



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

Date: Monday, 3 October 2016

**Committee:  
South Planning Committee**

**Date:** Tuesday, 11 October 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**

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](mailto: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 13 September 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, 6 October 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 The Sidings, Snailbeach, Shrewsbury, SY5 0LT (14/05151/OUT) (Pages 7 - 24)

Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved).

## 6 Dun Cow Farm, Rocks Green, Ludlow, Shropshire, SY8 2DS (14/05573/OUT) (Pages 25 - 70)

Outline application for the erection of a new foodstore (Use Class A1), associated petrol filling station, and associated car parking to include access.

## 7 Land Adjacent To Telephone Exchange, Lower Galdeford (16/01156/FUL) (Pages 71 - 94)

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.

## 8 Proposed Affordable Dwelling To The North Of Green Lane, Onibury, Shropshire (16/02270/FUL) (Pages 95 - 106)

Erection of affordable dwelling and detached outbuilding; formation of vehicular access.

## 9 Land To West Of Callaughton Lane And To The South Of Oakfield Park, Much Wenlock, Shropshire (16/02910/FUL) (Pages 107 - 144)

Erection of 12 No. affordable dwellings with associated parking, roads, landscaping, sustainable drainage scheme and enhanced access from the Callaughton Lane.

**10 Schedule of Appeals and Appeal Decisions (Pages 145 - 150)**

**11 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, 8 November 2016, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

11 October 2016

## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 13 September 2016**

**2.00 - 3.58 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk    Tel: 01743 257716

### **Present**

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Nigel Hartin, Richard Huffer, John Hurst-Knight, William Parr, Madge Shington and Robert Tindall

### **30 Apologies for Absence**

An apology for absence was received from Councillor Tina Woodward.

### **31 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 19 July 2016 be approved as a correct record and signed by the Chairman.

### **32 Public Question Time**

There were no public questions received.

### **33 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 debate.

With reference to planning applications 15/04383/FUL and 16/02115/AGR, Councillors Andy Boddington and Robert Tindall declared that they were members of The Shropshire Hills AONB Partnership.

With reference to planning applications 15/04383/FUL and 16/02115/AGR, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board.

With reference to planning application 16/02115/AGR, Councillor Robert Tindall declared that he was the Deputy Portfolio Holder for Estates and Built Assets.

**34 Land Off Tanyard Place, Shifnal, Shropshire (14/04245/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

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

**RESOLVED:**

That Planning Permission be granted as per the Officer's recommendation, subject to the Conditions set out in Appendix 1 to the report.

**35 Proposed Dwelling South Of Cargan, All Stretton, Shropshire (15/04383/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Evans, as local Ward Councillor, left the room, took no part in the debate and did not vote on this item.

The Vice Chairman took the Chair for this item.

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

**RESOLVED:**

That Planning Permission be granted as per the Officer's recommendation, subject to:

- Appropriate conditions with regard to materials, access, landscaping and drainage; and
- Removal of Permitted Development Rights.

(The Chairman returned to the meeting and resumed the Chair.)

**36 Stone House, Corve Street, Ludlow, Shropshire (16/02033/FUL)**

The Planning Consultant introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit that morning and

had viewed the site and assessed the impact of the proposal on the surrounding area.

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

Councillor M Clarke, representing Ludlow Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr C Geddes, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, Mr Geddes explained that extensive research had shown that one space per every three units worked effectively and this proposal included a parking space ratio of 0.46 which was more than the suggested parking provision; the parking provision would be sufficient to accommodate those who wanted to retain their cars; the proposal included on-site provision for the storage of mobility scooters; this was a scheme for the "active elderly" so there would not be a need for carers and associated parking on site, however there was ample provision for parking of cars nearby; and the town centre was close and within walking distance.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andy Boddington, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He acknowledged that the site should be developed and was sustainable and suitable for a retirement development. It was close to retail outlets and had bus stops either nearby or directly outside of the development;
- The proposal constituted overdevelopment. A reduction in the number of dwellings would ease parking concerns and lower the impact on the surrounding area and be more in keeping with the Conservation Area;
- He expressed concerns that the detail of the scheme was the subject of conditions. More information should have been made available for Members to consider at the meeting; and
- With reference to the suggestion that the dormer windows on the stable block could be moved to face southwards he commented that, although this would reduce in the overlooking of Stone House, it would mean that south facing windows would look into the properties along Station Drive and should not be permitted.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members commented that this was a rural area and reliance on cars was high and continued to express their concerns regarding the parking provision. In response to further concerns from Members regarding landscaping and traffic management and recycling/disposal of waste during the construction/development of the site, the Planning Consultant drew Members' attention to the conditions that would be attached to any permission which would

ensure the submission and approval of a Construction and Environmental Method Statement and Landscaping Plan prior to any works taking place.

**RESOLVED:**

That Planning Permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure the four dwellings contained in the stable conversion as affordable dwellings and a financial contribution of £110,000 towards affordable housing; and
- The Conditions as set out in Appendix 1 to the report, subject to the following Conditions being amended to read as follows:

23. A minimum of 20 artificial swift nests of integrated 'brick' design shall be incorporated into the building(s) during construction. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority before commencement of the development (excluding demolition), and the scheme shall then be undertaken in accordance with the agreed details.

**Reason:** To ensure the provision of nesting opportunities for swifts.

25. The new sheltered accommodation building shall be served by a single communal TV aerial and satellite reception system, full details of which (including siting) shall be submitted to the local planning authority for approval in writing before commencement of development (excluding demolition). The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and to preserve and enhance the character of the surrounding Ludlow Conservation Area.

29. Notwithstanding what is shown on the approved drawings, all windows on the western and southern ends of the hereby approved sheltered accommodation building shall be obscure-glazed and non-opening, except for the two kitchen windows on the southern end elevation which shall have opening restrictors fitted, details of which shall be submitted to and agreed in writing by the local planning authority in advance of commencement of development (excluding demolition works). The approved works shall be implemented prior to the first occupation of the building and shall be retained and maintained as such in perpetuity.

**Reason:** To prevent overlooking of adjoining properties in the interests of residential amenity.

**37 The Willows, Long Lane, Craven Arms, Shropshire, SY7 8DU (16/02115/AGR)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Evans, as local Ward Councillor, left the room, took no part in the debate and did not vote on this item.

The Vice Chairman took the Chair for this item.

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

**RESOLVED:**

That, as per the Officer's recommendation, the prior approval under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) be approved, subject to the Conditions as set out in Appendix 1 to the report.

(The Chairman returned to the meeting and resumed the Chair.)

**38 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 13 September 2016 be noted.

**39 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, 11 October 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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**Recommendation:** Grant Outline planning permission subject to the conditions set out in the minutes to the Committee meeting of 3<sup>rd</sup> November 2015 relating to a construction method statement and a stability report in respect of the boundary wall.

## **1.0 Purpose of report**

1.1 Planning Committee Members considered this application, which seeks outline planning permission to erect an open-market dwelling plus approval of the means of access, on 3<sup>rd</sup> November 2015. At that meeting Members resolved, contrary to the officer's recommendation, that permission should be granted subject to:

- a Section 106 legal agreement to secure an appropriate affordable housing contribution;
- conditions requiring prior approval of a construction method statement and a stability report in respect of the existing boundary wall; and
- an informative note advising on the need for the scale and design of the proposed dwelling to respect its setting.

1.2 The purpose of this report is to allow Members to consider whether or not to permit the scheme without the Section 106 agreement securing an affordable housing contribution.

1.3 The original officer's report and recommendation considered at the November 2015 meeting are attached to this report as Appendix A.

## **2.0 Affordable housing contribution**

2.1 Members will recall that on 28<sup>th</sup> November 2014 the Minister of State for Housing and Planning, Brandon Lewis MP, issued a Written Ministerial Statement (WMS) announcing that planning obligations should not be used to secure affordable housing contributions in connection with developments of 10 units or less (and with a maximum combined gross floor space of 1,000sqm), or 5 units or less in Designated Rural Areas. The latter are defined under Section 157 of the Housing Act 1985, and now include many rural parishes in Shropshire as well as the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

2.2 Reading and West Berkshire Councils sought to challenge the WMS at the High Court. On 31<sup>st</sup> July 2015 it was quashed by Mr Justice Holgate, and the Government subsequently withdrew its associated Planning Practice Guidance (PPG). From this point Shropshire Council continued to apply its own affordable housing policy.

2.3 The Government challenged Mr Holgate's decision through the Court of Appeal, which overturned it on 11<sup>th</sup> May 2016. Consequently the WMS still applies. Furthermore the Housing and Planning Act gained Royal Assent on 12<sup>th</sup> May 2016, giving the Government power to achieve the same result (i.e. to set minimum thresholds for requiring affordable housing contributions) via secondary legislation.

2.4 In addition the Planning Inspectorate had already taken the stance that the WMS was a material consideration to be given significant weight in planning appeals, in accordance with the Secretary of State's position. The Court of Appeal confirmed this view that, like the National Planning Policy Framework (NPPF), the WMS constitutes

policy as opposed to mere guidance, and that the Secretary of State is entitled to give greater weight to his policy if it conflicts with a development plan.

- 2.5 At this juncture Shropshire Council accepts that, despite the development plan remaining the starting point for planning decisions, the WMS is a *significant* material consideration and one which is more up-to-date than its own policies. The Council will not generally require an affordable housing contribution in connection with schemes where the aforementioned thresholds would not be met (See paragraph 2.1 above).

### **3.0 Recommendation**

- 3.1 In this case the site is within the Shropshire Hills AONB and hence is a Designated Rural Area under the Housing Act, but the proposal is for a single dwelling whose floor area would clearly be below 1,000sqm. Members considered previously that the scheme met the three (economic, social and environmental) dimensions of sustainable development, and the minutes of the November 2015 meeting give no indication that the affordable housing contribution then required as standard was a significant factor in the decision to overturn the officer recommendation and grant planning permission. It should also be noted that affordable housing contributions have not been required in connection with several recent approvals for new housing in other settlements forming part of the same 'Community Cluster' as Snailbeach village.
- 3.2 In view of the above, and particularly given the substantial weight which must now be attached to the WMS, it is considered the Council would have little defensible case in refusing the application solely on the basis of the lack of an affordable housing contribution. Consequently Members may now wish to grant planning permission without a contribution.

**APPENDIX A**

**COPY OF OFFICER REPORT AND RECOMMENDATIONS  
CONSIDERED AT 3<sup>RD</sup> NOVEMBER 2015 SOUTH PLANNING COMMITTEE**



Committee and date
South Planning Committee
3 November 2015

**Development Management Report**

Responsible Officer: Tim Rogers  
email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

**Summary of Application**

<b>Application Number:</b> 14/05151/OUT	<b>Parish:</b>	Worthen With Shelve
<b>Proposal:</b> Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)		
<b>Site Address:</b> The Sidings Snailbeach Shrewsbury SY5 0LT		
<b>Applicant:</b> Mrs C M Challinor		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Recommendation:** Refuse

**Recommended reasons for refusal:**

1. A new open-market dwelling in this location beyond the established built-up areas of the settlements of Snailbeach and Crowsnest would be contrary to Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, and would not represent sustainable development under the National Planning Policy Framework.
2. The further encroachment of sporadic ribbon development into the essentially open and rural landscape which currently separates the settlements of Snailbeach and Crowsnest would detract from the setting of the Snailbeach Conservation Area and the character and scenic quality of the Shropshire Hills Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework and Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

3. On account of its elevation above the adjacent highway the development would appear unduly prominent and overbearing. It would, therefore, detract from the street scene and from key public views into the Snailbeach Conservation Area, contrary to the National Planning Policy Framework and Policies CS6 and CS17 of the Shropshire Council Local Development Framework Core Strategy.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission to erect an open-market dwelling at the above site. Also sought at this stage is approval of the means of access. However, matters of appearance, landscaping, layout and scale are reserved for consideration under a separate application, and in these respects the plans should be regarded as indicative.
- 1.2 The scheme is a revised resubmission of application No. 14/01271/OUT, which was withdrawn after officers requested heritage and ecological assessments and raised other concerns.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a long, narrow parcel of land along the eastern side of the Class C road leading south out of Snailbeach village, a former lead mining settlement at the western foot of the Stiperstones ridge. The ground consists of terraces cut into the hillside and retained above the road by a stone wall whose height increases considerably towards the southern end. It once formed part of Snailbeach Wharf, the terminus of the Snailbeach District Railways' narrow gauge freight line from Pontesbury. In actuality the line continued southwards into a siding from which trains would reverse northeast up an inclined plane into the heart of the mine complex, which is now followed by a metalled track. An additional siding extended into the broad lower terrace on the western half of the site.
- 2.2 The railway opened in 1877 and operated sporadically until the 1950s. Little remains besides the earthworks and retaining walls of the terraces (which reflect the differing heights of the railway line and its sidings), although a small timber-framed and iron-clad shed possibly built in the 1920s survives mid-way along the lower terrace. Opposite the site entrance, meanwhile, is a brick building formerly a weighbridge office, now used as holiday accommodation and incorporated into the curtilage of a cottage further north. 'The Sidings' is a modern house at the north end of the wharf (also owned by the applicant), whilst the hillside to east is densely wooded. The site is just inside the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and its northern tip is within the Snailbeach Conservation Area.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Although the Parish Council has classified its comments as neutral, the Local Member for Shropshire Council supports the application and feels that the issues raised are significant enough to warrant consideration by the planning committee. Accordingly, and in line with the Council's adopted Scheme of Delegation, determination by the committee is required.

## 4.0 COMMUNITY REPRESENTATIONS

### 4.1 Consultee comments

#### 4.1.1 Shropshire Council Public Protection – comment:

The dismantled railway would have carried potentially contaminating material from the former lead mines, and may itself have been built on spoil or other material which could present a health risk to people residing in close proximity. It is therefore possible that the site is contaminated, and if planning permission is granted a condition should be attached to secure a site investigation report and, as appropriate, remediation strategy, implementation of the remediation strategy, reporting and remediation of any further contamination uncovered during the construction phase, and a verification report.

#### 4.1.2 Shropshire Council Flood and Water Management – comment:

Full details of the proposed surface water soakaways, to include percolation test results, sizing calculations and a layout plan, should be submitted for approval. A silt trap or catch pit should be installed upstream of the drainage field. If soakaways are unfeasible, details of an appropriately designed attenuation system should be submitted instead. Additionally, measures to intercept surface water run-off should be provided if non-permeable surfacing would be used for any parking areas or driveways which would slope towards the highway, and the incorporation of other sustainable drainage systems (SuDS) should be encouraged through an informative.

4.1.3 Regarding foul drainage, any connection to the mains sewer would require consent from the utility provider.

4.1.4 All of the above details could be secured by condition for approval at the reserved matters stage.

#### 4.1.5 Shropshire Hills AONB Partnership – comment:

The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

#### 4.1.6 English Heritage – no objection:

No detailed comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

#### 4.1.7 Shropshire Council Affordable Housing – comment:

Core Strategy Policy CS11 and the accompanying Supplementary Planning Document require all new open-market residential development to contribute towards affordable housing provision. Here a financial contribution based on the target rate prevailing at the date of the reserved matters submission would need to be secured through a Section 106 agreement.

4.1.8 Shropshire Council Historic Environment (Archaeology) – comment:

This scheme involves new-build construction on a site that has a direct linear/functional link via the former railway (Historic Environment Record No. PRN 01344) with Snailbeach Lead Mine (PRN 0984). Parts of the mine complex are a scheduled monument which also includes sections of the railway. Most of the railway trackbed appears to have been removed in the past, and in parts has been built on following the infilling of a former cutting to the north of the application site. However, the current proposal relates to land on rising ground which previously incorporated parts of the railway sidings, and which on account of its elevation might theoretically retain some archaeological evidence relating to the railway.

4.1.9 In previous cases English Heritage has acknowledged that ancillary features with strong links to a scheduled site can be regarded as having equal significance, and consequently should be considered under policies on designated heritage assets (NPPF Paragraph 139). In this case a Heritage Statement and Impact Assessment has been submitted. This provides a comprehensive history including of the railway and its relationship with Snailbeach Wharf. It states that the principal significance of the remains located within the proposed development site lies in the surviving terracing, the engineering involved and its historic relationship with Snailbeach Mine, and concludes that despite some of these relationships having been severed by later developments the terrace walls and track formation should be preserved. It suggests that the development proposals would include provision for this, with minimal loss of original fabric, and also concludes that there are unlikely to be any significant buried archaeological deposits which might be disturbed by the development.

4.1.10 The Council's Archaeology Team concurs with these findings, but suggests that conditions are used to:

- secure prior approval of any scheme to renovate or restore the terraces and other earthworks at the site;
- secure a programme of archaeological work which includes provision for the recording of historic fabric; and
- ensure the Historic Environment Team is notified before groundworks commence and afforded reasonable access to monitor such works.

4.1.11 Worthen with Shelve Parish Council – no objection

4.1.12 Severn Trent Water – comment:

No objection subject to inclusion of a condition requiring prior approval of surface water and foul drainage systems.

4.1.13 Natural England – comment:

The application site is close to the European-designated Stiperstones and Hollies Special Area of Conservation (SAC). Shropshire Council should therefore undertake screening in accordance with the Habitat Regulations Assessment (HRA) procedure, although in Natural England's view the proposed development is unlikely to have any significant effect on the SAC and can therefore be screened out from any requirement for further stages of assessment.

- 4.1.14 The SAC is also notified at the national level as a Site of Special Scientific Interest (SSSI). Again, however, given the nature and scale of the proposal it is unlikely to damage or destroy the SSSI's interest features, and so the SSSI does not represent a constraint.

The local planning authority should also consider possible impacts upon locally designated biodiversity and geological sites, local landscape character and protected species and habitats, as well as opportunities for biodiversity enhancements.

- 4.1.15

Shropshire Council Highways Development Control – comment:

- 4.1.16 No objection subject to conditions requiring the submission of details of parking and turning provision at the reserved matters stage, and the provision of 2.4 x 43-metre visibility splays at the junction of the private drive with the public highway. The latter would include land to the north which is owned by the applicant, and which should be included within the red outline denoting the application site.

Shropshire Council Ecology – comment:

- 4.1.17 Following Natural England's comments the Council's Ecology Team has completed HRA screening. It is concluded that there are no likely significant effects on the nearby SAC. The screening matrix should be included within the planning officer's report.

- 4.1.18 An ecological assessment has been completed by a licensed ecologist. Although the SSSI's interest features would not be affected provided the development is carried out in strict accordance with the submitted details, this should be reinforced by condition. Similarly some notable and protected species are recorded, and these should be protected through a condition requiring a biodiversity conservation plan. This should identify:

- wildlife protection zones where construction activities would be restricted and protective measures would be implemented; and
- details of protective measures, based on the recommendations of the ecological assessment, to avoid impacts on and secure enhancements in respect of protected habitats, bats, slow worms/reptiles, hairy wood ants and nesting birds.

An informative regarding the legal status of nesting birds should also be attached.

## 4.2 Public comments

- 4.2.1 None

## 5.0 THE MAIN ISSUES

- Principle of development
- Affordable housing
- Layout, scale and design
- Impact on historic environment
- Impact on landscape
- Residential amenity
- Access and highway safety
- Ecology
- Other matters raised in representations

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the emerging SAMDev plan. Isolated or sporadic development in open countryside is unacceptable unless there are exceptional circumstances.
- 6.1.2 Snailbeach is not a settlement designated for development under any *current* planning policy (i.e. 'saved' Policies SDS3 and S1 of the former South Shropshire Local Plan). However, officers consider that its inclusion as a component of a proposed 'Community Cluster' under Policies MD1 and S2 of the SAMDev Pre-Submission Draft can now be afforded considerable weight since this plan is at an advanced stage in the process towards formal adoption. Significantly the Secretary of State Inspector has identified the main modifications needed to make the SAMDev policies 'sound', and thus any plan content *not* subject to modification (which includes Policies MD1 and S2) may already be considered sound in principle in accordance with NPPF Paragraph 216.
- 6.1.3 Policy S2 gives a guideline of approximately 15 additional dwellings across this particular Cluster. Besides conversion projects the target will be met through infill development on suitable small-scale 'windfall' sites within the named settlements, which also include the neighbouring hamlet of Crowsnest. Since it is not proposed to designate development boundaries around the Cluster settlements the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case. However, the explanatory text accompanying Core Strategy Policy CS4 states explicitly that development must be within the settlements themselves and not in the countryside in-between.
- 6.1.4 Snailbeach is a scattered settlement whose edges are generally ill-defined, although there are distinct concentrations of housing around the former mine complex and further north. By contrast the application site is at the southern end of a loose ribbon stretching several hundred metres along the road towards Crowsnest. Moreover, on account of the plot's long, narrow shape the new dwelling would need to be positioned towards its southern extremity, in fact just 70 metres or so from the curtilage of No. 1 Crowsnest.
- 6.1.5 Despite 'The Sidings' being constructed on the northern part of the old wharf in the mid-1990s, several other proposals for new dwellings further south have been rejected. Notably, in dismissing an appeal against the refusal of application No. SS/1989/1068/P/ the Planning Inspectorate concluded that a new dwelling directly opposite the current site would extend sporadic development further into the surrounding rural landscape and "narrow the already small gap between Snailbeach and Crowsnest". The inspector continued: "it is important to retain this gap and avoid the coalescence of these settlements, which would be detrimental to the character and appearance of this attractive area of countryside". Although Snailbeach no longer has a designated development boundary the objective of concentrating new

development towards its geographical centre and maintaining its rural setting remains valid, as discussed further in Section 6.5.

