variety to the street scene.

7.3 The current proposals would also potentially prevent a more intensive use from coming forward instead at the site and would offer the opportunity to provide some amenity improvements relative to the current situation in the wider depot site.

7.4 Subject to the recommended conditions it is considered that the proposals are compliant with current development plan policy and national guidance. The scheme represents sustainable development for which the 'presumption in favour' should apply. Approval is therefore recommended subject to conditions in appendix 1.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

8.1.1 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 three months after the grounds to make the claim first arose.

8.1.2 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

8.2.1 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

8.3.1 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

9.1 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.

10.0 BACKGROUND

10.1 RELEVANT PLANNING HISTORY:

- 12/00467/FUL Installation of twin walled flue to exit existing boiler room and rise up the external elevation of the building to roof level following replacement/upgrading of existing LPHW heating equipment in basement boiler room APPRET 30th May 2012
- PREAPP/14/00594 Proposed works to existing Arqiva Transmitting Station (Permitted Development) - replace existing antennas x 3 PDDEV 11th November 2014
- PREAPP/15/00534 Installation of electronic communication apparatus under the relevant condition of the Electronic Communications Code (Conditions Restrictions) Regulations 2003. PDDEV 20th November 2015
- SS/1/09/21646/F Installation of 3 x antennas fixed to existing pole supports and provision of small equipment cabinet PERCON 18th May 2009
- SS/1977/262/P/ Alterations to provide two new offices in existing battery and power room. PERCON 1st July 1977
- SS/1975/511/P/ Erection of extension to existing welfare and assembly building. PERCON 21st November 1975
- 09/03584/COU Change of use of vacant land to interim works to area of land adjacent to existing works unit for display of garden sheds, greenhouses and general landscaping materials WDN 2nd February 2010
- 10/00425/COU Change of use of vacant land to interim works to area of land adjacent to existing works unit for display and sale of garden sheds, greenhouses and general landscaping materials GRANT 31st March 2010
- 13/05045/FUL Formation of new vehicular and pedestrian access (existing to be closed with realigned boundary wall) GRANT 27th January 2014
- SS/1980/520/P/ Erection of a building to provide stores, workshop and amenity facilities. Formation of a turning and parking area and alterations to vehicular and pedestrian access. REFUSE 26th September 1980
- SS/1980/715/P/ Erection of a building to provide workshop and amenity facilities, provision of parking and turning areas and alterations to existing access. PERCON 17th December 1980
- SS/1978/467/O/ Demolition of existing buildings retaining existing offices, erection of new depot and store building and formation of new vehicular access. PERCON 22nd September 1978
- SS/1978/673/P/ Use of land as vehicle parking. PERCON 12th January 1979
- SS/1976/384/P/ Proposed residential development and alteration of existing vehicular access. REFUSE 19th November 1976
- SS/1/05/17616/F Change of use of storage unit to funeral parlour. WDN 31st October 2005
- SS/1/06/18952/F Change of use of Severn Trent Water Depot to warehouse with ancillary retail area to trade and public of windows and associated products. PERCON 3rd January 2007

Relevant Planning Policies

Central Government Guidance:

- National Planning policy Framework

Shropshire Core Strategy:

- CS3 The Market Towns and other Key centres
- CS4 Hubs and Clusters
- CS5 Countryside and Greenbelt seeks to limit development in the countryside to that which needs to be there and makes it clear that in assessing proposals account will be taken of the impact on the character of the countryside.
- Policy CS6: Sustainable Design and Development Principles is concerned, amongst other things, with ensuring new development protects, restores, conserves and enhances the natural, built and historic environment. The policy also seeks to ensure that there is sufficient infrastructure capacity to cope with any new development.
- CS11 Type and affordability of Housing;
- Policy C17: Environmental Networks endeavours to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- CS18: Sustainable water management.

SAMDev Plan:

- MD1 – Scale and Distribution of Development allocates sufficient land in the period up to 2026 to enable the delivery of the amount and distribution of housing development set out in Policies CS1 and CS2 and in the SAMDev site allocation policies including S10 (Ludlow).
- MD2 – Sustainable Design is concerned, amongst other things, with respecting locally distinctive or valued character, including the historic context.
- MD3 – Delivery of Housing Development;
- Policy MD8: Infrastructure Provision specifies that new development will only take place where there is sufficient existing infrastructure capacity or where development includes measures to address a specific capacity shortfall which it has created.
- MD12: The Natural Environment indicates that proposals that are likely to have a significant adverse effect, directly, indirectly or cumulatively on a range of matters, including visual amenity or landscape character and local distinctiveness, will only be permitted if there is no satisfactory alternative and the social and economic benefits of the proposal outweigh the harm.
- MD13: The Historic Environment
- S10: Ludlow Area