#### 6.1.6

Given the above officers consider that the development would not constitute infilling within the established built-up area, and consequently that it is unacceptable in principle under Core Strategy Policy CS4 and the emerging SAMDev Plan. Whilst there are some benefits (e.g. the availability of public transport, the reuse of brownfield land, short-term construction jobs and trade, increased housing supply, affordable housing and Community Infrastructure Levy contributions and an aspiration for energy efficient construction) these would be marginal and would generally apply to all new housing in Snailbeach, irrespective of the precise location. As such they would not offset the visual harm identified and the scheme would fail to meet the NPPF's ambition for sustainable development led by an up-to-date local plan.

### 6.2 **Affordable housing**

6.2.1 Officers acknowledge the November 2014 Ministerial statement and national Planning Practice Guidance (PPG) advising against the use of planning obligations to secure affordable housing contributions. These were afforded weight in a number of recent appeal cases, although the Council contended that those decisions did not set a binding precedent since the evidence underpinning its Core Strategy Policy CS11 had not been considered fully as part of the appeal process. In any event the Government has subsequently withdrawn the relevant PPG following a successful High Court challenge (as of 31<sup>st</sup> July 2015). The Council therefore maintains its position that an appropriate contribution should continue to be sought in all cases in accordance with adopted Policy CS11 and the Housing SPD.

6.2.2 In this instance the applicant has indicated a willingness to enter into a Section 106 agreement to secure the requisite payment towards off-site provision (see Paragraph 4.1.7).

### 6.3 **Layout, scale and design**

6.3.1 Since layout, scale and appearance are all reserved matters precise details are not known. However, as mentioned above the indicative block plan shows that the dwelling would need to be sited towards the southern end of the plot, which has the greatest elevation above the road and is farthest from the neighbouring properties. Consequently even a very modest or single-storey building would appear overwhelming and unduly prominent within the street scene, particularly when approached from Crowsnest. Whilst there are examples of houses on elevated plots elsewhere in both Snailbeach and Crowsnest, most of these are set back off the main road and/or predate current planning legislation.

6.3.2 In relation to the previous application for the same site, it was suggested that the scheme would provide a three-bedroom family home in line with Parish Plan aspirations. However, because scale is a reserved matter there can be no certainty over the floor space or number of bedrooms. That said, it is worth noting that the Design and Access Statement indicates 160-180m<sup>2</sup>, which is twice the national average for a new 3-bedroom house.

### 6.4 **Impact on historic environment**

6.4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by Core Strategy Policies CS6 and CS17 and NPPF Part 12. The latter also acknowledges the importance of non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments, and recognises that an asset's significance can be harmed or lost through development within its setting.

6.4.2 As noted above the southern end of the site where the proposed dwelling is likely to be positioned is outside the conservation area. Nevertheless, and contrary to the Heritage Impact Assessment's claim that the main retaining wall screens the site from the road, officers consider that the development would on account of its elevation and prominence detract from the principal public view into the southern part of the conservation area. It would also introduce a new built element and more domestic character into outward views towards the short stretch of open countryside between Snailbeach and Crowsnest. Certainly it would fail to make a positive contribution given the site's poor relationship with the more cohesive structure and street scene of the main part of the village. The loss of the small metal shed, however, is uncontentious.

6.4.3 As noted by the Council's Archaeology Team, English Heritage (now Historic England) has indicated in comments on several previous applications for development elsewhere in Snailbeach that other ancillary features of the former lead mine should be afforded a similar level of protection as the mine complex itself, which is a scheduled monument. In this case, however, English Heritage has declined to comment specifically, whilst the Heritage Impact Assessment submitted concludes that there would be a negligible impact on the monument's setting since the application site's railway-related remains are poorly preserved and have effectively been severed from the mine complex (and indeed the north part of the former wharf) by other development. In fact, it suggests that securing a viable use for the site would result in the restoration and maintenance of the surviving terracing and retaining walls, which would otherwise be unlikely. On this basis the Archaeology Team does not object, although it remains open to debate whether the visual impact a new dwelling sited hard up against one of the terrace walls and the 'domestication' of the site in general might diminish the benefits of the restoration works. Certainly officers consider that these benefits would not outweigh the visual harm to the conservation area and wider landscape.

6.4.4 The likelihood of disturbing buried archaeological deposits is accepted as being low, and this could be controlled by conditions.

## 6.5 **Impact on landscape**

6.5.1 The Heritage Impact Assessment also opines that the impact on the wider landscape would be minimal. It argues that in distant views from the northwest the new dwelling would be set against the backdrop of the wooded hillside, and that much of the short gap between the straggling development of Snailbeach and Crowsnest is infilled already by the high terrace wall along the site frontage. However, although the terracing is a manmade feature discernible from across the Hope Valley, much of it is overgrown and the site is currently far less apparent than the scattered housing to

the left (north). A new dwelling perched on top of the retaining wall towards the southern end of the site would be difficult to screen effectively, and whilst it would not breach the skyline it would represent the encroachment of the existing ribbons of development into the essentially open and verdant countryside in-between.

6.5.2 The Local Member has suggested that the proposed dwelling would be separated from Crowsnest by the woodland in-between. However, it would in fact be a similar distance from the southernmost property on the edge of Snailbeach, and in the view of officers this reinforces the counterargument that it would not relate particularly closely to the structure of either settlement and would instead extend sporadic development into the intervening gap. Consequently it is felt that the scheme would detract from the character and intrinsic beauty of the AONB, contrary to Core Strategy Policy CS17 and NPPF Paragraph 115.

#### 6.6 **Residential amenity**

6.6.1 There are no concerns in this regard given the extent of the plot and the distances from the neighbouring properties.

#### 6.7 **Access and highway safety**

6.7.1 As suggested by the Highways Development Control Officer, precise details of parking and turning arrangements and the provision of visibility splays could be secured by condition. Although the northwards splay would extend beyond the site area, this land is also owned by the applicant and so a condition would be enforceable.

#### 6.8 **Ecology**

6.8.1 With reference to Natural England's and the Ecology Team's comments regarding the nearby SAC (and SSSI), the HRA screening matrix is attached as Appendix 2. Issues relating to protected species and biodiversity enhancements could be addressed by condition.

#### 6.9 **Other matters raised in representations**

6.9.1 Severn Trent Water and the Council's Drainage Engineer are satisfied that precise drainage details could be secured by condition, whilst the issue of contaminated land could be addressed in the same way.

### 7.0 **CONCLUSION**

7.1 A new open-market dwelling in this location beyond the main built-up area of Snailbeach village would not accord with the Council's emerging SAMDev plan or otherwise represent sustainable development in line with the NPPF, and thus the scheme is unacceptable in principle. Whilst there would be some benefits, including the potential for restoration of the terrace walls associated with the former Snailbeach District Railways, these would be modest and would not outweigh the visual harm which would result from the elevation and prominence of the proposed dwelling and the further consolidation of the loose ribbon development on the fringes of Snailbeach and neighbouring Crowsnest. In these respects the scheme would detract from the setting of the Snailbeach Conservation Area and the character of the Shropshire Hills AONB, contrary to Core Strategy Policies CS6 and CS6 and CS17. It is therefore recommended that planning permission is refused.

## **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.

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 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### **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 1970.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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

### Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS1: Strategic Approach

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Documents:

Type and Affordability of Housing

### Relevant Planning History:

SS/1989/1068/P/ – Erection of split-level house with integral garage (on opposing site) (refused December 1989; appeal dismissed October 1990)

14/01271/OUT – Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved) (withdrawn July 2014)

## 11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NF1N5WTDGIX00>

<p><b>List of Background Papers:</b> Application documents available on Council website</p>
<p><b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price</p>
<p><b>Local Member:</b> Cllr Heather Kidd</p>
<p><b>Appendices:</b> Appendix 1 – Informatives Appendix 2 – Habitat Regulations Assessment Screening Matrix</p>

## **APPENDIX 1 - INFORMATIVES**

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

**APPENDIX 2 – HABITAT REGULATIONS ASSESSMENT (HRA) SCREENING MATRIX**

**Application name and reference number:**

14/05151/OUT  
The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT  
Erection of dwelling and alterations to existing vehicular access

**Date of completion for the HRA screening matrix:**

24<sup>th</sup> June 2015

**HRA screening matrix completed by:**

Rob Mileto, Ecological Consultant to Shropshire Council

**Table 1: Details of project or plan**

Name of plan or project	14/05151/OUT The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT Erection of dwelling and alterations to existing vehicular access
Name and description of Natura 2000 site	The Stiperstones and The Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i> .  Annex I Habitats that are a primary reason for selection of site: <ul style="list-style-type: none"> <li>European dry heaths: This site in central Britain is an example of European dry heaths that contains features transitional between lowland heathland and upland heather moorland. The most extensive vegetation type present is H12 <i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> dry heath, which is characteristic of the uplands. South-facing slopes support stands of H8 <i>Calluna vulgaris</i> – <i>Ulex gallii</i> heath, a predominantly lowland vegetation community of south-west Britain. The heathland of the Stiperstones is in excellent condition because it is managed by a programme of rotational, controlled winter burning and cutting.</li> </ul> Annex I Habitats present as a qualifying feature, but not a primary reason for selection of site: <ul style="list-style-type: none"> <li>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> </ul>
Description of the plan or project	Erection of dwelling and alterations to existing vehicular access
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

**Statement:**

Given the scale and nature of the development Natural England does not believe there will be any likely significant effect on the SAC, either directly or indirectly.

**The Significance test:**

There is no likely significant effect on the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

**The Integrity test:**

There is no likely effect on the integrity of the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

**Conclusions:**

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

**Guidance on completing the HRA Screening Matrix**

**The Habitat Regulation Assessment process:**

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

### **Habitat Regulation Assessment Outcomes:**

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is clear that there are no alternative solutions, the project must be carried out for imperative reasons of overriding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

### **Duty of the Local Planning Authority:**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.



Committee and date

South Planning Committee

11 October 2016

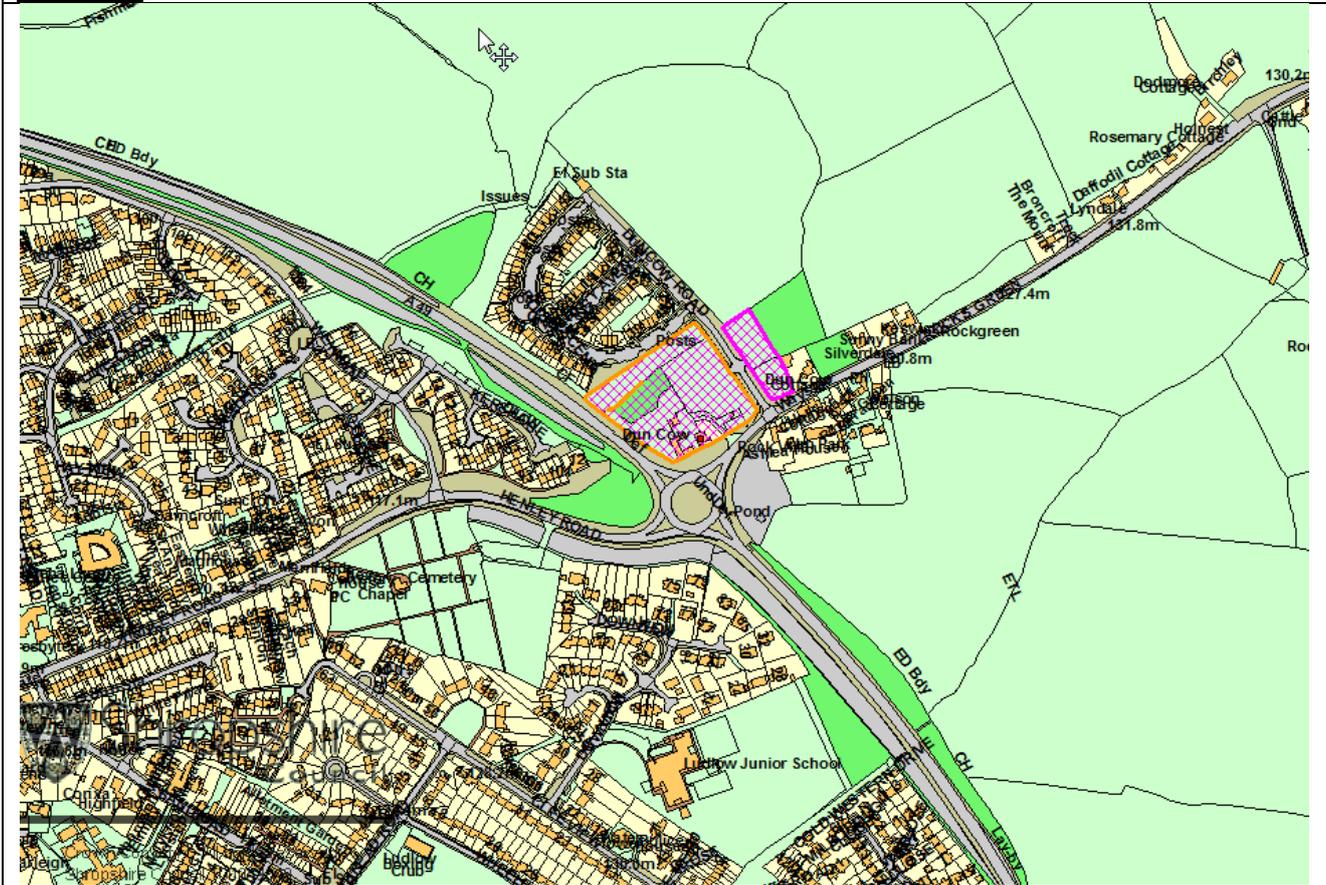
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/05573/OUT	<b>Parish:</b>	Ludford
<b>Proposal:</b> Outline application for the erection of a new foodstore (Use Class A1), associated petrol filling station, and associated car parking to include access		
<b>Site Address:</b> Dun Cow Farm Rocks Green Ludlow Shropshire SY8 2DS		
<b>Applicant:</b> Blackfriars Property Group Ltd		
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 352276 - 275636



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**Recommendation:- That the Area Planning Manager be given delegated authority to GRANT planning permission subject to the conditions set out in appendix 1 of this report and subject to consultation with the Secretary of State.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application is for outline planning permission for the erection of a food store, petrol filling station and associated car parking and landscaping. Access is the only detail which has been submitted for approval at this time with the layout, scale, appearance and landscaping are reserved for later approval.
- 1.2 The supporting information includes a Planning and Retail Statement, Design and Access Statement, landscape report, sustainability assessment, contaminated land surveys, archaeology report, ecology surveys, flood risk assessment, noise survey, tree survey, transport assessment and travel plan. An amended retail statement was also submitted during the consideration of the application following consultation comments from the Council Policy Officer.
- 1.3 Prior to consent being granted the Council is required to notify the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 as the application consists of the provision of out of centre retail where, cumulatively, with other consented developments, will provide new floor space of more than 5,000 square metres. As such any recommendation for approval would be subject to this notification and, subject to the application not being called in, conditions as detailed within the report.
- 1.4 It is the opinion of Shropshire Council as Local Planning Authority that the proposal is not an EIA development under any part of either Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015 and as such do not require an Environmental Statement to be submitted. The application does meet the criteria of Part 10(b) of Schedule 2 of the 2015 Regulations being an urban development project however taking into account the advice in the National Planning Practice Guidance (available online) the application is not considered to require an Environmental Statement as the proposed development is not significant in relation to the surrounding uses and would not have a significant impact or result in significant effects on the environment by virtue of its nature size or location.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies to the north of Ludlow on the junction of the A49 and A4117 with access off the A4117 via a new mini roundabout on Dun Cow Road. It is a 1.488 hectare site with 0.15 of that being for the petrol filling station. It is currently occupied by a farm house and outbuildings which are redundant following the construction of the Rocks Green housing estate to the north of the application site.

- 2.2 A tall Leylandii hedge runs along the west and south boundaries of the site whereas the northern boundary, with the adjacent houses, is a post and wire fence. There is also housing to the west on the opposite side of the A49 with open fields to the east on the opposite side of Dun Cow Road.
- 2.3 The majority of Ludlow lies to the west of the A49 with the town centre lying on the opposite side of the railway line from the A49. However the existing Rocks Green housing estate and Ludlow Rural Enterprise employment site sit on the east side of the A49 and the allocated housing site shown in the recently adopted SAMDev is to the east of the A49 on the opposite side of the A4117 from the application site. As such although Ludlow has historically been on the inside of the A49 the future growth plan for the town is to the east of the road.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council response is contrary to the recommendation from the case officer and the local member has advised that they consider the issues raised are both material planning considerations and should be debated at committee.

In discussion with the chair and vice chair of the planning committee it was concluded that the application should be a committee determination for the reasons given above.

As such the scheme of delegation has been followed and a committee decision is required.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

- 4.1.1 **Ludford Parish Council** – At a meeting of Ludford Parish Council on Thursday 29th January it was unanimously resolved that Ludford Parish Council would **oppose** the application for a supermarket and petrol station at Dun Cow Farm.

#### SAMDev

Ludford PC has been involved with the development of Shropshire Council SAM-Dev plan since its inception. Ludford Parish Council (LPC), supported by Ludlow Town Council, has consistently advocated that any further development in Ludford Parish should be concentrated and confined to the area to the south of Rocks Green and to the north of the Sheet, to the east of the A49. The application site is located outside the area defined for the SAM-Dev plan. Ludford Parish Council opposes the application on the grounds that the site is not included in the SAM Dev plan.

#### Ludlow Town Council

Ludlow Town Council (LTC) have opposed the application and expressed their view on the detrimental effect of this proposed out of town development on Ludlow town centre. Ludlow Town Council has formally informed LPC of the reasons for their decision and LPC respects the arguments outlined by LTC. Ludford Parish Council supports the case made by LTC without attempting to replicate the arguments put forward by LTC which have already been forwarded to Shropshire Council.

### Love Ludlow

The Love Ludlow group also oppose the application and made a short presentation to LPC and explained that it was their view that the scale of the supermarket is far too large not only for the surrounding population but also for the Dun Cow site. Their representative explained that the employment figures mentioned by the developer should be balanced against the 170 full time jobs within Ludlow town's food sector which support some 300 employees at suppliers within the local area. (The Love Ludlow group comprises of members that represent the following organisations; Ludlow Chamber of Commerce, Ludlow Town Council, Ludlow Civic Society, Ludlow Town Centre Residents Association, South Shropshire Green Party, Ludlow Constituency Conservative Association, Ludlow Labour, Ludlow Conservation Committee, Ludlow 21, Ludlow Food Festival and the Campaign to Protect Rural England.)

### Access issues at The Dun Cow site.

Immediately adjacent and north of the proposed site is the recently developed Rocks Green housing development. This comprises some 92 dwellings mainly designed as family homes. The access to both the supermarket and the petrol station will share the access road that was built for this housing development. At busy times there is likely to be both congestion and a conflict between the domestic and commercial users of this area. Consequently there are likely to be very real health and safety issues with regard to children and young people who live at Rocks Green.

The A4117 site access is only a short distance from the A49 traffic island and the increased traffic flows will impact adversely upon the pedestrian route to the bus stop and into Ludlow. Deliveries by HGV's to the site add to the traffic problems in this limited area.

### Identified concerns for local residents.

The report from the Public Protection team and others highlighted several concerns for local residents, including:

The degree of sound protection required would be provided by raised banks with 3 or 4 metre fences on top, depending on either day or 24 hour deliveries.

Flood lighting of the site presumably for 24 hours either for deliveries or security.

Noise pollution from deliveries, HGV warning systems, rubbish collections and constant car movements.

Additional air pollution caused by idling traffic in queues, waiting for car parking spaces and diesel fuelled delivery vehicles.

All of the above would cause continual distress to residents especially those with young children.

There would be a considerable and unacceptable visual degradation to the residential setting and the setting of the surrounding countryside.

### Survey Results

A number of surveys have been undertaken using different techniques, including surveys on behalf of the developers, instigated by the local MP and a third by a Shropshire Councillor. All of them have produced different and perhaps conflicting outcomes. All of them registered both strong opposition and support for the

proposal. As these were informal surveys the results are not conclusive. It is assumed that the final ratio and numbers of those in favour and those opposing the application will be made known to the Planning Committee and taken into account in the decision.

Within the Rocks Green community there seemed to be a majority in favour, as it would appear to be a real convenience for them; there is also a more widespread recognition of the need for an additional petrol station to serve the town. A more modest retail development within the Rocks Green area would perhaps be more suitable. However, any development would need to take account of the site restrictions, the health and safety of the residents and their quality of life. If the site were to be developed it is assumed that the SAM-Dev site to the south of the Sheet roundabout would be excluded from SAM-Dev.

### Conclusions

LPC opposes very strongly any proposal by Shropshire Council to include land for commercial development outside the Sheet Road and Rocks Green area in order to prevent urban sprawl within a rural situation. There are considerable concerns regarding the possible opening up of a green field location area beyond the A49. There is already a well-established petrol station and convenience store close to this site. This is situated further north and on the west side on the A49 at the Sheet Road junction. At this point the A49 is a relatively straight and fast route, interrupted by the Rocks Green roundabout which would inevitably become significantly busier with this development.

- 4.1.2 **Ludlow Town Council** – Members objected to the amended plans because their previous objections listed below had not been resolved and the new position of the fuel tanks effectively reduces the staff parking spaces from 27 to 11 when parking spaces on the site are already relatively low.

Ludlow Town Council's Representational Committee resolved to **object** to application 14/05573/OUT at their meeting on Wednesday 14<sup>th</sup> January 2015.

Members acknowledge that the application is in Ludford parish, and the statutory consultee response is the responsibility of Ludford Parish Council, however the detrimental impact of the proposed out of town supermarket would be significant and therefore members felt their role as community representatives for Ludlow town centre is important.

### Community Representations

At the time of writing this letter there were fifty-three public comments of which forty-seven are in opposition to the proposal. These figures give a clear indication of the high level of local concern and opposition to the proposal.

Ludlow Town Centre Residents Association and local organisation Love Ludlow have both made representations to the Committee to urge opposition to the proposal.

### Detrimental to Existing Street Scene & Residents' & Visitor Amenity

Ludlow currently has an enviable range of local independent shops including three butchers, two delis, three bakers and many unique retailers selling clothes, giftware, domestic goods, confectionary, flowers, snacks, meals & drinks. These shops trade along side small town centre chain store outlets amongst the beautiful architecture and ambience of the town and all are subject to the same restriction imposed by the medieval street layout.

The status quo of Ludlow, as it currently exists, is a workable balance that enables the town to develop and make plans to ensure Ludlow continues to thrive, however, an out of town supermarket would distort the status quo and devastate the town centre.

### Local Knowledge

Members noted that the developer identified the existing Aldi store as 'out of town', but, in reality, Aldi is on the opposite side of the same street (Station Drive) as Tesco and a pedestrian crossing permits shoppers to safely walk ten metres from one store to the other, so both supermarkets are effectively in the town centre. In planning terms, the defined area of the town centre may be correctly represented; however, the information is misleading without local knowledge.

### Outside SAMDev Boundary

The proposed supermarket, petrol station and parking is an 'out of town' development and outside the SAMDev boundary. There is concern that this would set a precedent for unplanned and unwanted retail development on the outskirts of Ludlow. Members resolved to object to the proposal for all the reasons stated in this letter, but one of the primary concerns is the devastating effect that similar out of town developments have had on nearby towns such as Leominster and Kidderminster. Shropshire's SAMDev submission is currently being assessed by central government, and has passed some significant stages, which now means it carries some weight within the local planning framework.

### Infrastructure in the wrong place

An 'out of town' supermarket and petrol station offering the same number of parking spaces as the town centre will have a detrimental impact on the town centre. The location and self contained facilities of the proposed 'out of town' supermarket would not facilitate linked shopping trips to the town centre because it is on the wrong side of a busy roundabout on the A49 bypass with no pedestrian crossing on the road leading to the supermarket. The proposed supermarket is not on the local bus route.

### Linked Trips

On the other hand, the proximity of existing supermarkets Tesco, Aldi & Co-op to the town centre enables linked shopping trips into the town centre shops and cafes. Linked shopping is important to the town centre shops & businesses because they rely on impulse buying, which requires footfall in the town centre.

### Sufficient Provision Already Exists

There is no need for an out of town supermarket in Ludford. Current provision of supermarkets is more than sufficient clearly evidenced by the fact that one of the existing supermarkets is under trading and up for sale.

4.1.3 **Environment Agency – Object** to the proposed development, as submitted, and request additional information as detailed below.

The proposed development includes a petrol filling station (PFS) of which there is limited information submitted at this time. Whilst we note that this application is outline we seek confirmation on the PFS element of the proposals and, specifically, the location of the associated tanks to ensure no detrimental impacts on controlled waters.

Groundwater: As confirmed in the submitted Preliminary Assessment (Ref: TB/JF/SR/07322/PCAR, Dated July 2014) the site is located upon Raglan Mudstone and the underlying strata are classified as Minor (Secondary) Aquifer.

Groundwater Protection: Policy and Practice (GP3), 2013: National guidance on the storage of potential pollutants is set out in our GP3 available at: <http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>  
Policy D2 – underground storage: We will object to underground storage on principal and secondary aquifers unless there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated.

The application should confirm that there are no other reasonably available sites on unproductive strata.

A feasibility study should confirm that there is a need for the tanks to be below ground; and that above ground options are not possible. We acknowledge there is a balance to be struck between environmental harm and proximity to sensitive uses, public safety, hazard zones including consideration of comments by your Petroleum Officer.

Providing this is confirmed, and the tanks are required to be underground, we would require the tanks be set above the water table in line with Policy D3.  
Policy D3 – Sub Water Table Storage: We will object to storage of hazardous substances below the water table in principal or secondary aquifers.

We would recommend that a groundwater assessment be provided to confirm the depth to the water table. This may demonstrate that the tanks will be sited an appropriate distance above any possible groundwater levels. Alternatively, if there is likely to be sub water table storage of pollutants, it may be necessary for the application to be revised or refused. In the absence of a water table assessment we have concerns and would object to the proposed development as submitted at this time.

Pollution control: Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the 'Blue Book' (APEA, 2011) as a minimum requirement with monitoring systems.

Core Strategy Policy CS18: The above approach is supported by Policy CS18 of your adopted Core Strategy which states that proposals will ensure that new development enhances and protects water quality, including Shropshire Groundwater Resources.

*NOTE – revised indicative plans have been submitted which show the fuel tanks located above ground. The EA have been reconsulted but have not commented.*

#### 4.1.4 **Policy Officer** – No objection.

##### Sequential Site Assessment

In line with the requirements of Core Strategy Policy CS15 and NPPF Paragraph 24, the applicant has carried out a suitably detailed sequential site assessment. In total 7 sites are assessed, and for each the applicant concludes the site is either not available or suitable, or both. Based on this information it is considered the applicant's assessment of these sites is reasonable. On this basis it is considered the proposal passes the sequential test.

##### Impact Assessment

The applicant's original Planning and Retail Statement contained an Impact Assessment. Impact assessments should be in line with Paragraph 26 of the NPPF and SAMDev Policy MD10b.

Following a review of its contents the Council considered the methodology behind the applicant's assessment was flawed as it did not include the proposal's impact on the Tesco store at Station Drive within its overall conclusions. It also failed to incorporate forecast impact from the loss of 'linked trips' within its overall conclusions, despite addressing this issue within their evidence. On this basis the Council requested further information from the applicant before a proper consideration of impact could be made.

Further to the Council's request, the applicant has provided additional information regarding the potential impact of their proposed scheme on the Town Centre. This additional information looks at:

- 1) the direct impact of the proposed store on the existing Tesco Store on Station Road; and
- 2) the indirect consequences of this impact on the number of linked trips to the town centre.

It is considered both these issues should be factored into the overall impact forecasts.

In providing this information it is noted the applicant devotes an entire chapter of their retail addendum to explain why they continue to feel that assessing impact on the Tesco store is not necessary and in doing so they point to a case in Maghull.

The Council does not accept the applicant's argument and it is considered fully justified in requiring this additional information in order to properly assess the level of impact on the town centre. Equally, the example of Maghull is considered to be misplaced and of no particular relevance given the obvious differences between the two proposals.

Seemingly the key area of disagreement between the Council and the applicant is the degree to which Tesco helps support the vitality and viability of Ludlow Town Centre despite being situated outside the Primary Shopping Area, but within the defined Town Centre. Indeed, it is rather surprising the applicant continues to argue this point given their own conclusions on the importance of linked trips from their original statement, which indicated 54% of shoppers using Tesco always or sometimes link their trips with the town centre (data from the Household Survey).

However, notwithstanding this area of disagreement, the Council nevertheless appreciates the applicant's latest information, and confirm that this is now sufficient to provide a conclusion on the issue with a much higher degree of confidence.

#### Direct Impact

The applicant's original Statement provides a breakdown of the estimated turnover of the proposed store based upon 85% of its trade originating from the Study Area. Whilst it is more usual to apply a 90% market share from the study area, it is not considered in this instance this difference will lead to a significantly different outcome.

Paragraph 8.31 of the applicant's original Statement confirms that based on 85% the projected turnover of the store will be £21.97m, of which £17.48m would be from convenience goods and £4.50m from comparison (non-food) goods. Table 9 goes on to confirm the proposal's floorspace is proposed to be split 75% for convenience goods and 25% for comparison goods.

It is acknowledged that there have been objections raised regarding this aspect of the applicant's Impact Assessment, suggesting that the actual impact will be higher. It should be remembered that whilst forecasting impact is not an exact science, it does demand a reasoned judgement to be made. It is considered the applicant has assessed the forecasted trade diversion levels using a 'like for like' approach supported by national planning guidance. It rightly indicates the highest impact will be on the Tesco and Aldi stores. On this basis, it is considered the level of direct impact proposed is based upon a sound methodology.

Table 1 of the applicant's Addendum predicts the level of trade diversion from Tesco to be £6.29m. This corresponds with the applicant's earlier assessment and is accepted as reasonable. Taking into account the level of impact of Tesco, the applicant then factors this into the wider impact on the town centre in Table 2 of their Addendum. This results in a 10.2% impact.

The level of impact when taking into account the impact on Tesco is clearly much higher than the applicant's original forecast of a 2.3% impact.

Indirect Impact from loss of linked trips

The applicant then provides an assessment of the impact on linked trips. It is apparent that the applicant considers that the results of the household survey regarding linked trips overstate the frequency of linked trips, and instead they point to the on-line survey results which indicate fewer trips made. In reality it is reasonable to suggest the actual figure lays somewhere between these two survey conclusions, although it is considered that given the sample size, the household survey provides a more robust assessment.

The applicant then goes on to work through a methodology in attempting to quantify firstly the amount of linked trips that would be lost as a result of their proposal, and secondly the impact this would have on amount of consumer spend on the town centre. This assumption is based upon 35% of shoppers to the Tesco store carrying out linked trips, which is considered reasonable.

Paragraph 6.4 of the applicant's Addendum considers that only 25% of those customers who currently link their trips between Tesco and the Town Centre would not carry out a similar linked trip between the proposed Rocks Green store and the Town Centre. It is not considered this is a realistic assumption. It is considered far more reasonable and robust to assume that between 50% and 75% of linked trips would be lost, given the much greater distance of the proposed Rocks Green store and the Town Centre. Unlike the Tesco store, shoppers cannot physically see the town centre from where they would be at Rocks Green, and it is acknowledged to do so would mean carrying out another car trip.

It is therefore considered that whilst the basic methodology used to assess the impact of the loss of linked trips is sound, the assumptions made on the percentages who would not carry out a linked trip should be amended upwards in order to provide a more robust assessment.

If we assumed that 50% of those who currently link their trips no longer (rather than 25%) the number of linked trips lost to the town centre would be 39,337 ((224,788 x 35%) x 50%)

At the higher end of the range, if we assumed 75% of those who currently link their trips no longer would, the number of lost linked trips to the town centre would be 59,006 (224,788 x 35%) x 75%)

When applying these figures to the proposed average spend of £10 (which is considered reasonable) the level of trade diversion increases to: 50% lost trips = £0.39m (0.78% diversion rate) 75% lost trips = £0.59m (1.17% diversion rate)

In applying these figures to the overall level of impact the applicant (0.39% using a 25% assumption) reaches a 'Total Impact' 2.7%. It is not considered this conclusion is sound because: - The level of lost linked trips is considered to be more than 25% of those who currently link their trip; and  
- The conclusion on linked trip impact should be added to the direct level of impact on the town centre, including the Tesco store on Station Drive.

So, using the level of direct impact including Tesco (10.2% as set out in the applicant's Table 2) and adding the Council's higher linked trips diversion rates (between 0.78 and 1.17%), it is considered that the level of impact on the town centre is between 10.98% and 11.37%

#### Significance of impact

When taking into account the agreed trade diversion levels on the town centre Tesco store, and applying a higher level of indirect trade diversion as a result of lost linked trips, it is considered the level of impact on the town centre is around 11%.

NPPF Paragraph 27 indicates that 'impact' needs to be significantly adverse for it to lead to a refusal on these grounds. In taking into account the level of significance it is appropriate to look at the current health of the town centre, as well as other factors such as the level of overtrading in town centre stores.

The applicants have looked at these issues as part of their original submissions and their recent addendum. It is agreed that Ludlow currently benefits from a relatively healthy town centre emphasised by the low vacancy rate. It is also considered that Ludlow's historic character provides an attractive environment for shoppers and visitors, and that the proposal will not impact on this.

There is no doubt that the proposed store will divert trade from the town centre, primarily from the Tesco store and from associated linked trips. However, it should also be acknowledged that the current Tesco store is overtrading significantly against its benchmark figure. The reduction in trade to Tesco is not therefore forecast to reduce its trade to a position below its benchmark, and there is little risk of this store closing as a result.

Whilst it is considered an impact of around 11% is more than minor, having considered the health of Ludlow town centre and the current overtrading at the Tesco store, it is considered this level of impact on Ludlow town centre is less than significant.

#### Other relevant considerations

The location of the proposed store is located in an out-of-centre location beyond the A49 by-pass and it is therefore considered highly likely the majority of shoppers to the store will need to use their cars. The applicant argues that the majority of 'linked trips' to the town centre will continue in any case (the Council consider this number will be less than the applicant predicts). Assuming that a percentage of shoppers will continue to link their trips with the town centre, they will need to do so by car, which is clearly a less sustainable form of 'link trip'.

4.2 However, it should also be acknowledged that the direction of growth proposed for Ludlow in the SAMDev Plan up to 2026 is primarily to the east of the A49 by-pass, including a housing allocation of 200 dwellings to Land south of Rocks Green. It is considered the proposed store is well located against this future direction of growth, and may well have a positive impact on bringing these housing allocations forward earlier in the plan period. These factors should weigh in favour of it in the overall consideration of planning balance.

If approved, it is considered necessary to apply a condition restricting the overall comparison floorspace of the store to no more than 25% in line with their Impact Assessment. This is in order to protect the vitality of the town centre.

- 4.1.5 **Economic Development** – The Business and Enterprise Service supports the application which will result in the creation of 210 jobs and investment of £3m. The applicant has also indicated a willingness to include a condition on the employment of local people and to engage with Job Centre Plus to ensure local people are matched to available positions where appropriate.

The existing Tesco and Aldi stores are both significantly overtrading. In addition there is leakage of shopping expenditure out of the area. The development of a new supermarket would claw this trade back from the existing supermarkets and outside the study area providing a wider range and choice of convenience and comparison goods within Ludlow.

Although there is no named operator the size of the store and the split of convenience and comparison goods (75:25) indicates that it will not be a discount operator who tend to have smaller stores and a higher ratio of convenience to comparison goods (90:10). The impact assessment indicates that the convenience goods and comparison turnover trade diversion on the town centre stores will be 6.2% and 10% respectively. Given that there is potential for larger stores to offer a wider range of goods and that two of the existing operators operate at the lower end of the market, (Aldi and Co-op) there is potential for a large store to offer a wider range particularly premium goods both convenience and comparison goods which could compete directly with the small independent operators. Clarification is required to demonstrate that the impact on the town centre will not be significant to warrant refusal.

- 4.1.6 **Conservation** – The proposal affects undesignated heritage assets that are neither listed or in a conservation area. 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 and saved policy E6 of the South Shropshire Local Plan, 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.

Previous comments were made by Rachael Parry on 30<sup>th</sup> January 2015. The main point made was the contribution of the buildings to the traditional rural character and visual appearance of the area. The historic context of the site has been somewhat compromised with the construction of the of A49 Ludlow bypass to the west, the housing site to the north as well as further development to the east which somewhat encloses this site away from the rural hinterland beyond.

In light of Rachael Parry’s comments, it is noted that the applicant in response to those comments have submitted a report from Donald Insall report ‘The Criteria for local listing and assessment of Dun Cow Farmstead’ which covers a ‘Statement of Significance’ of the overall farmstead. It is considered that this report

satisfies paragraph 128 of the NPPF and is proportionate given that the buildings are undesignated heritage assets.

Whilst the overall character of the site is typical edge of settlement, semi-rural, the context of the Rocks Green hamlet (which is evident by the existing residential properties to the south) should be acknowledged, and that large-scale development could be harmful to that context.

With regards to the overall design of the layout of the site, concern is also shared with regards to the loss of green aspect of the site, where the proposed layout would bring about an urban character to this site, especially with the proposed car park abutting the existing highway with little or no natural buffering, thus creating a very hard urban environment. Also the site would bring about visual clutter of cars, where the building would be better situated towards the south-west corner of the site this affording a more robust frontage. Overall, the existing trees and vegetation should be retained to afford appropriate screening of the proposed development. The applicants are advised to engage with the Historic Environment team with regards to further design proposals as part of leading up to the Reserved Matters stage.

Despite the Donald Insall report stating that Dun Cow Farmstead has low to medium significance, the buildings should be recorded prior to demolition, subject to further advice from an archaeologist. Despite modern interventions that are detailed within the report, there is always potential for underlying historic fabric which may be of significance.

The proposal may be acceptable subject to the suggested design amendments given above and a condition requiring building recording.

- 4.1.7 **Archaeology** – The proposed development site directly affects one known heritage asset recorded on the Historic Environment Record as part of the Farmsteads Characterisation Survey which is Dun Cow Farm (HER PRN 24196) identified from the digital version of the c.1900 OS large scale mapping and also recorded on the earlier tithe map. Additional HER records of a Medieval trackway and ridge and furrow earthworks are located in the surrounding area.

In view of the above and in accordance with NPPF Section 128 it was recommended at the pre-application enquiry stage (PREAPP/13/00347) that a Heritage Assessment of the application site should be provided as part of any subsequent planning application.

A heritage assessment of the proposal site has been submitted with the planning application and identified sites of Prehistoric, Medieval and Post-medieval date within 1km of the application site. Within the application site itself, cartographic evidence identified a number of tracks dating from 1778, a building in the southeast corner recorded only in 1886, and two wells recorded in 1903. Dun Cow Farm was first recorded in 1835, and based on cartographic evidence it was concluded that structures preceding the existing Dun Cow farmstead were unlikely to be found on this site. A site visit identified no above ground evidence of structures or earthworks or any obvious potential for buried archaeological

remains, although the report acknowledges that it is not possible to fully assess the potential for buried archaeological remains on the site. The report does however indicate that the application site has been subject to some past ground disturbance, including possible 19th century drainage in the field north of Dun Cow Farm, hard standing in the south of the application site, and recent landscaping following the construction of the modern housing estate to the north.

The report concludes that the proposed development is deemed to have low archaeological potential. However, given the size of the development, it is likely that any unknown archaeological remains, together with the features recorded from cartographic evidence, will be destroyed during construction works on the site; the resulting impact on the heritage resource was considered minor adverse. It was therefore recommended that a programme of archaeological work should be undertaken in order to negate or lessen the impact on the unknown archaeological resource.

Please note, the Conservation Officer for South Shropshire will comment on the impact of the proposed development on the built heritage. The recommendations made below therefore only relate to the archaeological interest of the proposed development site.

Recommendation:

The conclusions of the Heritage Assessment could not rule out the potential for below ground archaeological remains within the development boundary.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development.

4.1.8 **Highways** – Shropshire Council as Highway Authority raises **no objection** to the proposed outline development.

Principally this development proposal has the greatest effect on the traffic movement along the strategic highway (A49) and Highway England are best placed to comment on the Transport Assessment in respect to the adjacent roundabout junction.

It should be noted that whilst at the time of the original submission, there were no committed development's within the vicinity of the site. However, Shropshire Council now have now adopted the SAMDev Plan 2006-2026. Within the SAMDev Plan land has been allocated for 200 dwellings with direct access off Sheet Road, opposite the proposed development site, (reference LUD017). This development is likely to come forward within the current plan period (2026), but may not come forward within the next three years. In the event a planning application is submitted for any of the allocated site, then a Transport Assessment will need to be submitted and take into account the movements associated with the proposed supermarket, if permission is granted.

Despite the above, it is recommended that the applicant provides further comment to the likely impact of the allocated site, and that this matter is formally raised with Highways England to establish if they continue to raise no objection.

Notwithstanding the above, this proposed supermarket will significantly increase traffic on the County Road (A4117). Currently there is capacity on the A4117 to accommodate this development and served by the proposed priority junction (A4117/Dun Cow Road), However, this increase in development traffic could adversely impact the capacity of this arm of roundabout junction, particularly if there are knock on effects to the other arms of the roundabout.

Furthermore, this development will create a local draw from the existing residential developments within Ludlow. Some of which are relatively close to the development, which could potentially generate greater sustainable movement (i.e. walking and cycling). Currently, the A49 is seen as a barrier to this type of movement and although there is an existing pelican crossing on the southern arm, this provision may not be seen as enough to encourage more sustainable travel, and/or be used more frequently particularly at peak times, which could have an adverse effect on the free flow of traffic on the A49. It is considered that this development should consider and deliver further pedestrian and cycle provisions to encourage sustainable travel between the existing residential areas and the site, in accordance with national transport policy (PPG13). However improving conditions at the roundabout junction on A49, and especially additional and/or safer crossing of the trunk road, could affect the capacity of the junction, increasing delays and driver frustration. It may also require the Transport Assessment to be revisited. Alternatively, would there be a possibility of considering a footbridge over the A49?