Relevant Planning History:

11. ADDITIONAL INFORMATION

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NXKA9RTDJ1R00>

List of Background Papers: Planning application form for application reference 15/04158/OUT and accompanying design and access statement and plans

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr. Vivienne Parry

Appendices: APPENDIX 1 - Conditions

APPENDIX 1 – CONDITIONS AND INFORMATIVES

CONDITIONS

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in full compliance with the submitted plans and details, unless specific approval for any variation in its design or external materials is granted by the Local Planning Authority.

Reason: To ensure that the development is implemented in accordance with the approved details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

Highway and access

3. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4. No development shall take place until details of the measures to be taken to provide adequate access and facilities for disabled people have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied.

Reason: To ensure adequate facilities for the disabled, in accordance with adopted policy.

- 5a. Full details of the proposed surface water drainage system for the site including the proposed maintenance regime shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of the development. The development shall be constructed strictly in accordance with the approved drainage details.

- b. No drainage or effluent from the proposed development shall be allowed to discharge in to any highway drain or over any part of the public highway.

Reason: To ensure appropriate provision is made for drainage of the site.

Landscaping and Ecology

- 6a. Details of planting and landscaping specifications shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be carried out in accordance with the approved scheme prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. The submitted scheme shall include:
- a. Planting plans, including wildlife habitat and features (e.g. hibernacula)
 - b. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - c. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
Native species used to be of local provenance (Shropshire or surrounding counties)
 - d. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e. Implementation timetables
- b. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, 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.

7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

- 8a. Subject to condition 9b, prior to commencement a noise assessment report shall be submitted to the local planning authority for approval in writing. The report shall state any mitigation measures required to ensure that the proposed development does not increase background noise at nearest residential receptors. Any mitigation measures proposed and approved shall be implemented and maintained in perpetuity.
- b. The requirements of Condition 8a shall apply unless an acoustic fence 10kg per square metre in density to a height of 2.5m is provided above ground level for the length of the eastern boundary of the proposed site.

Reason: to protect the health and wellbeing of nearby residents and protect the amenity of residential properties.

9. A scheme providing details and a timescale for surfacing improvements within the lorry turning area in order to provide a quieter running surface shall be submitted for the approval in writing of the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: to protect the health and wellbeing of nearby residents and protect the amenity of residential properties.

10. Prior to commencement of the development a detailed internal layout plan indicating exactly which areas of the building would be occupied by the proposed A1, A2 and B8 uses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To define the locations for the individual uses within the building in accordance with the approved details.

11. A scheme confirming details of proposed numbers of heavy vehicle movements to and from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The scheme shall confirm how heavy vehicle movements shall be managed in order to ensure that the number of movements using the vehicle turning area is appropriately controlled in the interests of residential amenity.

Reason: To protect the amenities of residents living near to the vehicle turning area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order modifying, revoking or re-enacting that Order), the building hereby permitted shall be used only for the following uses as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose:

- i. A1 (non-convenience) retail uses not exceeding a maximum of 250m² within the building;
- ii. A2 office use;
- ii. B8 storage or distribution use.

Reason: To protect the amenities of neighbouring residents and the character of this part of the Shropshire Hills Area of Outstanding Natural Beauty (and in accordance with Policies CS5 and CS6 of the Shropshire Core Strategy).

- 13a. No deliveries in connection with the operations hereby approved shall take place before 0730 hours or after 1900 hours on Weekdays and between 0730 and 1300 hours on Saturdays. There shall be no deliveries on Sundays and Bank / Public Holidays.

- b. Public sales shall not take place other than between 09.00hrs and 17.30hrs on Mondays to Saturdays, between 10.00hrs and 16.00hrs on Sundays and shall not take place on bank or public holidays.

- b. Hours of working for the construction phase shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays. There shall be no construction work on Sundays, Public or Bank Holidays.

Reason: to protect residential amenity.

14. Public parking in connection with the permitted development shall not take place within the permitted site other than in the designated parking bays in front of the eastern elevation of the building as shown on the approved layout plan.

Reason: To ensure public parking within the permitted site is appropriately controlled in the interests of residential amenity and vehicle safety.