In addition, this development should also develop an appropriate Travel Plan to consider and encourage sustainable travel principally for its staff and services, but to some lesser extent its customers, in accordance with PPG13 and associated best practice/guidance.

Access to the foodstore is being sought from an unadopted (private) road serving a relatively new housing development. Consent will need to be granted by the private landowner, for the proposed access changes and linkages to the new development site.

#### Access

Proposed vehicular access to the development is via the existing junction of the A4117 with Dun Cow Road. It should be noted however that Dun Cow Road is currently unadopted by Shropshire Council as Highway Authority, and not currently subject to a Section 38 Agreement under the Highways Act 1980. Shropshire Council have been working with the currently land owner of the land, Shropshire Housing Group, with a view to adopting Dun Cow Road as public highway. At this time, any proposed alternations to the carriageway should be undertaken with the permission of the land owner, but constructed to an adoptable standard.

#### Impact on surrounding Highway Network

The submitted Transport Assessment indicate that the capacity of the junction of Dun Cow Road and A4117 will be close to capacity therefore localised improvements are proposed to improve capacity for right turning vehicles. It is considered that based on the information submitted the surrounding highway network is adequate to accommodate both the access to the store petrol station and the residential development to the west of the proposed site.

However, it is recommended that Highways England are consulted to establish if they consider the proposed development to have an impact on the A49.

#### Reserved matters application

The planning application under consideration is outline; with all matters reserved except for access. In the event planning permission is granted and a reserve matters application is submitted consideration should be given to ensuring that any improvements to Dun Cow Road to provide access to the proposed food store and petrol filling station are constructed to adoptable standard. Details of the proposed improvements to the Dun Cow Road Junction and mini roundabout should be submitted for approval prior to commencement of development.

- 4.1.9 **Highways England – No objection.** Highways England previously reviewed a Transport Assessment dated September 2014. Further to this, we requested that the applicant provide further details relating to future year impact at the A49 junction, confirmation of committed development and inclusion of the existing pedestrian crossing facilities within the junction model. This was satisfactorily dealt with through a Transport Assessment Addendum, which was received by Highways England on 11 March 2016.

We have been able to conclude that, based on the details presented as part of the Transport Assessment and subsequent Addendum, the junction of the A49 and Rocks Green will continue to operate within capacity when the development is included in the assessments. As such we are content that the development traffic can be accommodated on our network without mitigation works being required. We do retain concerns relating to the physical interface between the development and land maintained by Highways England in respect of drainage, fencing and lighting matters and the impact of construction traffic on the strategic road network.

As this is an outline application, it is considered that these details can be dealt with by way of conditions and has therefore recommended conditions.

- 4.1.10 **Ecology – No objection** subject to conditions and informatives. Has read the application and supporting documents, including the Ecology Phase 1 Habitat Survey and Bat Survey by LaDellWood dated October 2014 and the Protected Species Survey Focussing on Bats by Shropshire Wildlife Consultancy dated July 2014.

### Bats

Shropshire Wildlife Consultancy provided the following additional information by email on the 6/7/15 in relation to the bat droppings found in the stable block of the larger barn:

1. The bat droppings found within the barn were scattered within and were not in excess of approximately 20 faeces;
2. The droppings did not appear to be particularly fresh but were probably no more than a few years (2) old;
3. The droppings from their size and shape were most likely to come from pipistrelle species probably common pipistrelle.

Three emergence surveys were carried out in July 2014, which recorded no definite but an unconfirmed common pipistrelle bat emergence from 'the barn'.

Shropshire Wildlife Consultancy state that "there is no apparent need for a European Protected Species Licence". They however propose Risk Avoidance Measures including supervision of the roof removal of the buildings (excluding the garage and the tin roofed north-western building) by a licenced Ecological Clerk of Works between October and late March. The report also includes some options for bat mitigation but does not specify this. Due to the loss of potential bat roosting areas I would expect bat boxes to be erected in locations away from artificial lighting.

Conditions are recommended to require development, demolition or site clearance to be undertaken in line with the Protected Species Survey Focussing on Bats by Shropshire Wildlife Consultancy dated July 2014 and the provision of bat boxes and bricks.

### Landscaping

As noted in my previous memo dated 4<sup>th</sup> March 2015 the landscaping scheme for the proposal should include provision for replacement reptile habitat and hibernacula, preferable in the orchard area. For this site to respect the Environmental Network I recommend that the landscaping scheme is designed to re-create priority habitats as far as possible, such as locally native woodland and shrubs, on a larger scale than currently proposed and a condition is recommended.

- 4.1.11 **Trees** – Whilst in principle the Tree service see no specific arboricultural objection to some form of development at this site, for the following reasons we consider that the indicative layout and proposed landscape do not represent the best possible sustainable design:

At present the site is well integrated into the landscape with mature trees along the A49 and the B4117 serving as an effective screen to the site from views in, and as a filter to the site and neighbouring development off Duncow Road for light, noise, and air pollution from this busy junction. The surrounding area to the west is heavily developed but effectively screened by woodland with a core area that makes the screening robust and effective. This new development proposes to remove the existing effective tree cover and significantly change the nature and

character of the area (see the consultee comments by the Council's Conservation Officer).

As a historic market Town Ludlow and the surrounding area benefit heavily from tourism, it is therefore of the utmost importance that the sustainability and tourism aspirations set out in the Shropshire Core Strategy deliver effective long-term integration of any development at key gateways to market towns representing the very highest of standards of design so that development is appropriate and integrates with the existing landscape and preserves, conserves or enhances the natural and built environment.

The scale of the development has resulted in the parking arrangements being pushed to the very boundaries of the site leaving the proposed boundary landscape features as narrow strips. The landscaping section of the design and access statement supported by the indicative Landscape Concept (ref: 1085\_LC-04) offers at best a generic proposal and contains insufficient detail to give the Tree Service confidence that it will be successful, or that it will sustainably integrate the site into the landscape. The following points are of key concern:

- The boundary feature will have no real depth, and whilst if successfully established it might help break up the skyline of this very prominent development it will in no way provide the benefits and depth of screening afforded by the existing tree cover.
- The proposed planting along the sites boundary with the A49 offers native species hedgerow planted with clusters of 4 to 5 *Quercus robur*. Firstly, it is pointless to plant oak in clusters their condition and form would be affected by competition leading to poor specimens and the likelihood of premature removals. Secondly, the proposal shows parking bays hard up against the planting scheme, whilst it might be possible using root directors and root cells to establish trees under parking bays the proximity of what will potentially be large trees to parking bays is likely to result in a range of problems that will impact on the sustainable retention of the trees.
- The long-term success of 18-20cm girth *Tilia cordata* in the car park is questionable, especially in such compact arrangements. As with the oak planting on the A49 boundary the use of root directors and root cells is only of value if the tree is compatible for the long-term with the situation it is put in. There are far too many examples of un-successful carpark planting, typically 20% of trees die within five years with a steady degradation of the remaining stock soon after; the applicant has not offered anything other than an indication that root cells will be used as an indication of planned planting. The tree service would need to see that the applicant had assessed the site against the recommendations set out in BS 8545:2014 (Trees from nursery to independence in the landscape) and specified appropriate space, ground preparation, planting measures and after care that reflects best practice and a viable chance of success.

#### Conclusion and recommendations

In order to maximise the commercial potential of the site the buildings and parking have taken priority over landscape, a less adventurous proposal would be better

able to provide a sustainable integrated development at this key gateway to Ludlow.

The applicant has an opportunity at this site to provide an example of the very best in landscape design but so far have offered a generic landscape plan with no supporting documents specifications or indication of how ongoing management will ensure the continued good health of the trees for the life of the development and beyond. It is our recommendation that due to the high profile of this site, that any final approved application would need to include comprehensive evidence based landscape proposals that reflect the very best of arboricultural and landscape practice, and should address the following points.

A reduction in the scale of the development would release space for meaningful landscape mitigation.

Ensure that all tree planting is in a situation where it will thrive without the need for artificial aid once established, less trees within the site but planting in open spaces will be more likely to thrive than trees in a capped tarmac car-park. Tree planting in open space without metal grills does not require the aftercare that all too frequently is absent at commercial premises once the five year replacement conditions have expired.

Boundary trees need a minimum of at least three meters of buffer (open green space) between them and the nearest kerb edge so that future changes to the site do not impact upon their retention. This would also remove the need for grills. We also recommend that the A49 boundary be planted with a staggered double row of trees to give greater resilience and depth to the screen, and that heavy standard common lime be considered for its faster growth and greater versatility.

We recommend that the boundary elements of any landscape proposal should be established as part of the first phase of site activities and then appropriately protected as the remainder of the development is established this will allow a season for the trees and shrubs to establish before the site is occupied.

All tree procurement, planting and after-care should reflect good practice as set out in BS 8545:2014 (Trees from nursery to independence in the landscape).

Recommended conditions:

Recommends conditions relating to tree protection, details of new planting and replanting within 5 years, details of other landscaping and implementation timetable.

- 4.1.12 **Drainage – No objection.** Drainage details, plans and calculations could be conditioned and submitted for approval at the reserved matters stage.
- 4.1.13 **Public Protection** – Having considered the information provided would like to point out that a detailed plan of the petrol site layout should be submitted at reserved matters stage to ensure that a petroleum certification will be likely to be granted should planning approval be granted.

With regards to noise the noise report submitted with this application project number PB1010 dated 18th September 2014 shows that noise mitigation is required. It states that an acoustic barrier at least 3m height is required around the deliveries yard which will reduce noise by 15dB. Plans specifically marking this should be submitted showing clearly exactly where it will be located which can then be conditioned as part of the approved plans submitted with this application. Has noted that even with this mitigation there will be noise above WHO and BS 8233 guidelines at two properties at night. Therefore propose that a condition should be placed stating no night time deliveries on site (between 23:00 and 07:00). Alternatively the acoustic fence could be built to a height of at least 4m which is likely to ensure that noise levels are controlled allowing deliveries to occur at night. The height of the fence should be stated on any plans being submitted.

An acoustic fence is also stated for areas around the petrol filling station. Again this should be detailed on any plans supplied including the height and stating 5dB reduction in noise at nearby residential properties.

Is of the opinion that unless the applicant provided a specification of the fencing to be used that this element of the development should be conditioned as follows:  
*Specification of acoustic fencing shall be submitted to the local planning authority for approval in writing prior to petrol sales and deliveries to the service yard taking place on site. The fencing around the service yard must demonstrate a proposed 15dB reduction for nearby residents. The fencing associated with the petrol filling station shall demonstrate a proposed 5dB reduction of noise at nearby residential premises.*

*Reason: to protect the health and wellbeing of nearby residents.*

## 4.2 Public Comments

4.2.1 211 letters of objection have been received raising the following concerns:

- Inaccuracies in the various reports
- No proven need for another supermarket, there is sufficient variety of retail stores, all of which have extensive spare capacity
- Development of the site will result in the loss of open countryside and views
- Jobs will be lost in the town centre as a result of the development
- Impact on the high street will adversely affect restaurants, B&B's and general tourist trade
- Will set a precedent for out of town development contrary to the SAMDev
- Will not contribute to the building and strengthening of local community, purely a speculative project
- Only a small number of people are in favour of this application
- Increase in traffic and pedestrians will create road safety issues for the neighbouring estate
- Increase in traffic and delivery traffic will cause considerable noise pollution
- Would encourage the use of cars as it would not be within walking distance of local residents, resulting in the increase of air pollution and traffic congestion in and around the town centre
- Will have a detrimental impact on Town Centre businesses causing the destruction of the economic viability of the town

- Will draw trade and tourism from the town centre
- Free parking will attract shoppers away from the town
- Will impact on existing Tesco store
- Will result in empty stores in the town centre which will make the town centre unattractive
- The site is unsuitable for this type of development as it predominantly a residential area, and would be better suited to alternative sites
- Concerns over the potential environmental impact of the petrol station being located close to dwellings
- Proposed petrol station is too close to the existing one
- Loss of light to neighbouring dwellings from proposed boundary treatment
- Loss of privacy for the locals of Rocks Green
- Will impact on the character of appearance of the housing development
- The supermarket will further isolate population outside town walls, therefore they will no longer benefit from the cultural, political and diverse opportunities the town offers
- Increase of risk to pedestrians safety, as they are required to cross both the access to the service yard of the supermarket and also the access to the supermarket itself
- Loss of trees would result in the loss of habitat for birds, owls and bats
- The site is too small for the proposal
- The site is too close to the River Corve – there is a potential contamination risk

4.2.2 There have been 18 letters of support received, which are summarised below:

- Another petrol station is needed in terms of terms and competition on price and as more residential development is planned
- New jobs are welcomed to encourage the younger generation to stay local
- A new supermarket would offer local residents a choice
- The site has good access off the main road
- A “higher end” supermarket would attract people from outside of the immediate area – possibly contribution to more tourist income being generated
- Parking at the current supermarkets is very poor
- The current supermarkets are failing as residents already travel out of the area to shop therefore a new supermarket will not have that much of an impact on the current shops
- A new, larger supermarket would potentially have better disabled access than the shops on the high street

4.2.3 **Philip Dunne, MP for Ludlow**, has written formally objecting to the development as follows:

I am concerned that this proposed development, if approved, would fundamentally alter the balance of retail offer for food, and potentially non-food, in and around Ludlow, having a profoundly adverse effect on existing retail activities within the town. I do not believe the applicant has demonstrated the need for such a significant expansion of the food retail offer on the edge of Ludlow.

Ludlow is a tertiary retail catchment which is already well served with three multiple food supermarkets in town offering a competitive mix of price points (Tesco, Co-op, Aldi); three convenience stores located in the town centre (Spar, One Stop in Tower Street, One Stop in Gravel Hill), two serving residential/business areas, Premier (at Livesey Road and Parys Road and one on Ludlow Business Park); and one at the edge of town (Co-op). A separate application has also been made for another potential convenience store with petrol forecourt at Bromfield Road.

In addition, Ludlow is now well known as a destination for its quality food reputation, with a much wider variety of independent food shops than in other towns of its size (circa 10,000 adult residents). These include three butchers, three bakers, two green grocers, two organic food specialists, one fishmonger, one cheese shop, four delicatessens, two wine shops, one chocolatier, in addition to one of the largest farm shops in the Midlands one mile to the north and a very active produce market in the town centre several days a week.

When the prospect of this application became apparent, I undertook a survey of local residents in all three Shropshire Council wards in Ludlow to gauge public reaction to an edge of town supermarket. I received 1,243 responses over a few weeks.

These figures show firstly the clear opposition of the majority of Ludlow residents that development of an out-of-town supermarket would adversely affect the existing traders in Ludlow, and secondly opposition to such development east of the A49.

Ludlow's market town status and pattern of mainly independent shops, with growing presence from multiples, brings considerable economic benefit to the town. Analysis of the economic impact of this application on existing providers of food is superficial, (and non-existent on non-food), relying in large part on unsubstantiated 'estimates', with minimal supporting footfall data from fieldwork which to be representative should have been undertaken in a variety of locations at varying times during a number of trading weeks.

Given Ludlow already has three supermarkets, two of which are not experiencing increasing year-on-year sales growth (as acknowledged privately to me), in my opinion the addition of a fourth and larger supermarket on the edge of town, with better parking provision than is available in town, would have a severely adverse impact on existing retail businesses. By diverting footfall to the edge of town, away from established food retail providers in the town, this would also have a marked impact on non-food retailers in the town.

I urge you to reject this application and make the right choice for Ludlow and its residents.

- 4.2.4 **Ludlow Chamber of Commerce** have submitted an objection to the development noting that Ludlow current offers something different in the artisan shops which the proposal would be direct competition for and set a precedent for further out of town development. The town thrives on local business, character and charm.

They accept the need for another petrol station but do not consider that this requires a substantial supermarket with it.

- 4.2.5 A representative of **Ludlow Town Centre Residents Association** has written in objection to the proposal advising that they have received a “storm of protest” from the majority of their members.

Their objections are based on lack of need, location of the petrol station being on the same side of the town as the existing one, the precedent for further development on the east of the A49 and the impact on the town centre.

- 4.2.6 “**Love Ludlow**”, a organisation made up of a number of organisations in Ludlow, have objected to the application questioning the need for development; commenting that the proposal is overdevelopment; that there is no over trading in the town (one supermarket is currently for sale and clearly under performing); that the assessment does not include consideration of internet shopping; there is no end user and trade diversion figures are too low.

The objection details the concerns about the retail impact assessment not taking into account on-line shopping and the ascendancy of the supermarket; is based on limited survey material; that it makes assumptions and predictions and is based on estimates in many parts; that it does not take into account residents work patterns; and that the parking provision (200 spaces) does not reflect the vehicle movements of 348 per hour.

Comments are also made relating to the design and landscape raising concern about the lack of information on the existing landscaping, the proximity of the site to the adjacent housing, the removal of the existing tree buffer and associated impact on wildlife; and the view of the development from the adjacent development, highway and public footpath. The conclusion of the objection is that the scale of the development has not provided sufficient space within the site to mitigate the impact of the development.

- 4.2.7 **CPRE South Shropshire** have also objected on the grounds of the potential impact on the town centre for similar reasons to those quoted by the Chamber and Love Ludlow.

The Campaign to Protect Rural England sees these small market towns as being essential to the life of rural areas. Ludlow’s setting on the River Teme surrounded by the Clee Hills, Whitcliffe and Mortimers Forest is a jewel in the Marches. It should not be allowed to sprawl into yet another town where development is allowed outside the town at the expense of the vitality and viability of the town centre.

- 4.2.8 A detailed objection has been received on behalf of **Mid-Counties Co-Operative Stores** commenting that the development is contrary to the Core Strategy policies, does not satisfactorily address the sequential test (in that the Upper Galdeford/ Station Drive car park site has been discounted as too small but does not detail

the scale of the development proposed or consider that not all car parking would have to be provided on site) and relies too heavily on the 2007 retail study.

Concern is also raised about the following issues:

- the results of the surveys undertaken have not been submitted and that this details may alter the weight which can be given to the survey results;
- the sales details may not include VAT and therefore may affect the impact assessment;
- the study area is much larger than the catchment area of the town;
- turnover is overestimated, for both the proposed and existing stores;
- trade diversion is underestimated for both comparison and convenience goods;
- the existing Tesco should be considered as in the centre, not out of centre;
- the Tenbury Wells consent has not been considered correctly;
- a high level of job displacement should be expected;

The objection concludes that the impact assessment is fundamentally flawed, the sequential assessment does not provide sufficient detail and therefore that the proposal does not comply with policy.

- 4.2.9 An objection has been received on behalf of **Spar** raising concerns about the sequential test and impact test, the levels of employment, groundwater contamination, heritage impact and accessibility.

The objection raises concerns about the reliance on the 2007 South Shropshire Retail Study, that the application does not consider other, more accessible, out of centre sites and that the retail assessment makes assumptions and uses variables and further information should be required.

With regard to accessibility the objection raises concerns about the access to the site on foot and suggests that a 4km round trip is not realistic or acceptable and that the bus services suggested by the applicant do not cover Sundays and evenings.

## 5.0 THE MAIN ISSUES

- Policy & principle of development
- Sequential site assessment
- Impact assessment
- Layout of site, scale and design of food store
- Impact on neighbours amenities
- Access, car parking and accessibility to town centre
- Impact on historic environment
- Landscaping and ecology
- Flooding, drainage and contamination
- Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The Shropshire Core Strategy was adopted in February 2011. Policies CS1 (Strategic Approach) and CS3 (The Market Towns and Other Key Centres) aim to encourage the continued sustainable growth of Ludlow as one of the main market towns in Shropshire. Ludlow is noted in CS3 as providing a focus for development, whilst respecting its historic character. It is also detailed as an important tourist destination which has achieved international renown as a centre for quality local food and drink. The overarching policy of CS3 advises that development in the market towns will be to maintain and enhance their role in providing facilities and services to the rural hinterlands, and providing a foci for economic development and regeneration. Balanced housing and employment development, of an appropriate scale and design will take place within the towns' development boundaries.
- 6.1.3 With regard to retail uses policy CS15 (Town and Rural Centres) encourages the provision of appropriate convenience and comparison retail, office and other town centre uses preferably within the identified town centres as a 'town centres first' approach, however it does acknowledge the NPPF sequential and impact tests where no town centre sites are available. Within CS15 the market towns will act as principal centres to serve local needs and the wider needs of the spatial zone. Appropriate convenience and comparison retail, office and other town centre uses will be permitted to support these roles.
- 6.1.4 The SAMDev for Ludlow, policy S10, follows from the principles set in the Core Strategy policy CS3. The policy acknowledges that Ludlow is the largest market town in southern Shropshire and as such the town is a focus for development and growth. Paragraph 4 deals specifically with the town centre and aims to ensure that new main town centre uses will be focussed within the defined town centre area and primary shopping area identified on the policies map.
- 6.1.5 Also of relevance are policies MD10a – Managing Town Centre Development and MD10b – Town and Rural Centre Impact Assessments of the SAMDev. Policy MD10a defines Ludlow as a category 'B' town, a settlement with a town centre and a primary shopping area. In category 'B' towns there is a presumption in favour of retail proposals in ground floor premises in the primary shopping area, additional main town centre uses in the primary shopping area and within the wider town centre. Policy MD10b sets local thresholds for impact assessments depending on the town. Developments located outside of the defined town centre of Ludlow, and which have a gross floor space of over 300sqm, will require an

impact assessment to be undertaken and submitted with the application. Policy MD10b also advises that developments which have a significant impact on town centres, or where the impact assessment is insufficient, will not be permitted. The policies within the Core Strategy and the SAMDev are considered to be consistent with the requirements of the NPPF as detailed in the following paragraphs.

- 6.1.6 At a national level the NPPF, section 2, sets out the national policy for determining planning applications for retail and other town centre uses. It seeks to be positive and promote competitive town centres but does acknowledge that policies will be required to consider main town centre uses which cannot be accommodated in or adjacent to town centres. Paragraph 24 requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. This test is the “town centre first” approach where out of town sites should only be considered where there are no sites within or on the edge of centres and preference should be given to accessible out of town sites that are well connected to the town centre.
- 6.1.7 Paragraph 26 of the NPPF also requires out of centre retail applications not in accordance with the development plan to assess their impact on the town centre in order to show the impact of the proposal on existing, committed and planned public and private investment and on the vitality and viability of the town centre. Where an impact is judged to be significantly adverse, or if there are sequentially preferable sites available, the proposal should be refused. Where no significant adverse impacts have been identified, and where the application also satisfies the requirements of the sequential test, a decision should be taken by balancing the positive and negative impacts of the proposal and other material considerations, and also the likely cumulative effect of recent permissions. These two issues of sequential and impact assessments are highly important in determining this application.
- 6.1.8 The Town Council, local MP and local interest groups and objectors have questioned the need for a new supermarket or petrol filling station on the edge of Ludlow commenting that there are existing supermarkets and independent retailers providing for the shopping needs of the area. The agent has commented in their planning statement that they consider that there is a need for a new store in Ludlow. The key point to note on this matter is that although the need for additional retail uses is inherent in the assessment of impact on a town centre there is no longer a requirement for the need for additional retail floor space to be justified in either national or local policy. As such, providing the application complies with the impact test there is no requirement to evidence need. PPS4, the national retail policy prior to the NPPF, removed the requirement for applicants to satisfy a test of “need” in justifying proposals for town centre uses and as such whether there is a need for the retail units proposed (including the food store) is given less weight but can still inform the conclusions reached in terms of the impact test.
- 6.1.9 The key issues are firstly, determining whether there are any sequentially preferable sites available and suitable, or likely to become so within a reasonable period of time; and secondly whether the proposed retail development would

result in a significant adverse impact on the existing town centre. These are the two tests within the NPPF, policy CS15 and policy MD10b. The NPPF states that applications should only be refused where they fail the sequential test or are likely to have a significant impact on existing centres.

- 6.1.10 In order to consider these issues the application has been submitted with Planning Statement which includes a Retail Statement. An addendum to this statement was also submitted following concerns raised by Officers, local residents and other retailers. The addendum was considered necessary to ensure that the impact on the existing Tesco store in Ludlow was properly considered. The details of this statement, its conclusions and the advice resulting from this statement are considered in the following sections of the report.
- 6.1.11 Also a material consideration is the history of the site. It should be noted that there is existing development on the site and as such the land can be considered as a brownfield site (previously developed land). The redevelopment of brownfield land is promoted by paragraph 111 of the NPPF and the National Planning Practice Guidance. Both documents advise that Local Authorities should encourage the effective use of previously development land provided that it is not of high environmental value. The brownfield nature of the site is a material consideration which should be weighed in favour of the development. It does not over rule the need for a site to be sustainable but it is a matter that should be considered as positive in the overall planning balance.
- 6.1.12 Furthermore, the houses to the north of the application site have been built under a 2006 planning consent which included the current application site as land for a hotel. Prior to that the farm house and outbuildings had planning permission for conversion to a hotel and restaurant. These previous consents are also material considerations in the determination of the current application as this evidences support for redevelopment of the site and also for further building on this side of the A49.
- 6.1.13 As noted above the SAMDev also allocates land to the south of the A4117, also east of the A49, for housing development which will expand the town further over the main road.
- 6.1.14 It is accepted, as noted by the Town Council and Parish Council, that the site is outside the development boundary allocated in the SAMDev, however the site has a planning history, is considered to be previously developed land and furthermore the application is for an out of centre retail proposal which by its very nature could be justified outside the development boundary. Policy CS5 supports economic development outside the boundary and the consideration of retail applications is primarily against CS15, MD10a and MD10b and the NPPF in terms of the sequential and impact tests. The Council have not allocated any sites outside of Shrewsbury for retail uses but that does not mean that no further retail uses will be allowed outside of Shrewsbury or outside settlement boundaries.

## 6.2 Sequential site assessment

- 6.2.1 Severn sites were considered in the sequential site assessment. None are within the town centre as there are no sites of sufficient size to accommodate a food store available in the town centre.
- 6.2.2 Upper Galdeford/ Station Drive is currently a town centre car park adjacent to the library and behind existing retail units on Corve Street. It is 0.8 hectares in size but has a restrictive covenant requiring its use to provide 50 parking spaces for the nearby Co-op store. As such the agent does not consider that the site is available. Furthermore, it is too small and would result in loss of town centre car parking. Corve Street/ Station Drive is 1.7 hectares of land adjacent to the railway line, residential and commercial areas and close to the Tesco store. The land is currently part in use by Aldi and part as employment land and therefore is also not available for development of a food store. Gravel Hill/ Lower Galdeford is also 1.7 hectares but has recently been developed by commercial operations and therefore is not available.
- 6.2.3 Weeping Cross Lane is considered by the agent to be an out of centre site which has been partially developed for residential use with less than 1 hectare remaining. The land is allocated for employment use and therefore the agent considers it is not suitable due to its size and allocation. McConnells land is the largest parcel of land considered at 3.1 hectares but is also considered to be out of centre for retail planning purposes. As with the Weeping Cross Lane site the land is allocated for employment use and is in use for warehouse, manufacturing and storage. It is adjacent to residential uses, the Ludlow conservation area and a SSSI. As such the site is highly sensitive but is also not considered to be available without impacting the availability of employment land in the town.
- 6.2.4 Castle Street Garage site was vacant at the time of the sequential assessment. It is 0.31 hectares, previously used as a petrol filling station, opposite Tesco and adjacent to residential uses. The agent accepts that the site is available but does not consider that it is suitable due to its size. The Castle Street Car Park is a 0.38 hectare site adjacent to the existing shopping area which the agent considers is not suitable as it is too small and would also result in loss of town centre car parking.
- 6.2.5 The conclusion of the submitted sequential assessment is that there are no sites located in or adjacent to the town centre that are available or suitable for the development of a food store for Ludlow.
- 6.2.6 As detailed in section 4.1.4 above the Council Planning Policy Officer with retail experience and specialism has advised that the submitted sequential assessment, considering the 7 sites noted, is reasonable and shows sufficient evidence that there are no sequentially preferable sites.
- 6.2.7 No evidence has been provided by any other interested parties of any sequentially preferable sites and as such there is no evidence before the Council that the application does not meet the requirements of the sequential test in national and local policy.

### 6.3 **Impact assessment**

- 6.3.1 The applicant's retail statement advises that the proposed store is intended to cater for the weekly/ main shop which they accept is usually undertaken by car as bulky shopping trips would be difficult on the bus, bike or on foot. The applicant has undertaken a household survey and also used existing evidence to establish current shopping patterns and understand the potential impact of the store. The evidence provided shows that the town currently retains 72% of the convenience expenditure from the area, 26% is spent outside the area and the remainder is spent on the internet. The household survey shows that the majority of people do their main food shop at Tesco or Aldi and top up shopping in the town centre stores along with specialist purchases and comparison shopping.
- 6.3.2 It is the agent's opinion that the results of the survey work undertaken is that there is currently a high level of expenditure leakage from the town but that there is also good evidence of linked trips between the existing stores and the town centre shops. The town centre also functions as a leisure, service and employment venue. It is an attractive venue for tourism with a diverse range of goods and services, specialist and independent food retailers working with the town's food reputation.
- 6.3.3 Ludlow has a defined Primary Shopping Area (PSA) and a larger defined Town Centre. The applicant expressed an opinion that Tesco (and Aldi) are outside of the existing town centre because they fall outside the defined Primary Shopping Area, and therefore the assessment of Impact on these stores is not relevant. However, Council officers do not agree with this view and note that Tesco is in the identified town centre in the recently adopted SAMDev. It is accepted that it is not in the PSA, however the town centre expands beyond the PSA and does include the Tesco store.
- 6.3.4 The view of the Policy Officer is that a suitable impact assessment must include the direct impact of the proposal on the Tesco store at Station Road, as well as the indirect impact from the loss of 'linked trips' to the area resulting from the loss of footfall between the Tesco store and town centre. This view is supported by Paragraph 26 of the NPPF which states that Impact Assessment should include an assessment of "the impact of the proposal on town centre vitality and viability". The direct impact on Tesco is considered particularly important to the vitality of Ludlow's town centre given the obvious 'like-for-like' nature of Tesco and the proposed store. It is also considered that because of this 'like-for-like' impact, the impact on Tesco store is clearly going to be much greater than the impact on Ludlow's smaller shops situated in the town centre. This is important to acknowledge in the overall assessment of direct impact; the level of impact is not going to be spread evenly across all shops in the town centre. However, it is considered that Tesco acts as an anchor store for the town centre, and that any loss of trade to this store will have some indirect impact from the inevitable loss of linked trips.
- 6.3.5 The Policy Officer's view on these matters is outlined in detail in the policy comments section of this report, and his views have been endorsed by Peter Brett Associates. It is accepted that Aldi is outside the defined town centre, and therefore should not form part of the applicant's Impact Assessment. In response to these views, the Council requested additional information to assess the direct

impact on the Tesco store at Station Road, and for this to be included within applicant's overall assessment of impact. It was also requested that the applicant quantify the level of indirect impact resulting from the loss of linked trips and for this to be included within the overall assessment of impact. The applicant's retail addendum subsequently provided this information and allowed the Council to make an informed judgement on the significance of the level of impact.

- 6.3.6 The initial retail statement submitted with the application, which did not include the proposal's impact on the Tesco store or the loss of linked trips, suggested that the proposed store would compete with Tesco and Aldi and also clawback leaked expenditure but that it would not compete with town centre specialist food shops. The trade diversion from the town centre was calculated to be £0.7m and the trade diversion from Tesco and Aldi would be £11.88m. However, the agent suggests that both Tesco and Aldi are currently over trading and would continue to trade with limited impact on viability if the proposed store was built. The existing trade of both stores will reduce but not to an extent where either store would cease trading.
- 6.3.7 The amended retail statement was submitted during the consideration of the application which still sought to argue that Tesco was not in the town centre but did provide the impact assessment required by officers to take into account the impact on Tesco. Without the Tesco store included the agent advises that their assessment suggests a 1.8% impact. With Tesco included in the assessment this impact goes up to 10%. As such this confirms the view that the main impact will be on the existing Tesco store rather than on the smaller shops. Even with this increased impact the agent does not consider that the total impact on the town centre would significantly impact on vitality or viability.
- 6.3.8 Although the agent has acknowledged that shoppers currently link trips between Tesco, Aldi and the town centre they comment that the level of linked trips is minimal and therefore would not be significantly affected by the proposal. The suggestion is that shoppers undertake their main shop in either Tesco or Aldi on a separate trip to visiting the town centre. The results of a survey in Tesco car park shows that very few shoppers are parked in Tesco and then walk into the centre. The agent therefore suggests that if linked trips are carried out on the same visit the link is undertaken by car. As such the agent considers that the proposed food store would continue this principle of shoppers visiting the town centre by car then visiting the food store by car (or visa versa).
- 6.3.9 Furthermore the agent suggests that the Tesco and Aldi store have not had the impact on the town centre that was perceived by objectors at the time they were being considered for planning. The town trades positively and has a higher number of independent convenience goods retailers than average. The agent considers that the erection of a new food store will not affect the success of the town or market and that shopping patterns will not substantially alter as the retail offer in the town is different to the retail offer from the application.
- 6.3.10 The Policy Officer's detailed comments are included within this report under section 4.1.4. As previously noted these views have also been assessed by Peter Brett Associates acting as an independent retail consultant on the matter. Peter

Brett Associates support the views of the Council's Policy officer with regard to the methodology for assessing impact, and the overall conclusions on impact. Both the Policy Officer and Case Officer would like members to note that forecasting impact is not an exact science but that a reasoned and evidence judgement should be made.

- 6.3.11 The agent's conclusion of the impact forecast is that the impact on the town centre, including the impact on the existing Tesco store, is 11% and without the Tesco store is 2.3%. The Council Policy Officer has advised that the "without Tesco" figure is unrealistically low but that the "with Tesco" figure is more reasonable. To this end the Council has accepted the applicant's assessment of the level of impact on the Tesco store.
- 6.3.11 Linked trips are also considered by the Policy Officer who suggests a greater loss of linked trips than assumed by the applicant and also advises that the impact of loss of linked trips should be added to the direct impact on the town centre. The Policy Officer concludes that the total impact on the town centre, with lost linked trips added, is likely to be between 10.98% and 11.37%. It is the Policy's Officers view that this conclusion has been arrived at following a suitably detailed assessment of impact on the town centre; a view which is supported by Peter Brett Associates.
- 6.3.12 The decision to be made is therefore whether an 11.37% impact is a significant impact on the town centre. Paragraph 27 of the NPPF advises that the impact on a town centre needs to be significantly adverse to justify refusal of a planning application and that the current health of the town and trading levels of existing stores can also be taken into account.
- 6.3.13 Officers are of the opinion that Ludlow has a healthy town centre with low vacancies and an attractive environment. The existing Tesco store is overtrading against national benchmark figures and this has been confirmed by the Council Economic Development Officer in his comments at 4.1.5. As such officers accept that the proposed food store at Dun Cow will divert trade from the town and that 11% is more than a minor impact, however officers do not consider that 11% will result in a significant impact and as such would not justify refusing the current application on the basis of the impact on the vitality and viability of Ludlow town centre.
- 6.3.14 Due to the level of objections received and the controversial nature of this proposal officers considered it was appropriate to seek the external and independent advice of Peter Brett Associates on the submitted retail information and the opinion of the Council Policy Officer. It is accepted that the Policy Officer's view is contrary to the view of the Town Council, Chamber of Commerce, MP and local residents and as such the decision was taken to seek additional advice to ensure that Officers were taking the correct approach.
- 6.3.15 The external advice is from an independent retail consultant who has not got any conflicting interest in the application or Ludlow. The retail consultant has agreed with the Council Policy Officer on the position of the existing Tesco being within the town centre and that the impact on this store should therefore also be taken

into account. The consultant has also agreed with the applicant that 35% of main food shopping trips are linked with a town centre visit and that the average spend at linked trips is £10. However, they have queried why the applicant hasn't considered loss of linked top-up shopping in Tesco and town centre and queried the potential for linked trips from the proposed store given the distance to the town centre.

6.3.16 Although the consultant has raised queries they do not suggest that either of these queries should be referred back to the developer for further work to be carried out. The consultant comments that they consider it unlikely that overall levels of trade impact resulting from direct and indirect impacts would be significantly higher than the figures set out at Table 2 of the Retail Addendum, even if an element of linked trips from diverted top-up food shopping trips were included and it was assumed that a higher proportion of linked trips associated with main food shopping trips were lost. The general points made by the applicant in terms of the distinctive offer of Ludlow Town Centre are noted, as is the fact that many linked trips will relate to spending on services and that impacts on the retail turnover of the town centre may therefore be lower than assumed.

6.3.17 Overall the consultant advises that the indirect impacts of the proposed development would not result in significantly higher trade impacts than the direct trade impacts estimated by the applicant within the Retail Addendum. The consultant advises that the estimated trade impacts of over 10 per cent at 2019 are clearly not insignificant. However, they also accept that Ludlow is a healthy town centre that performs well on a number of key indicators of vitality and viability and that within this context the anticipated level of trade impact may not lead to significant adverse impacts under the terms of paragraph 26 of the NPPF or merit refusal of planning permission in accordance with paragraph 27 of the NPPF.

6.3.18 Taking account of all of the advice provided and the evidence before the Council it is officers opinion that the proposed development has proven the sequential test has been met and also proven that there will not be significant adverse impact on the vitality and viability of the existing town centre. Accordingly officers would advise that the application should be supported and that a refusal on the basis of the impact of the proposed store would not be a defensible refusal of the planning application.

#### 6.4 **Layout, scale and design**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.4.2 Although an outline application an indicative layout has been submitted to show how the site could be developed. The indicative layout suggests the food store to the northwest of the site with car parking between the store and the A4117 and the service area to the side. The indicative layout and the design and access statement suggest a food store of 3,525m<sup>2</sup> made up of 2,534m<sup>2</sup> on the ground

floor and 991m<sup>2</sup> on the first floor with a sales area of 2,322m<sup>2</sup>. The D&A suggests a split of 75% convenience and 25% comparison goods. The petrol filling station is shown as a canopy with 6 pumps and a kiosk.

- 6.4.3 The submitted design and access statement acknowledges that the development will be a significant change to the existing landscape but considers that it will integrate over time as the landscape matures. The store will be built to meet BREEAM very good standard with low water consumption, surface water management systems, sustainably sourced materials and re-use of heat from refrigeration units.
- 6.4.4 The fuel tanks for the petrol filling station were initially proposed to be underground. However, following the objection from the Environment Agency the agent has confirmed that the tanks can be situated above ground. This is considered to overcome the objection from the EA who were reconsulted on the amendment but have not submitted any further comment.
- 6.4.5 Notwithstanding either the EA objection or the amendment the application is for outline consent with the layout, scale, appearance and landscaping of the site reserved for later approval. As such, if outline consent were to be granted, the position of the fuel tanks could be considered before or during a reserved matters application.
- 6.4.6 However, it is also officer's opinion that the indicative layout is not appropriate in terms of the positioning of the store and service yard at the rear of the site, the removal of the roadside hedge and the impact this indicative layout would have on the character of the area and the amenities of the residents of Rocks Green. It is officer's opinion that the site should be designed to respect its position on the edge of Ludlow, the existing landscaping and the existing dwellings. As such officers would not support the indicative layout but also note that this is a matter which is reserved for later approval, along with scale and design. This is a view that is supported by the Conservation Officer's comments detailed at 4.1.6 above.
- 6.4.7 It is accepted that food store operators prefer to lay out their sites with the store at the rear and car park at the front with the store overlooking the car park and both being visible from the adjacent road. This may be a preference but it is not considered to be an appropriate layout for this site or for Ludlow. The existing constraints and opportunities have not been taken into account and as such, although officers are in support of the principle of the development proposed on this site and have no objection to the indicative layout of the petrol filling station, officers would not support the layout of the store and car park as shown and these matters would need revising and careful consideration before a reserved matters application is submitted.

## 6.5 **Impact on residential amenity**

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.5.2 Prior to submission of the application the applicant carried out a consultation exercise. There was general support for a petrol filling station and a balanced response to the proposal for the food store. Respondents raised issues regarding traffic, access, need, impact on town centre, design, opening hours and jobs.
- 6.5.3 All of these issues are dealt with elsewhere in the report. The comments received during the Council's consultation on the current planning application are detailed in section 4 above. At this time there are no objections on the basis of impact on residential amenity. However, as noted above, officers do not consider that the layout shown on the indicative plan is suitable.
- 6.5.4 A noise survey was carried out which has recorded background noise levels and considered potential noise from traffic, service yard, the car park, petrol filling station and equipment at the store. As a result of the noise survey work barriers are proposed around the service yard and parts of the car park where there are near to residential properties. Considerate vehicle movements, such as no reversing beepers, are also suggested for within the service yard. The noise survey notes that without this mitigation the nearest properties would be adversely affected. The applicants have indicated an intention to erect a 3m high acoustic barrier fence on the north boundary of the site.
- 6.5.5 As such the indicative layout and the noise survey suggests a very harsh barrier along the rear of the site between the proposed store and the existing residential area. This area was designed with a high quality finish and layout and provides dwellings with pleasant open aspects. The indicative layout as shown would result in a high fence along the boundary and does not respect the views of the public from this housing development. It also provides the service area in close proximity to the existing dwellings. Officers are of the opinion that a different layout could be achieved which moves the store and service yard further from the existing dwellings and also retains the existing landscaping along the A49.
- 6.5.6 Although the mitigation proposed by the applicant would reduce the impact on the residents of these properties the mitigation may not be necessary if an alternative layout is provided.
- 6.6 **Highways, access, parking and rights of way**
- 6.6.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should 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 to be reduced.
- 6.6.2 A full Transport Assessment has been carried out and submitted with the application. This notes the existing highway situation, road widths, speeds, footpaths, street lighting and crossing points. It acknowledges that the A49 is a trunk road. The report details the proposed improvements to Dun Cow Road to widen the carriageway and add a mini roundabout. Improvements are also proposed to the junction with the A4117.