Informative Notes:

Highway and Access:

- i. *Works on, within or abutting the public highway*

This planning permission does not authorise the applicant to:

- *construct any means of access over the publicly maintained highway (footway or verge) or*
- *carry out any works within the publicly maintained highway, or*
- *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
- *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*
- *The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details*

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

- ii. *Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. Section 38 Agreement details. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to:*

Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into. <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

- iii. *Affected street lighting or illuminated signs: This permission does not authorise the re-siting of any street lighting columns or illuminated road traffic signs affected by the proposed development. The applicant should contact Shropshire County Council, for the*

necessary approval. Precise details of all works within the public highway must be agreed with Shropshire Council.

- iv. *Design of street lighting for Section 38/278: The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 38 and/or 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.*

Drainage:

- v. *No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*
- vi. *The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. The use of soakaways should be investigated in the first instance for surface water disposal. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage details and calculations to limit the proposed discharge, for the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event as in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems dated March 2015.*
- vii. *If non permeable surfacing is used on the new access, lorry turning area and car parking area or the new access slopes towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.*
- viii. *As part of the SuDS, the applicant should consider employing measures such as the following:*
- *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access, lorry turning area and car parking area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*

Ecology

- ix. *The developer is encouraged to make provision for the installation of at least one swift box on the façade of the proposed building in the interests of biodiversity. Details of appropriate bird box facilities can be provided by Shropshire Council's Natural Environment (Ecology) service.*

NOTES

1. 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.
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.

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Committee and date

South Planning Committee

19 July 2016

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 16/01723/FUL	<u>Parish:</u>	Stoke St Milborough
<u>Proposal:</u> Erection of 1 dwelling and installation of septic tank following demolition of existing barn		
<u>Site Address:</u> Barn South East Of Stoke Lodge Stoke St Milborough Shropshire		
<u>Applicant:</u> Mr Alan Grieve		
<u>Case Officer:</u> Luke Ashley	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 356937 - 280672		



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Recommendation:- Refuse subject to the conditions set out in Appendix 1.

Recommended Reason for refusal

1. The location of the proposed ancillary accommodation is considered divorced from the host dwelling know as Stoke Lodge and as such it is considered as being an open market dwelling rather than as a granny annex. There are no recognisable signs of dependency between the proposal and the host dwelling and the LPA do not therefore consider that the proposal could in any manner be considered as an ancillary building. Such an open market dwelling is therefore considered inappropriate due to its resultant isolated and sporadic nature within the open countryside resulting in a reliance upon vehicular modes of transit, and this unsustainable proposal is considered to be contrary to Core Strategy Policy CS5 and SAMDev policies MD1, MD2, MD7a and the aims and provisions of the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The application relates to the demolition of a detached barn building and the erection of a single storey **restricted occupancy residential dwelling**.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Access to the site is via the existing track that connects the agricultural buildings to the rest of the Stoke Lodge range of buildings and subsequently to the highway network via an existing access onto the minor road.
- 2.2 Existing built development within close proximity to the site comprises the main house of Stoke Lodge and an historic range of buildings, all of which are constructed of red brick, timber frame and clay roof tiles and more recent agricultural buildings of steel frame and corrugated sheet construction. The site is also set within the Shropshire Hills AONB.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The local ward councillor has provided views contrary to the Officers recommendation. The Principal Planning Officer, in consultation with the Committee Chairman and Vice Chairman consider that the ward councillor has raised material planning issues and the application should be determined by committee.

4.0 Community Representations

1no supporting statement has been submitted however there is no record of the content of this submission.

4.1 - Consultee Comments
 SUDS – no objections subject to conditions
 SC Highways – no objection subject to conditions
 SC Conservation – no objection subject to conditions
 SC Ecology - In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

4.2 - Public Comments

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, and the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD). The Council has also produced and now formally adopted a Site Allocations and Management of Development Plan (SAMDev). Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given significant weight in the determination of planning applications.

The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.

Additions to existing dwellings are accepted in principle under the Supplementary Planning Document (SPD) on the Type and Affordability of Housing, which supports Core Strategy Policy CS11. Whilst this does not refer specifically to detached outbuildings it is recognised that there is not normally a conflict with policy provided that such developments would be used in connection with and remain ancillary to the occupation of the existing property as a single dwelling unit.

In this instance the proposal demonstrates a completely separate planning unit which is more akin to a completely separate dwellinghouse. There are no physical

links to the host property, nor could one visualise any real material relationship between this building and Stoke Lodge in terms of its use. The property is in any assessment a completely separate unit and this therefore could not be considered as ancillary to the host structure under any assessment.

In light of this the proposal needs to be assessed under policies which reflect open market proposals within the open countryside and in this instance policies CS4 and CS5 are relevant.