- 6.6.3 Trip generation and traffic surveys have been carried out on the A49, A4117 and Dun Cow Road. The TA predicts potential traffic movements and suggests that it is unlikely that all movements would be new as many would be from shoppers who already use other stores in the area. The prediction in the TA is that 51% of traffic would be diverted from the existing Tesco and Aldi stores. The report also considers that many store visits will be generated from traffic already passing the site on the A41.
- 6.6.4 The TA also comments on junction capacity noting that the junction of Dun Cow Road with the A4117 could be at or approaching capacity at peak times once the development is complete and open to trade but considers that this may be reduced by customer choice, ie customers choosing what time of day to visit the store and to avoid peak times. Furthermore the TA suggests that queueing vehicles can be accommodated on Dun Cow Road. Alternative junction arrangements such as traffic lights and a roundabout were considered but both were assessed as having the potential to result in other delays. With regard to the other local junctions the A41 to A4117 and A4117 to Henley Road would both operate well within capacity after the development.
- 6.6.5 The design and access statement submitted with the application advises that the proposal will include 227 parking spaces of which 13 are disabled spaces and 9 are parent and child spaces. Cycle parking is also proposed and the site is within 1 minute walk of the nearest bus stop which serves the town centre.
- 6.6.6 There are existing pedestrian crossings on both the A4117 and the A49 and the applicant considers that the site is accessible on foot, bicycle and by bus with the town centre, train station and significant areas of residential development within walking distance. However, the TA accepts that as a main food shopping venue these trips are likely to be limited.
- 6.6.7 The Council Highway Officer's comments are provided in full at 4.1.8 above. The Highway Officer has acknowledged the potential traffic impact of the proposal but has raised no objection. Highways England have also commented, given that the site access is close to the A49 (as detailed at 4.1.8 above). Highways England also have no objection to the proposal concluding that the junction of the A49 and Rocks Green will continue to operate within capacity and that the development traffic can be accommodated on the strategic network without mitigation works being required.
- 6.6.8 Access to the foodstore is being sought from Dun Cow Road which the Council Highway Officer has advised is an unadopted (private) road. Consent from the landowner will be required separate to the planning application, however the access should be provided to an adoptable standard as the Council Highway Officer has advised that the landowner is intending on requesting adoption of the road.
- 6.6.9 The Council Highway Officer has considered the impact on the local road network and accepts that there will be an increase in traffic but that there is capacity to accommodate this development. Improvements to the junction for vehicles turning

right are included in the proposed application and these are promoted by the Highway Officer as beneficial.

- 6.6.10 Walking and cycling has also been considered by the Highway Officer who notes that the A49 is currently a barrier to this type of movement. It is therefore recommended that as part of the development further pedestrian and cycle provisions should be delivered to encourage sustainable travel between the existing residential areas and the site. This matter can be dealt with through an appropriately worded condition.
- 6.6.11 A draft Travel Plan has also been proposed which recommends that the store employs a travel plan coordinator and that the travel plan is used to promote cycle access, the use of public transport and car sharing, especially for staff. The Council Highway Officer has confirmed that this should be developed further in accordance with PPG13 and associated best practice/guidance.

## 6.7 Ecology and trees

- 6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A protected species survey has been undertaken and submitted with the application and this has been considered by the Council Ecologist.
- 6.7.2 The submitted ecology report notes the existing buildings, grazing land and tree/hedge boundaries. There are no records of badgers, dormice, reptiles or amphibians (including great crested newts). Records are available showing otters 1km west of the application site but there are no watercourses close to the application site which would serve as connecting corridors to the recorded siting. The nearest local nature reserve is 2km from the application site. A separate bat survey report has also been submitted on the basis that the site provides foraging opportunities. No evidence was found of bats using the buildings during the surveys but the author suggests that there is still a possibility of roosting bats and as such recommends removal of the roofs on the buildings is carried out under supervision. Bats were found to be using the site for foraging and bat boxes are therefore recommended.
- 6.7.3 It is accepted by the applicant's ecologist that almost all of the existing vegetation and habitats will be removed but the author considers that the existing site is of low nature conservation value and that the development of the site can enhance ecology by planting native species hedges and trees. Recommendations include site clearance under ecological supervision and further surveys if 12 months pass between the existing surveys and the commencement of development. However, it is also noted that the farmhouse was not surveyed as access was not possible.
- 6.7.4 A tree survey was carried out which accepts that most of the existing trees are to be removed. The hedge boundary to the east, with Dun Cow Cottage, is to be retained, all others are to be removed, including the hedges on the boundary with the A41 and A4117. The design and access statement recommends additional native species landscaping for decorative and ecological benefit.

**6.8 Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity.
- 6.8.2 A full Flood Risk Assessment (FRA) has been carried out and submitted in support of the application. The FRA advises that the highest part of the site is 117AOD, adjacent to Dun Cow Road, and the lowest point is 112AOD. The site is in flood zone 1 and therefore at lowest risk of flooding. The FRA recommends surface water from the development is drained to the existing surface water sewer in Rocks Green but that it may need to be pumped and attenuated to control run off to greenfield rate. The proposals include permeable paving, except at the petrol filling station, and that further assessment may enable the use of soakaways.
- 6.8.3 The Council Drainage Consultant has not raised any objection to the principle of approving the site and has recommended that drainage details, plans and calculations could be conditioned and submitted for approval at the reserved matters stage. There is no evidence to show that the site is not capable of being provided with a satisfactory drainage system which would ensure that the development complies with policy CS18 and as such this matter can be dealt with by condition.
- 6.9 Other matters**
- 6.9.1 Dun Cow Farm, the farm which forms the application site, is recorded in the Shropshire Historic Farmstead Characterisation as being of archaeological interest. The farm dates from 1835 and as such there is a potential for archaeological remains but no previous surveys have been carried out. The applicant has also noted nearby heritage assets. However, it is the applicants opinion that the setting of Dun Cow Farm has already been affected by the construction of the A49 and Rocks Green housing estate. Any archaeological remains are likely to be local and of limited significance but the applicant accepts that the development of the site would destroy and archaeology and therefore accepts that there is a requirement for a condition.
- 6.9.2 The Council Conservation Officer has commented that the existing buildings on the site, a farmhouse and farm buildings, have some heritage importance. The applicant has therefore submitted a statement of significance which provides detail on the age of the building, their quality and rarity. The Conservation Officer, under section 4.1.6 above, confirms that the statement is sufficient for the NPPF requirements and has not raised any objection to the loss of the existing buildings providing they are recorded prior to demolition.
- 6.9.3 An assessment of potential for contaminants was also carried out. This has noted the existing buildings, previous uses and the presence of 2 above ground heating oil tanks on concrete bases. These tanks are considered to be in reasonable condition and as such the assessment suggests that there is not likely to be any contamination on site.

**7.0 CONCLUSION**

- 7.1 The proposed development has been assessed in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, namely that any determination must be made in accordance with the development plan unless material considerations indicate otherwise. In particular, the proposed development has been assessed against locally adopted policies and the National Planning Policy Framework in relation to retail development. This assessment concludes that approval of a food store on the application site would not have a significant adverse impact on the vitality and viability of Ludlow town centre.
- 7.2 Taking into account the provisions of the conditions, this proposal is considered to accord with the requirements of the current development plan as a whole including the need to protect the vitality and viability of town centres and to support appropriate retail and other economic development, taking into account sequential and impact assessments. This is with reference to Shropshire Core Strategy policies CS1, CS3, CS6, CS9 and C15, Shropshire Site Allocations and Management of Development policies MD2, MD10a and MD10b and paragraphs 23 to 27 of the National Planning Policy Framework.
- 7.3 Furthermore it is considered:
- That Ludlow is suitable for the form of development proposed (Policies CS1 and CS3 of the Shropshire Core Strategy);
  - That the proposal would not result in any significant adverse impact on Ludlow town centre (as assessed under the requirements of Paragraph 26 of the NPPF);
  - That, overall, it will deliver positive impacts (by reference to policies CS6 and CS9 of the Shropshire Core Strategy) by reason of the employment generation and the potential to retain and clawback trade to Ludlow.
- 7.4 Furthermore, the access, parking and potential for enhanced pedestrian and cycle linkages to the surrounding area are considered to meet the principles of sustainable development and the requirements of the NPPF and policies CS6 and CS9 of the Shropshire Core Strategy. The site is capable of being drained without resulting in a greater flood risk as required by the NPPF and policy CS18 of the Shropshire Core Strategy; subject to an appropriate layout and noise mitigation the development can be designed so as not to have an unacceptable impact on the amenities of surrounding residents in accordance with the requirements of the NPPF and CS6 of the Shropshire Core Strategy; and the landscaping and ecological impacts can also be protected or mitigated in line with the NPPF and CS17 of the Shropshire Core Strategy.
- 7.5 Accordingly the proposal is considered to comply with the Development Plan Core Strategy policies CS3, CS6, CS7, CS17 and CS18 and with the requirements and aims of policy CS15 in seeking to protect the vitality and viability of Ludlow Town Centre. The scheme is also in accordance with the policies within the Shropshire Site Allocations and Management of Development (SAMDev) and the National Planning Policy Framework (NPPF), specifically paragraphs 23 to 27. 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.

## **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 - written representations, a hearing or inquiry.

The decision is 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 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 give 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 1970.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10.0 Background

### Relevant Planning Policies

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD10A - Managing Town Centre Development

MD10B - Impact Assessments for Town and Rural Centres

MD12 - Natural Environment

Settlement: S10 - Ludlow

### Relevant Planning History:

14/04052/SCR EIA Screening Request for Proposed superstore and Petrol Filling Station EA  
NOT REQUIRED 5th November 2014

SS/1/03/14950/F Conversion of agricultural buildings to hotel and restaurant; formation of  
vehicular and pedestrian access; installation of a septic tank APPROVED 29th April 2004

SS/1/01/12418/F Renewal of Planning Permission 1/06874/P dated 25th July, 1996 for change  
of use of barns to steakhouse/restaurant and car parking for 40 cars APPROVED 27th  
November 2001

SS/1/6874/P/ Use of barns as steak house/restaurant and car parking for 40 cars APPROVED  
25th July 1996

SS/1/1019/P/ Conversion of barns to a steak house restaurant with car parking for 40 cars.  
APPROVED 27th June 1991

SS/1979/574/P/ Formation of an agricultural vehicular access APPROVED 23rd October 1979

### Appeals

SS/1/2521/P/ Change of use from disused farm building to retail sales. ALLOWED 15th March  
1993

## 11.0 Additional Information

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 Vivienne Parry

Appendices  
APPENDIX 1 - Conditions

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

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
  - The means of enclosure of the site
  - The levels of the site before and after development
  - The foul and surface water drainage of the site in accordance with the standing advice from the Council Drainage ConsultantReason: To ensure the development is of an appropriate standard.
5. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Protected Species Survey Focussing on Bats by Shropshire Wildlife Consultancy dated July 2014.  
Reason: To ensure the protection of bats, which are European Protected Species
6. Construction and demolition work, including the arrival of deliveries and unloading of deliveries related to the construction work, shall only be carried out between the following hours: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.  
Reason: to protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.
7. The fuel tanks associated with the hereby approved petrol filling station should be located above ground. Their position and means of preventing fuel spillages and incidents shall be submitted for approval along with the reserved matters application.  
Reason: To overcome the objection raised by the Environment Agency.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

8. prior to the commencement of any work a construction traffic management plan shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road. The plan shall give details of hours of operation, delivery times, access routes and procedures to reduce the spread of deleterious material on the strategic road network. The construction traffic management plan shall be implemented as approved and reviewed by the appointed main contractor throughout the construction period. If changes to the CMP are deemed necessary at any point throughout the construction period, these changes will be approved in writing by the local planning authority, in consultation with the highways authority for the A49 Trunk Road

Reason: To ensure the continued safe operation of the strategic road network during construction activities, in accordance with paragraph 49 of DfT Circular 02/2013.

9. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory access to the site.

10. Prior to the commencement of the development full engineering details of the proposed junction improvements to the junction of the A4117 and Dun Cow Road 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 before operation of proposed development.

Reason: To ensure a satisfactory means of access to the highway.

11. Prior to the commencement of the development full engineering details of the proposed foot/cycleway linkages between Ludlow and the development site, 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 before the development is first occupied.

Reason: To ensure a satisfactory alternative means of pedestrian and cycle access to the development.

12. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). The written scheme shall be approved in writing by the Planning Authority prior to the commencement of works and the work thereafter carried out in accordance with the requirements of the WSI.

Reason: The site holds archaeological interest.

13. No development approved by this permission shall commence until a photographic survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

14. Prior to the commencement of development details of the location and design of a minimum of three bat boxes or bat bricks suitable for nursery or summer roosting for small

crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

15. A detailed lighting plan and schedule shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road, prior to the commissioning or alteration of any external artificial light source. This shall give details of lamp positions, directions, and intensity across the site and the surrounding highway network. The detailed lighting plan and schedule shall be implemented as approved.

Reason: To prevent stray light from the site affecting the ongoing safe operation of strategic road network, in accordance with paragraph 49 of DfT Circular 02/2013.

16. A detailed drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road, prior to the commencement of any works that would alter the existing drainage of the site or surrounding land. The detailed drainage scheme shall be implemented as approved.

Reason: To ensure the site does not drain onto the strategic road network and that the proposed method of drainage does not affect the interests of Highways England, in accordance with paragraph 50 of DfT Circular 02/2013.

17. Prior to the first opening of the food store a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented within one month of the first occupation of the development.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

18. Prior to any petrol sales or deliveries to either the petrol station or food store service yard taking place on site specification of acoustic fencing shall be submitted to the local planning authority for approval in writing. The fencing around the service yard must demonstrate a proposed 15dB reduction for nearby residents. The fencing associated with the petrol filling station shall demonstrate a proposed 5dB reduction of noise at nearby residential premises.

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

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

19. No more than 25% of the net sales floor area of the store shall be used for the sales of comparison goods. Comparison goods are defined within the COICOP categories for the following goods:

- Clothing materials & garments
- Shoes & other footwear
- Materials for maintenance & repair of dwellings
- Furniture & furnishings

- Carpets & other floor coverings
- Household textiles
- Major household appliances, whether electric or not
- Small electric household appliances
- Tools & miscellaneous accessories
- Glassware, tableware & household utensils
- Medical goods & other pharmaceutical products
- Therapeutic appliances & equipment
- Bicycles
- Recording media
- Games, toys & hobbies
- Sport & camping equipment
- Musical instruments
- Gardens, plants & flowers,
- Pets & related products
- Books & stationery
- Audio-visual, photographic and information processing equipment,
- Appliances for personal care, jewellery, watches & clocks
- Other personal effects.

Reason: To maintain planning control over the type of goods sold from the store and hence the viability of Ludlow town centre.

20. Notwithstanding the provisions of the 1987 Town and Country Planning (Use Classes) Order or succeeding orders, the food store hereby approved shall not include the following dedicated ancillary retail facilities:

- A post office
- A dry cleaners
- A travel agents
- An optician
- A pharmacy

Reason: To maintain planning control over the type of goods and services available in the store and to safeguard the vitality and viability of Ludlow town centre.

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Committee and date

South Planning Committee

11 October 2016

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/01156/FUL	<b>Parish:</b>	<b>Ludlow Town Council</b>
<b>Proposal:</b> 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.		
<b>Site Address:</b> Land Adjacent To Telephone Exchange Lower Galdeford		
<b>Applicant:</b> Morris Bufton & Co Ltd		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

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

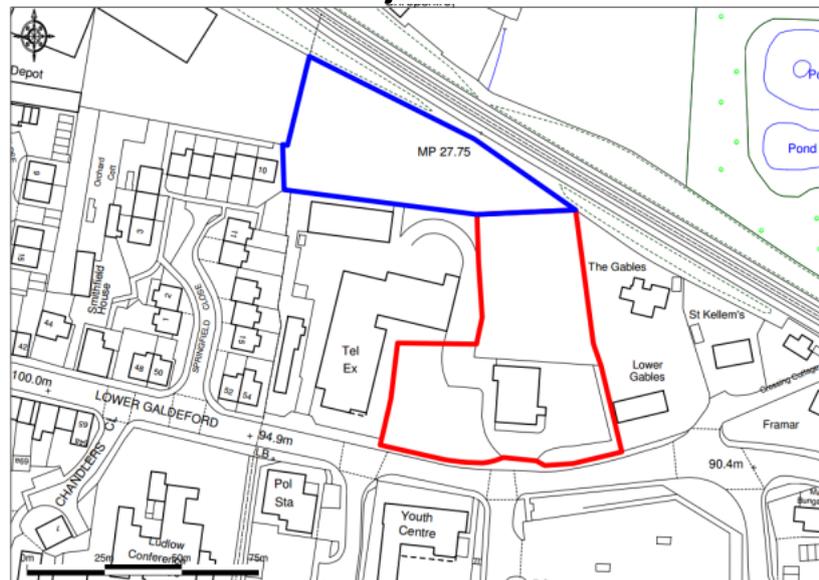


Fig 1 - Location

## 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 a

surface area of 400 m<sup>2</sup> and an internal gross floor area of approximately 800 m<sup>2</sup>. 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 refurbishment of the wall fronting Lower Galdeford. There will be two pedestrian accesses 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 4.5 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 a mix of Cedar cladding and New Rutland Red Multi 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 a mix of cedar cladding and profile sheet cladding. 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 existing stone highway boundary wall has been retained and will be re-built with iron railings above and behind it;
  - 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 250m<sup>2</sup> 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;

- A 3m acoustic fence has been placed along the eastern boundary of the site adjacent to The Gables and Lower Gables;
- The applicant has agreed to bind the surface of the proposed lorry turning area so that it is no longer loose gravel, thereby giving a reduction in noise and potential for dust.



Fig 2 – Proposed layout

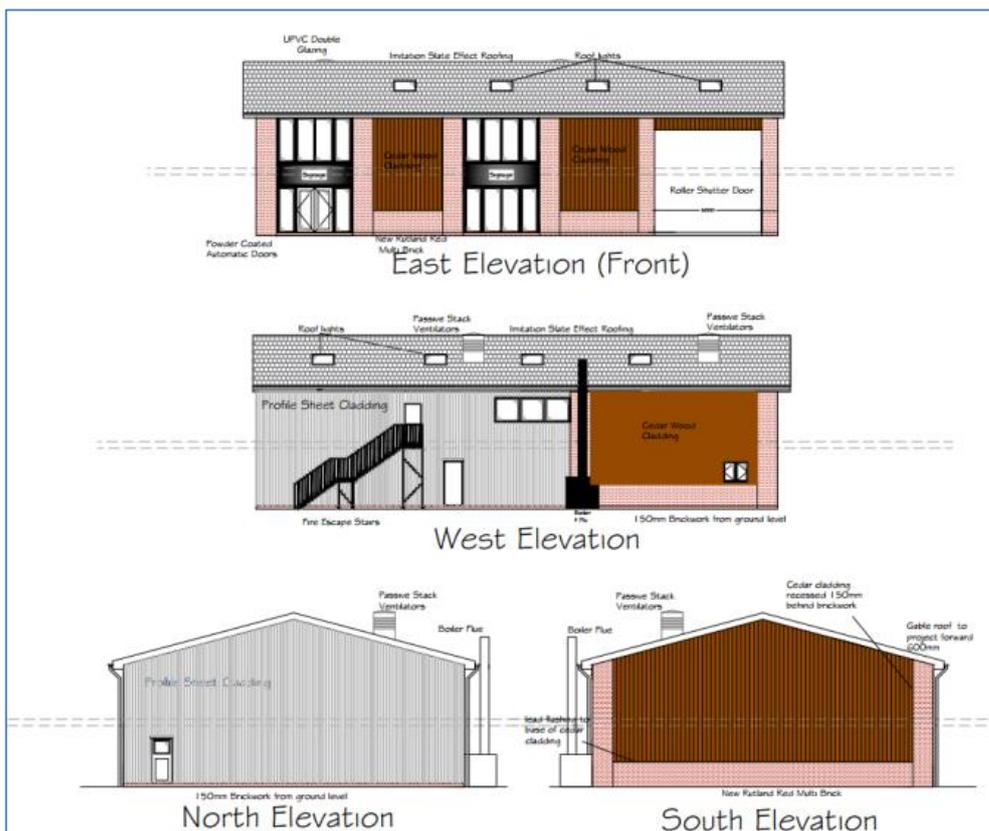


Fig 3 – Proposed elevations

## 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: Objection:

Members felt that their previous concerns from Representational Committee on 6 April 2016 (as stated below) had not been addressed:

- i) Members objected to the proposed development because 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 27<sup>th</sup> January 2014.
- iv) Members restated that full reinstatement and maintenance of the stone wall was of utmost importance to the site and this condition should be enforced by Shropshire Council.
- v) Members felt that the site of the proposed development is inappropriate for the prominent location it occupies at a gateway to Ludlow on the edge of the conservation area.
- vi) The turning circle was too small for furniture lorries.
- vii) The mix of pedestrian, cars and very large delivery lorries making difficult manoeuvres in a very small area was unworkable and potential dangerous to pedestrians.

#### 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.

- 4.1.6b Conservation (subsequent verbal comments following amendments) – No objection subject to conditions specifying surface treatment details. The proposed amendments represent a significant improvement on the original scheme. The amendments retain the stone boundary wall.
- 4.1.7 Ecology: No objection.
- 4.1.8 Drainage: No objection subject to drainage conditions.
- 4.1.9 Public Protection: No objection subject to provision of a 3m acoustic fence along the western boundary of the site.

## **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, as required by relevant national guidance.

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 m<sup>2</sup>. 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 a 'shop counter' with 250m<sup>2</sup> 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 a mixed office, warehousing and retail use of the scale proposed would not conflict with SAMDev policy MD10b.

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. In this context the current proposals would offer the potential to provide some improvements to the existing situation through provision of landscaping, the 3m acoustic boundary fence and provision of a hard surface for the lorry turning area.

## 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 3.5m 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 mixture of red brick and cedar cladding. The roof slope has also 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 retained and consolidated with iron railings behind, thereby addressing one of the concerns of

the Town Council. 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.

6.2.4 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. This conclusion is supported by the Conservation officer. 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 whilst also facilitating landscape planting. 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 250m<sup>2</sup> 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 originally proposed 1.8m timber boarded fence would not succeed in providing appropriate acoustic screening for this property. The applicant has now amended this to specify a 3m acoustic fence along the eastern site boundary in accordance with the recommendation of the Public Protection officer.

- 6.4.2 Given 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. The applicant has also agreed to accept a condition providing for re-surfacing of the lorry turning area in order to provide a quieter running surface.
- 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 fencing and re-surfacing conditions would therefore deliver 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 the officer considers that 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 an 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 17<sup>th</sup> 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 22<sup>nd</sup> 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**

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.

8. An acoustic fence 10kg per square metre in density to a height of 3m shall be 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 from noise disturbance.

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.

- 10a. Prior to commencement of the development and subject to condition 12 below 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.
- b. The area of A1 Retail use within the approved building shall not exceed 250 square metres.

Reason: To define the locations for the individual uses within the building (10a) and in accordance with the approved details (10b).

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 2015 (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 250m<sup>2</sup> 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 Ludlow in accordance with Policies CS6 and CS17 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

11 October 2016

## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/02270/FUL	<b>Parish:</b> Onibury
<b>Proposal:</b> Erection of affordable dwelling and detached outbuilding; formation of vehicular access	
<b>Site Address:</b> Proposed Affordable Dwelling To The North Of Green Lane Onibury Shropshire	
<b>Applicant:</b> Mr & Mrs O Francis	
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>

**Grid Ref:** 343293 - 278463



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**Recommendation:** Refuse

### Recommended reasons for refusal:

1. The site is in open countryside and not within or adjoining any recognisable named settlement. Consequently, and notwithstanding the fact that the applicants have been found to fulfil the local connections and housing need criteria for a designated affordable home, the principle of the proposed development is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development

Framework Adopted Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

2. It is acknowledged that, with regard to the three roles of sustainable development, the proposal would provide some economic and social benefits, but having regard to the scale of the development these would be very limited. However by reason of its countryside location with only sporadic existing housing, and its prominence in public views, the development would detract from the essentially open character and visual amenity of the landscape. It would, therefore, not be in accordance with the environmental role of sustainable development set out in the National Planning Policy Framework, and would be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect a two-storey 'affordable' dwelling for occupation by named individuals in local housing need. It is also proposed to erect a detached domestic outbuilding and form a new vehicular access off the adjacent public highway. As originally proposed the outbuilding would have comprised a double garage/workshop, plus an office in the 'half' storey above, but amended plans show the office omitted and the building reduced to a single storey. Other plans have also been amended slightly to correct inaccuracies on the originals, whilst various draft versions have been submitted to show the evolution of the design.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is the southwest corner of a paddock fronting the north side of Green Lane, a narrow unclassified road linking scattered communities between the villages of Onibury and Clungunford. The ground falls away from the road towards Brandhill Gutter, a small wooded valley which meets Aldon Gutter a short distance to the northeast. Along the road frontage is a tall native hedge, whilst to the west the site is bounded by a hedge/tree-lined public footpath. Beyond the latter are the extensive grounds of 'Fairview', which, along with No. 96 ('Highfields') around 130 metres to the east, forms part of a loose ribbon of cottages and smallholdings along Green Lane. Generally, however, the area is characterised by open agricultural land.

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

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer recommendation of refusal is contrary to the Parish Council's support, and the planning committee chairman considers that the issues raised warrant the committee's consideration.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee comments**

- 4.1.1 Shropshire Council Flood and Water Management – comment:

Details of the proposed surface water soakaways, to include percolation test results, sizing calculations and a layout plan, should be submitted for approval. A silt trap or catch pit should be installed upstream of the drainage field. Additionally, if the new driveway and parking area would slope towards the highway and have a non-permeable surface, measures to intercept run-off should be detailed.

- 4.1.2 Regarding foul drainage, full details of the proposed septic tank system are required. These should include sizing calculations, percolation test results and a layout plan. *'British Water Flows and Loads: 4'* should be used to determine the tank capacity required, and so for a three-bedroom the calculations should use a population equivalent of five, rather than four as specified in the submitted Foul Drainage Assessment Form.
- 4.1.3 All of these details could be secured by condition.
- 4.1.4 Shropshire Council Ecology – comment:  
The application includes a 'Preliminary Ecological Appraisal' report prepared by a licensed ecological consultant.
- 4.1.5 In order to enhance the site's value for biodiversity bat and bird boxes should be secured by condition, and external lighting should be controlled in order to minimise potential disturbance to commuting or foraging bats. Any planning permission granted should also include informatives regarding the legal status of nesting birds, badgers and hazel dormice, and the method of any trenching works.
- 4.1.6 Shropshire Wildlife Trust – no objection:  
Although the application site is close to a number of Local Wildlife Sites, no significant adverse impacts on these is anticipated. The provision of bird and bat boxes would be welcomed.
- 4.1.7 Shropshire Council Rights of Way:  
11/7/16 – objection:  
The block plan seems to suggest a reduction in the width of the public footpath along the western side of the site. Historically this path was much wider, so any further reduction would not be in the public interest. The developer must ensure that it remains unobstructed and unaltered at all times unless first agreed otherwise by the Rights of Way Team.
- 4.1.8 14/9/16 – no objection:  
The amended plans accommodate sufficient width for the public right of way.
- 4.1.9 Shropshire Council Highways Development Control – comment:  
No objection subject to the development being carried out in accordance with the approved details, and with appropriate conditions and informatives.
- 4.1.10 Green Lane is an unclassified, single-track rural road governed by a 60mph speed limit. It forms a network of similar roads west of the A49, and serves scattered farms and dwellings. The application site is currently agricultural land, and the proposal is for a new house with a detached garage and workshop served by a new vehicular access onto Green Lane.

- 4.1.11 The submitted Design and Access statement refers to a previous access from Green Lane into this field. However this is not apparent on site, and it would be preferable for any new access to be positioned well away from the well-used field gate on the opposite side of the road.
- 4.1.12 The plans would appear to impact on the public footpath to the west. This should be avoided unless improvements would result. Currently the alignment of the proposed house within the plot is contrary to other properties in the area, but if it were to be aligned with the road the outbuilding could then be moved so as to avoid encroaching onto the footpath.
- 4.1.13 Green Lane itself has a straight alignment at this point, and, with correct visibility splays, any access to the site would have a good view of approaching traffic. Details of the access layout and construction should be secured by condition, as should details of parking/turning areas. The position of any gates should also be controlled in order to avoid obstructing the highway. Additionally, the developer should be advised that the public footpath must not be obstructed or diverted other than by legal order, that the highway must be kept clear of mud and surface water, and that a licence is required for any works on highway land.
- 4.1.14 Onibury Parish Council – support:  
The provision of another affordable home in Onibury village is welcomed.
- 4.1.15 Shropshire Council Affordable Housing:  
25/8/16 – comment:  
The applicants have demonstrated strong local connections to the Onibury Parish Council administrative area. After considering their housing needs and personal circumstances, it is confirmed that the requirements of Shropshire Council's Supplementary Planning Document (SPD) relating to the 'build your own affordable home' scheme are satisfied as follows:
- The applicants intend to construct a 100m<sup>2</sup> (max.) affordable dwelling for occupation as their long-term family home.
  - The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and also restricting its potential future sale value.
  - The applicants currently live in rented accommodation in the parish, but a rental property is considered unsuitable for their long-term housing needs and aspirations.
  - Mr Francis is a self-employed tree surgeon and an approved contractor for the nearby Stokesay Estate. He also has a regular contract in Aston-on-Clun and carries out private work in the parish. Given the nature of Mr Francis' work he requires secure storage for large, high value machinery.
  - Mrs Francis worked at a rare breeds poultry farm in the parish for four years until the proprietors retired. She is currently on maternity leave but works part-time in Ludlow, alongside her work as an animal physiotherapist with customers in the local area.
  - Onibury Parish Council has confirmed that the couple are currently resident in the parish, and that Mr Francis is employed or carries out self-employed work in the parish.

- The couple have a strong network of friends and neighbours within the parish, to whom they offer help and support. Letters confirming this assistance have been received.
- Owing to issues of affordability and property availability the couple are unable to meet their housing need through the open market.

4.1.16 13/9/16 – support:

The previous comments remain unchanged.

4.2 **Public comments**

4.2.1 Two neighbouring residents support the application for the following reasons.

- The applicants have explained their circumstances and requirements for an affordable house to local residents, and seem to meet the policy criteria. Young people who have lived and worked in the area for many years should be given every opportunity and support to establish themselves on the property ladder.
- A single dwelling here would have a minimal impact on the area.
- The scheme would not set a precedent for more development along Green Lane as further suitable land is unlikely to become available.
- The relatively modest scale of the proposed house and its distance from the neighbouring dwellings would avoid compromising the neighbours' privacy.

4.2.2 One local resident objects on the following grounds.

- The Housing Enabling Officer's letter confirming the applicant's eligibility for an affordable house is out-of-date. Given that the applicants now intend to pursue occupations (tree surgery and animal physiotherapy) which involve extensive travel, there is no longer any need for them to be based in this particular spot.
- The loose and randomly spaced jumble of houses and smallholdings along this part of Green Lane does not in itself form a hamlet, and belongs neither to Brandhill nor Onibury. Although the latter is designated a Community Hub under the Council's Site Allocations and Management of Development (SAMDev) Plan, it is 1½ miles distant.
- Additional housing here would not promote economic, social or environmental sustainability; rather people wish to live here because of the distance from urban influences and because the environment flourishes in the absence of population. Infilling between the existing properties would start to form ribbon development and change the area's independent-minded and tranquil character.
- This proposal could establish a precedent for similar 'exceptional' development since other land is for sale in the immediate vicinity, indeed with an asking price greater than its agricultural value.
- The proposed office above the garage may be an attempt to exceed the 100m<sup>2</sup> maximum living space prescribed for affordable homes. This is already generous, since a 100m<sup>2</sup> house with large outbuildings on a 0.1 hectare plot may not actually be affordable to most people. The Council's policy imposes a 60% resale value but this applies only to the house itself, meaning open-market prices could be charged for the land and outbuildings. Under the terms of the scheme the property could, after only 24 weeks of failing to find a qualifying buyer, be sold on the open market just like any speculative development.

## 5.0 THE MAIN ISSUES

- Principle of development
- Scale, layout, design and impact on landscape
- Highway safety and rights of way
- Residential amenity
- Drainage
- Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, Policies CS1, CS3, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' house. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in the SPD referenced by the Housing Enabling Officer (Paragraph 4.1.15), who in this case is satisfied that the policy requirements are still met. If Members *are* minded to grant planning permission this would need to be subject to prior completion of a legal agreement to control both initial and future occupancy, and to cap the resale value. (In this last respect, and with reference to the public objection, it should be noted that the proposed outbuilding would command a nil value and hence would not be counted in any overall property valuation.)

6.1.3 Returning to the issue of location, even affordable homes on rural exception sites are required by the SPD to be within or adjoining "recognisable named settlements". Sites outside settlements, or which would otherwise adversely affect the landscape, are unacceptable. The SPD explains that because a settlement is characterised in no small part by the relationship between its various properties, its limits are defined by where that relationship peters out. This varies from settlement to settlement, depending on both the number of houses and their proximity. For example, a site a short distance from a scattered or loose-knit settlement may be considered to adjoin it, whereas a site a similar distance from a tightly clustered or nucleated settlement would not.

6.1.4 Onibury is clearly a recognisable settlement, and indeed is designated a Community Hub in the SAMDev Plan. Whilst it is severed by the A49 trunk road and the Shrewsbury – Hereford railway line, the main built-up area has a reasonably compact form with a distinct nucleus and concentration of community facilities just east of the level crossing. It does also have short 'tendrils' or ribbons of housing extending outwards along minor roads, including that to the southwest in

the direction of the application site. However, officers consider that this particular ribbon ends distinctly with the last in a regimented row of semi-detached cottages, No. 97, which is just 250 metres from the A49 junction and separated visually from outlying properties much further west by agricultural land and the natural topography. On passing No. 97 there is, therefore, the distinct impression of having left the village and returning to open countryside, and certainly there is no continuous built-up frontage extending anywhere close to the application site.

6.1.5 It is appreciated that the site does lie between two of the outlying properties along Green Lane. Again, however, this is far from a continuous ribbon of development, and officers are of the view that the small number of properties here, combined with their poor cohesion, means they do not amount to a recognisable settlement in their own right. A further indicator is their lack of a collective name on Ordnance Survey mapping, with 'Brandhill Gutter' referring instead to the topographical feature of the valley to the north.

6.1.6 For these reasons officers consider that the site does not form part of a settlement, instead being in open countryside with only sporadic housing which largely predates current planning policies, and hence sets no precedent for further development. Clearly a new affordable house would have social benefits, primarily to the applicants but also in terms of increasing the stock of such homes for other qualifying local people in the future. However, it remains questionable whether very similar benefits might be achieved through development in a more policy-compliant and sustainable location elsewhere in the parish, particularly given that neither of the applicants has a fixed place of work or other ties to the site's immediate vicinity. In any event officers judge that the benefits would not outweigh the visual harm which would result from further erosion of the area's essentially open character (see below).

## 6.2 **Scale, layout, design and impact on landscape**

6.2.1 The maximum 100m<sup>2</sup> of floor space prescribed for owner-occupied affordable homes by the SPD is intended to help ensure such properties remain affordable to other local people in housing need. The calculation includes attached outbuildings, but not *detached* structures used for garaging or storage.

6.2.2 In this case the applicants have calculated the floor space at 96m<sup>2</sup>. They appear to have excluded a small veranda forming part of a lean-to on the southeast side of the house, but this does not worry the Housing Enabling Team unduly since its enclosure to form additional habitable space could be prevented through standard conditions removing 'permitted development' rights and reinforcing the 100m<sup>2</sup> maximum. More concerning was the office proposed originally above the garage, which would presumably have been fitted out as further habitable accommodation from the outset. However, now that the outbuilding has been reduced to a single-storey garage/workshop it would not count towards the 100m<sup>2</sup>, and the aforementioned conditions would apply.

6.2.3 The design of the house is attractive, with its massing, steeply pitched and half-dormered roof, external materials and other details successfully reflecting the vernacular tradition. Meanwhile the plot size would observe the 0.1 hectare limit imposed by the SPD. Nevertheless, officers consider that the scheme is unable to

complement its surroundings fully on account of the open countryside location with only sporadic housing at present. Although the site is currently screened by the roadside hedge the proposed dwelling would inevitably be visible once the new access is formed, and it would also obstruct existing far-reaching views across to the Cleve Hills from the adjacent footpath. Indeed its skewed orientation neither fronting nor siding the road would increase the impact on these views, as well as being at odds with the alignment of the other properties along Green Lane. It is also likely that the development would be visible on or just below the skyline from further along the footpath and from certain points across the valleys to the north, where it would increase the coalescence and linearity of the existing scattered housing. Whilst it may be possible to screen this aspect to some extent, dense blocks of planting could in themselves detract from the landscape and it should not be necessary to conceal development in this way if it is located appropriately.

6.2.4 Given the above it is felt that the scheme would fail to reinforce local distinctiveness and landscape character, and that this visual harm to the natural environment would not be offset by the social benefits identified.

### 6.3 **Highway safety and rights of way**

6.3.1 As noted above the amended plans avoid any encroachment over the adjacent footpath, and the Highways Development Control Team is satisfied that sufficient visibility from the proposed new access could be achieved. Although this entrance would still be diagonally opposite an existing field gate the latter is in fact likely to be used relatively infrequently, and even in the event of drivers emerging from both accesses at the same they would be clearly visible to each other.

### 6.4 **Residential amenity**

6.4.1 The new house would be sufficiently distant from both of the adjacent properties to avoid any significant loss of privacy, light or general outlook.

### 6.5 **Drainage**

6.5.1 Although certain drainage details are erroneous or incomplete, the Flood and Water Management Team is satisfied that this could be addressed by condition.

### 6.6 **Ecology**

6.6.1 The relevant consultees are satisfied that suitable ecological mitigation could also be secured through conditions and informatives.

## 7.0 **CONCLUSION**

7.1 The applicants have been found to fulfil the local connections and housing need criteria for an affordable home, and this would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is remote from any recognisable named settlement, and, notwithstanding the high standard of design, the proposed house would detract from the essentially open character and visual amenity of the landscape. For these reasons it is recommended that planning permission is refused.

## 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 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

## 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 are 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

### Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes  
 Part 7: Requiring good design  
 Part 11: Conserving and enhancing the natural environment

Shropshire Local Development Framework:

Core Strategy Policies:

- CS1: Strategic Approach
- CS4: Community Hubs and Clusters
- CS5: Countryside and Green Belt
- CS6: Sustainable Design and Development Principles
- CS11: Type and Affordability of Housing
- CS17: Environmental Networks

SAMDev Plan Policies:

- MD1: Scale and Distribution of Development
- MD2: Sustainable Design
- MD3: Managing Housing Development
- MD7a: Managing Housing Development in the Countryside
- MD12: Natural Environment
- S10: Ludlow Area Settlement Policy

Supplementary Planning Documents:  
 Type and Affordability of Housing

**Relevant Planning History:**

None

**11.0 ADDITIONAL INFORMATION**

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O7P0R0TDMHC00>

<p><b>List of Background Papers:</b>                  Application documents available on Council website</p>
<p><b>Cabinet Member (Portfolio Holder):</b>                  Cllr M. Price</p>
<p><b>Local Members:</b>                  Cllr Lee Chapman                  Cllr David Evans</p>
<p><b>Appendices:</b>                  Appendix 1 – Informatives</p>

**APPENDIX 1 – INFORMATIVES**

1. In arriving at this decision the Council has endeavoured to work with the applicant in a positive and proactive manner, as required by Paragraph 187 of the National Planning Policy Framework, by explaining the relevant planning policy considerations at the pre-application stage and providing an opportunity for consultee comments and other issues to be addressed during the course of the application. Fundamentally, however, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

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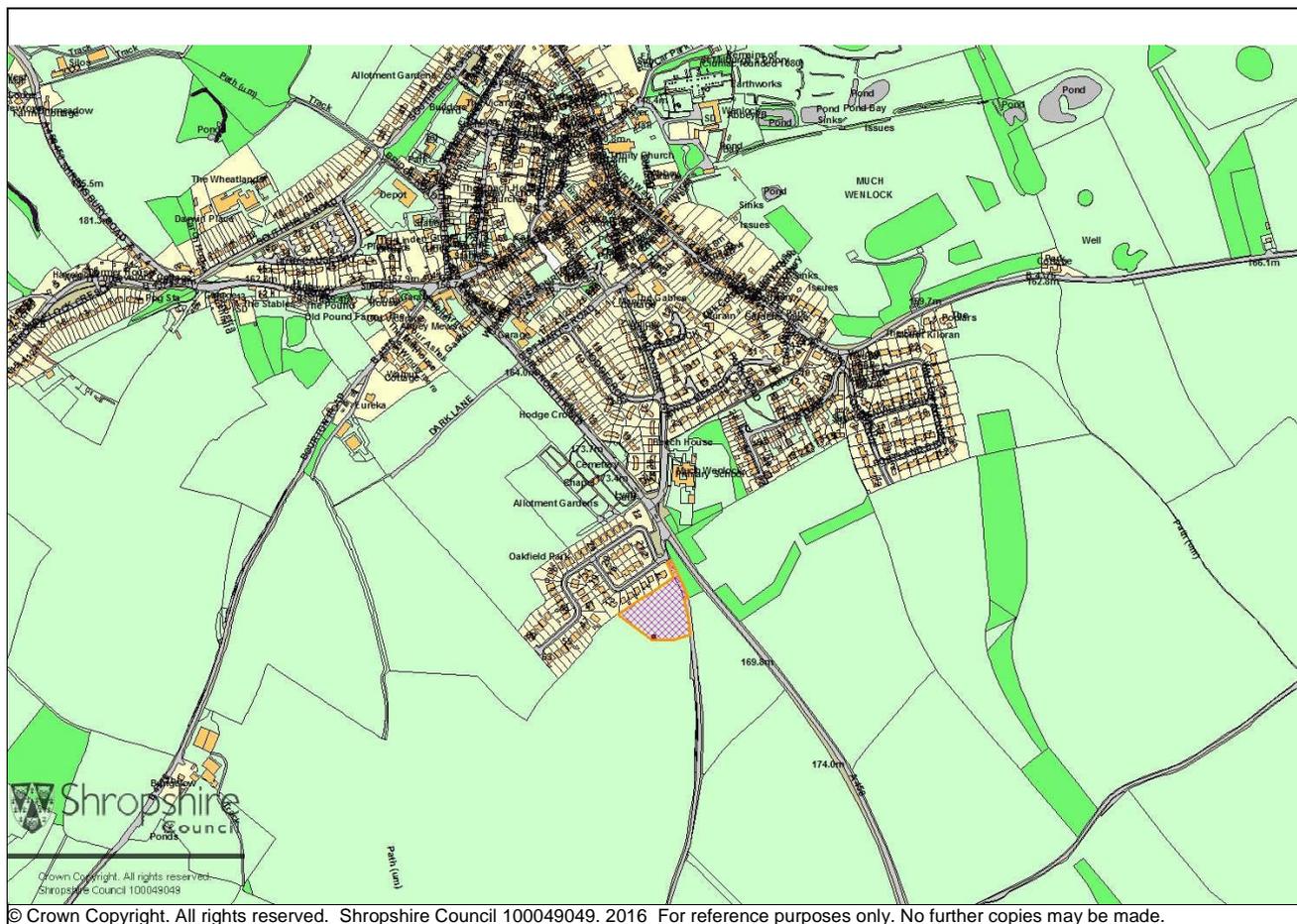
Committee and date  
South Planning Committee  
11 October 2016

## Development Management Report

Responsible Officer: Tim Rogers  
email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 16/02910/FUL	<b><u>Parish:</u></b>	Much Wenlock
<b><u>Proposal:</u></b> Erection of 12 No. affordable dwellings with associated parking, roads, landscaping, sustainable drainage scheme and enhanced access from the Callaughton Lane		
<b><u>Site Address:</u></b> Land To West Of Callaughton Lane And To The South Of Oakfield Park Much Wenlock Shropshire		
<b><u>Applicant:</u></b> Shropshire Housing Group		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 362419 - 299240		



**Recommendation:- Grant Permission subject to satisfactory agreement being reached on the proposed surface water drainage works; completion of a Section 106 Agreement in relation to the moving of 30mph speed limit signs on Callaughton Lane and to the conditions set out in Appendix 1. Delegated authority be given to the Area Planning Manager to amend/add conditions as required in respect of drainage matters.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The application site extends to some 1.5 hectares and is currently an area of sloping agricultural land, which falls in a north/north easterly direction by some 10 metres. The site contains an agricultural field access. The proposal is for the erection of 12 affordable dwellings in the form of six semi-detached pairs of two storey dwellings. The dwellings would be a mix of seven 2 bed; three 3 bed and two 1 bed roomed properties. The dwellings would each have a simple rectangular plan, with a projecting open canopy porch over the front doors. The external facing materials would comprise of a brick plinth, vertical timber barding to the ground floor wall areas, with the exception of rendered panels to the front door areas under the galvanised steel porch canopies, with horizontal timber boarding to the first floor areas. The windows would be triple glazed Passivhaus windows without glazing bars and the dual pitched roofs would be covered with small plain clay roof tiles.