Policy CS4 pays reference to Community Hubs and Cluster and is backed up by SAMDev policy S7.2 (III). Policy CS4 states that in the rural area, communities will become more sustainable by:

- Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5;
- Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement;

Policy CS5 of the 'Shropshire Local Development Framework: Core Strategy states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, the policy identifies specific types of development including dwellings for agricultural, forestry or other essential countryside workers or other affordable housing / accommodation to meet a local need

The supporting statement submitted with the application considers the site to be within the 'Cluster' of Stoke St Milborough, Hopton Cangeford, Cleestanton and Cleedownton however the LPA contends that this statement is incorrect. The site is clearly located in a position which does not relate in any material way to any of the three surrounding settlements and should could only be classified as open countryside. Further, policy S7.2 (III) of SAMDev states that infilling and conversions on small scale sites to meet local demand in the 'Cluster' will deliver around 10 dwellings in the period to 2026. The proposed site for the dwelling is in open countryside; well outside any of the Cluster settlements. The proposal is essentially for a new 'market' dwelling and it would not meet any of the criteria set out in Core Strategy Policy CS5.

In this regard it is concluded that the principle of development has not been justified either in terms of demonstrating that the proposal will be ancillary to the host property, nor has it been demonstrated that the fall back position of open market housing can be justified under both Countryside policy CS5 or the Community Hubs and Cluster approach advocated within both the Core Strategy and SAMDev under policy CS4.

- 6.2 Siting, scale and design of structure
6.2.1 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

It further states that that all development:

Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

Policy MD12 states that In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by;

Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness. will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

The proposal forms part of Stoke Lodge farmstead that is recorded on the Shropshire HER as part of the Historic Farmsteads Characterisation Project. The site also falls within the Shropshire Hills AONB. According to the historic mapping, a barn has been located in this location for a considerable period of time (though may have consisted of an earlier structure), separated by a copse from the main

principal farmstead. The principal farmhouse is considered to be a non-designated heritage asset and therefore the proposal should be assessed in terms of its setting as well as the overall landscape setting.

The councils' conservation team have commented that this is an interesting scheme where the proposed design is a contemporary solution, using the Dutch Barn existing design as opposed to a more vernacular type scheme. It was further commented that the Dutch Barn design has interest especially in terms of the roof profile and often form part of many farmsteads across the County. The existing and proposed structures form an interesting composition as a whole and it is supported that the new scheme will retain this composition. Such designs make an interesting contrast to the more vernacular type structures and overall the scheme is considered to be an innovative solution that is welcomed where it should not have an adverse impact upon the overall setting of the farmstead or the wider landscape.

6.3 Ecology

6.3.1 The objection received from Shropshire Ecology is that there has been insufficient detail provided within the Environmental Statement accompanying the application for the council to appropriately assess. The conclusion is therefore that further survey work is required before any reasonable conditions or final consent can be legally granted by the Local Planning Authority.

7.0 CONCLUSION

The proposal has been represented as a restricted annex building which would be used in an ancillary manner to the dwelling at Stoke Lodge farmstead. Although annex buildings are considered acceptable in principle, it is also recognised that such a proposal needs to recognisably relate to the host structure. In this regard the new building would in no way relate to Stoke Lodge farmstead and it is therefore considered that the development represents an open market dwelling within the countryside. Ancillary buildings of this nature are by their very nature, dependant upon the host structure and the LPA has therefore assessed the proposal against policy CS5 which prohibits open market dwellings within the countryside. The proposal does not comply with policy CS5, nor does it comply with policy CS4 due to the sites obvious divorce from the surrounding named settlements and as such is recommended for refusal.

It is also concluded that the applicant has not submitted enough information to reasonably allow the authority to determine whether any harm would result from granting the consent. Furthermore, a refusal in this instance is therefore recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/15/00447 Proposed Dwelling PREUDV 22nd December 2015
16/01723/FUL Erection of 1 dwelling and installation of septic tank following demolition of existing barn PDE

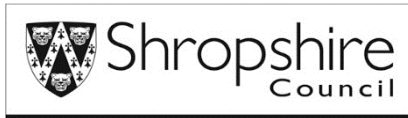
11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O5Y21XTDLUG00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Cecilia Motley
Appendices

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Committee and date

South Planning Committee

19 July 2016

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 19 JULY 2016

LPA reference	15/03937/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Russell's Caravan Park Ltd
Proposal	Change of use of part of recreational area for additional 30 pitches to extend existing caravan park
Location	Russells Caravan Park Kidderminster Road Quatford Bridgnorth WV15 6QJ
Date of appeal	06/07/2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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