The access road would have a tarmac surface with the parking areas a mix of block paving and tarmac.

- 1.2 The proposed site layout would feature a new vehicular access onto Callaughton Lane, with the lane itself from the proposed access to the junction into Oakfield Park being provided with a 1.8m wide footway on its western side and the carriageway widened over the existing verge up to the new footway. The new access would involve a small realignment of Callaughton Lane, and the lane widened to 5 metres at this point with a change of priority meaning that traffic using the new section of highway into the proposed development would have priority over traffic on the lane. The proposals include extending the 30 mph speed limit along Callaughton Road to beyond the junction with the new development.
- 1.3 On entering the proposed development there would be a pair of semi-detached properties on the northern side of the road, with tandem parking spaces for two vehicles provided on each side of the dwellings, along with a swale area. To the south of the access road there would be an area of open space which would contain attenuation basins as part of the sustainable surface water drainage system. A small pump station for foul water drainage would be adjacent to the new junction. The 5 metre carriageway would then narrow to 3.5 metres for a short section, which would also incorporate a pedestrian crossing point to the open space and dwellings in the south eastern corner of the site. The access road would then return to a width of 5 metres, but as a shared surface road without separate footways, and form a 'T' junction within the development.
- 1.4 The western arm of the cul-de-sac road from this internal site junction would serve one pair of semi-detached dwellings on its northern side and two pairs of semi-detached dwellings on the southern side. The dwellings on the northern side would have an area of raised decking at their rear, with steps down to the garden level on this sloping site. A swale area would adjoin the highway to the front and side of these properties. These properties would have two parking spaces adjacent to each dwelling. The parking spaces to the easternmost dwelling in this group would be off a private drive which would also serve as a field access to the agricultural land to the south. There would be a large swale running along the length of the southern site boundary to collect run-off from the rising agricultural land to the south/southwest, with a further swale area on the eastern side of the private drive. There would be a section of gabion brick faced retaining wall by this smaller swale and the rear garden of the adjacent dwelling. To the east of the small swale, and on the southern side of the eastern arm to the cul-de-sac road, would be the final two pairs of semi-detached dwellings, each with two off-road parking spaces.
- 1.5 The proposed landscaping would include the retention and strengthening of the existing boundary planting with Oakfield Park properties to the north. There would be sections of brick faced retaining wall to the garden areas of plot 6, in the western corner of the development, and to the rear garden areas of other plots adjacent to the large swale in order to form suitably graded garden areas for the properties. Along the boundary with the agricultural land the swale area would be provided with a hedgerow on both sides, with gaps at key points to allow views into and out of the site enclosed by estate style metal railings. The open space adjoining Callaughton Lane, which runs along the eastern site boundary, would contain groups of tree

planting and further tree planting is indicated within the development, adjacent to the access road and the end of the western arm to the cul-de-sac road. The Design and Access Statement advises that all existing trees to the east boundary would be retained and that pollarded willows would be planted in the green space around the site entrance so that their scale would not start to dominate and they would contribute to drawing up moisture from the soil in areas of attenuation. The garden boundaries adjoining the public areas would be of native species hedgerows and the swales would be planted with meadow grasses and bulbs such as Fritillaria.

- 1.6 The agent has advised that the proposal has been designed to achieve Passivhaus certification (To reduce energy consumption and achieve low heating demand). He comments that the applicants have been working with the Town Council and the Project Steering Group, drawn from members of the Town Council and representatives of the local community to realise the Neighbourhood Plan target of delivering affordable housing that respects the quality of the town and its rural setting. There has been a process of community consultation, with Consultation 1 undertaken in late November 2015 identifying this site as the preferred site of those identified either through the Neighbourhood Plan process or through expressions of interest following advertising by Shropshire Housing Group in the local press. Three indicative site layouts were provided at that stage. Consultation 2 in early February 2016 responded to the highways and drainage concerns raised and also included early images of what the dwellings may look like. He advises that Consultation 3 was undertaken in early May 2016, and presented refined site layout plan and drainage and highway strategies as well as developed elevational treatments based on comments gathered at the previous consultation sessions. He comments that due to the size of the development and the aspirations for Passivhaus and a high level build quality, single level dwellings have proved not viable on this particular site. With regard to the external appearance of the proposed dwellings, the agent advises that, given the position on the edge of the development boundary on agricultural land, this is a modern take on an 'agricultural aesthetic' to respond to the context in a contemporary yet sensitive manner to deliver houses that avoid pastiche and are clearly of their time. He comments that the housing mix was determined following consultation and engagement with the community, the Shropshire Council Housing Enabling Team and by evidencing need through Shropshire Homepoint.
- 1.7 A Design and Access Statement and a Highways and Drainage Report accompany the application.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is a sloping agricultural land situated on the southern edge of the existing Much Wenlock built up area. It is bounded to the north by Oakfield Park, with the adjacent properties comprising primarily of single storey dwellings with one two storey dwelling adjacent to the north western corner of the site. To the south west and south is agricultural land that continues to rise. Callaughton Lane adjoins the eastern site boundary.

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

- 3.1 The local elected member has requested that this application be determined by Committee. The Area Planning Manager, in consultation with the Chairman, agrees that the application raises material planning considerations that would warrant determination by the Committee.

### **4.0 Community Representations**

#### **- Consultee Comments**

(Where Consultees have submitted more than one comment, their latest comments are listed first below in order to show whether any previous concerns raised have been addressed.)

- 4.1 Much Wenlock Town Council (02-09-16) – Comment:  
The town council's initial response to this application was as stated in the draft minutes following a town council meeting held on 28 July 2016. However, the accuracy of this minute was disputed at a town council meeting held on 1 September 2016, even though the chairman of the meeting believed the original statement to accurately reflect the decision made. It has now been agreed that the original comment which states "The ten dwellings should be for rent only, and only to local people, the additional two dwellings should not be sold on the open market but sold as shared ownership" should be altered to read "The 12 dwellings should be for rent and only for local people".
- 4.1.2 Much Wenlock Town Council (01-08-16) – No Objection subject to the following:
- i. The 30 mph speed limit on the approach to Much Wenlock should be extended further along the A458 towards Bridgnorth.
  - ii. The ten dwellings should be for rent only, and only to local people, the additional two dwellings should not be sold on the open market but sold as shared ownership.
  - iii. Clarification is sought as to (a) who owns the land between the Bridgnorth Road and the development site and (b) where will the footpath be located.
  - iv. The width of the road to the site should be addressed to allow traffic to pass without incident.
  - v. The development should conform to the Neighbourhood Development Plan for Much Wenlock.
- 4.2 SC Highways Development Control – No Objection:  
This site is located on the outer fringe of the town environs but is still reasonably close to the local amenities (i.e. school and town centre).  
It is considered that from a highway safety perspective, the proposed residential development is acceptable in principle. Proposals have been submitted, to improve the existing public highway (Callaughton Lane) between the site and the A458. Insofar as, increasing the width of the lane to accommodate two-way traffic movements and a pedestrian footway.

**Extent of Highway**

Concerns have been raised with regard to the extent of Highway within the vicinity of the site and the feasibility of providing the proposed footway link along the verge adjacent to No. 1 Oakfield Park.

Shropshire Council as Highway Authority have reviewed the matter and are satisfied that the verge in question falls within the adopted Highway. Extract submitted from the Section 40 Legal Agreement between the Highway Authority and Oakfield Properties Limited. Unfortunately it is not a coloured plan indicating the extent of Highway at this location, but that is not uncommon in view of the age of the document.

Shropshire Council are not in a position to provide evidence that the verge falls within our legal title, Highway land is not usually registered to the highway authority. Where the land is not registered the highway authority, its interest is limited to the surface of the road and verge( or top spit). The sub-soil usually belongs to someone else but highway rights are overriding meaning such ownership does not affect the highway authority's and the public's rights with regard to the highway.

Copy provided of a plan showing the extent of Highway at this location (coloured pink) indicating that as Highway Authority we consider the verge to be Public Highway, maintainable at the public expense.

**Proposed Highway Improvements**

Shropshire Council as Highway Authority have no objection in principle to the proposed Highway Improvements and would support the proposal to change priority for vehicles emerging on to Callaughton Lane. It should be noted that the construction of the footway link is desirable to make the development acceptable and promote more sustainable travel, but it is not considered essential to make the development acceptable from a Highways perspective. Callaughton Lane is a lightly trafficked lane, and therefore if the footway link was not provided then this would not significantly compromise Highway safety.

Consideration was given at pre-application stage to extension of the 30mph speed limit on the A458, however in consultation with the Local Traffic Engineer and representatives from West Mercia Police this was not considered feasible. However, there was a desire to reduce vehicle speeds on the A458 to improve safety of residents leaving the development.

The proposed access to the development is located in close proximity to the existing 30mph speed limit on Callaughton Lane it will be necessary to seek extend the existing speed limit to include the proposed access. Therefore it is recommended that financial contribution via a Section 106 Legal Agreement of £10,000 is secured to enable the extension of the existing speed limit on Callaughton Lane and introduce additional traffic calming measures along the A458.

**Conditions and Informative**

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

E1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

2. Footway Works

Prior to the commencement of the development full engineering details of the proposed footway along Callaughton Lane and carriageway widening 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 before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

E5. On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

- 4.3 SC Drainage (12-09-16) – Comment on additional information: The surface water outfall is via a permeable sub layer 3.0m bgl. However, the percolation tests were carried out to a depth of 2.90m. Confirmation that the lower ground strata has sufficient porosity for soakaway should be provided.

- 4.3.1 SC Drainage (12-07-16) – Comment:  
The proposed drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

1. The proposed surface water drainage strategy in the Highways and Drainage report are acceptable in principle, however, details of the ground investigation report confirming the lower ground strata has sufficient porosity for soakaway should be provided. Full drainage details and calculations of the proposed SuDs should be submitted for approval

Reason: To ensure that the lower ground strata has sufficient porosity for the surface water drainage outfall.

2. The Environment Agency has updated the guidance on Climate Change in March 2016 and 35% should be used for residential development in the Severn catchment.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

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

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extension of impermeable surfaces.

4. On the Notes in the Drainage Layout Plan under Paragraph 3, it state that the surface water drainage will be offered to Severn Trent Water for adoption. Please Clarify.

5. Informative: Road gullies should not discharge directly into the attenuation ponds. Discharging to the swales should be considered as silt and contaminants will be trapped in the swales and this will reduce the risk of the attenuation pond being silted up or contaminated.

4.4 SC Ecology – No Objection:

The following conditions and informatives are recommended for inclusion on the decision notice:

Erection of artificial nesting/roosting boxes

Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.

2. A total of 2 woodcrete artificial nesting boxes suitable for house sparrows or starlings.

3. A total of 2 woodcrete artificial nesting boxes suitable for house martins, swifts or swallows.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

#### Lighting plan

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 Trusts Bats and Lighting in the U.K. guidance.

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

#### Landscaping plan

No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation.

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
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

#### Informative: Ecology Nesting wild birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

Informative: Ecology Storage of materials

The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

Informative: Ecology Trenches and pipework

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

#### 4.5 SC Conservation – No Objection:

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 12 affordable dwellings and associated infrastructure on this site off Callaughton Lane, Much Wenlock. The site lies to the south eastern edge of the town outside of the existing development boundary. The site does not contain any heritage assets and is not within the conservation area. However due to its edge of town location it is relatively visible on the approach into the town along the Bridgnorth road and therefore a high quality of design and finish must be achieved to ensure a successful development.

The proposed dwellings are of a simple modern architectural style and use materials such as timber cladding and clay tiles to produce a design that aims to provide a modern interpretation of an agricultural style. The natural materials proposed are considered acceptable within this context and the simple elevational treatment with recessed windows is considered to be effective. Materials and finishes are key to ensuring the success of this scheme and should be subject to condition.

Overall from a conservation perspective the proposal is considered to accord with policies, guidance and legislation as outlined above.

Suggested Conditions:

Samples of external materials, landscaping, joinery.

4.6 SC Learning and Skills – Comment:

Shropshire Council Learning and Skills reports that the local primary school currently has no excess capacity. It is therefore essential that the developers of this and any new housing development in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that any capacity pressures resulting from this development are addressed by way of a CIL tariff.

4.7 West Mercia Constabulary – Comment:

Do not wish to formally object to the proposal at this time. However there are opportunities to design out crime and /or the fear of crime and to promote community safety.

Therefore should this proposal gain planning approval, I request that the following planning condition be placed upon the said approval.

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. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

The principles and standards of the Secured By Design 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](http://www.securedbydesign.com)

4.8 SC Affordable Housing – No Objection:

The proposal is for 12 affordable houses for occupation by local people and is brought forward as a Community Led Exception Site. The scheme comprises; 7 x 2 bed, 2 x 1 bed and 3 x 3 bed, the dwellings will be rented tenure with the exception

of 2 x 3 bed which are proposed to be shared ownership. The tenure split is acceptable and is consistent with the Councils Policy of requiring a tenure split. Council Policy is to seek a 70:30% split between rented tenure being the greater and shared ownership. This tenure split mirrors the tenure requirements for those on the housing waiting list. The scheme prior to the submission of the planning application has been driven by a Steering Group comprising representatives from the local community, Town Council, Shropshire Housing Group and Shropshire Council.

There has been meaningful community consultation at various project stages which have sought to explore; draft layout plans, highways and drainage issues and early images of the proposed housing. The final consultation involved a redefined site layout, drainage and highways strategy. The final submission reflects the comments made throughout the preliminary consultative stages. The homes will be for local people and allocations will be made from the Councils Housing Register who can demonstrate strong local connections to the Local Area. Such allocations will be made through Shropshire Councils Policy and Scheme with properties being advertised via the Shropshire Homepoint Choice Based Lettings scheme. The scheme will help to address, in part, the local need for affordable housing.

4.9 SC Trees (08-08-16) – No Objection:

I have no objection on arboricultural grounds to the proposed development, subject to appropriate precautions being taken to avoid causing damage to the offsite mature field maple tree near the site entrance and to new tree planting being undertaken on public space, in accordance with SAMDev Policies MD2 Sustainable Design and MD12- Natural Environment. Where appropriate planting cannot reasonably be provided onsite, then a contribution towards offsite planting will be required, in accordance with these policies.

I would recommend attaching the following conditions to any approval:

Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the LPA. The AMS shall include details on how and when such works will be designed, implemented and managed so as to avoid causing damage to any retained tree, woody shrub or hedge and how these features will be protected during the process.

Reason: to ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

All pre-commencement tree protection measures detailed in the approved Arboricultural Method Statement (AMS) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection

measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS. Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone (CEZ); vehicles shall not traverse and nothing shall be stored or placed and ground levels shall not be altered nor any excavation made within the CEZ, without the prior written consent of the LPA.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme has been submitted to and approved in writing by the LPA.

The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area. The approved tree planting scheme shall be implemented as specified and in full within the timescale agreed with the LPA.

If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season, unless agreed otherwise in writing with the LPA.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

#### 4.10 Severn Trent Water – No Objections:

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise

the risk of pollution.

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

4. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

-Public Comments:

The public comments received are summarised below and the full text of these comments may be viewed on the Council's web site.

4.11 Much Wenlock Civic Society – Comment:

-Have long campaigned for the provision of an adequate range of social housing for rent within Much Wenlock and proposal would make a significant contribution to meeting the identified needs.

-There are however significant disadvantages to the proposed site.

-While close to primary school there is likely to be an increase of demand for vehicle parking in the town centre to access other services.

-Outside development boundary and visual impact on neighbours likely to be contentious.

-Access onto a narrow country lane.

-Site the subject of current complaints about run off in heavy rain and sediment from field onto the road.

-Any further extension to the proposed site would be undesirable.

-Land ownership mitigates against the possibility of providing similar number of affordable homes closer to the centre of Much Wenlock.

-Cannot support a scheme for more than 10 dwellings on this site which would not comply with the Neighbourhood Plan.

-Support principle of a Neighbourhood Plan compliant application on this site, with stringent ecology and drainage conditions and would like to be reassured of Highways support for the access arrangements.

4.12 11 Letters of Support:

-As part of the Neighbourhood Plan agreed by the townsfolk affordable housing is necessary and this application should be encouraged to fulfil our commitment to that Plan.

-In accordance with Much Wenlock Neighbourhood Plan policies; local people have waited a long time for a housing development which will help to sustain connections between extended family members in the town, all of which will also help to boost the local economy.

- Meets Objective 1 H6 of Neighbourhood Plan as a small scale affordable housing development outside the development boundary.
- In line with Neighbourhood Plan Objective 1, Policy H5.
- There needs to be affordable housing for local people in Much Wenlock and the siting seems to be a good choice. It is preferable to have this type of housing as it meets the needs of local people. The plans seem well considered and there appears to be not too much encroachment on the immediate environment
- Contributes to the Neighbourhood Plan target need for 130 new dwellings by 2026, particularly socially rented housing stock.
- Meets Objective 6 GQD 2 policy of Neighbourhood Plan as a high quality design suitable for the context in which it would be set.
- Low density for size of plot and sympathetically landscaped.
- Design has minimum impact on neighbouring dwellings in terms of intrusion on privacy.
- Those involved have sought to engage with the local community in a refreshing and positive spirit; would be a benefit to this gently developing town.
- Policies within the Neighbourhood Plan and SC Homepoint figures set out the needs for the community, with well over 50 applicants for social housing with TF13 postcodes.
- Proposal has arisen out of the Neighbourhood Plan process where a decision was made to actively work with Housing Associations to ensure affordable housing could be developed in a sustainable way rather than as a by-product of much larger development.
- 84.4% of the 958 respondents to the Neighbourhood Plan Residents Survey said yes to the Neighbourhood Plan allocating land for affordable housing to meet local needs; calls have been issued on at least 4 separate occasions for land and the Callaughton Lane site was the only viable land available.
- Objections do not reflect the need and the aspirations of the local community.
  
- Community Project Group believes the access road to the site will bring about improvements and we will continue to ask for the extension of the 30 mph limit to 100 yds out of town.
- Believe development of this site will improve the localised flooding situation which at present is allowed to run off the field unhindered.
  
- Understand Shropshire Council guidelines allow for 20 dwellings outside the development boundary as long as the dwellings are affordable homes only, which this site provides; site allows for 12 dwellings taking into account low density and the over and above recommended distances from neighbouring dwellings.
  
- Much Wenlock Design Statement highlights the diversity of design and materials within the town boundary and the many different styles and building eras which make up the townscape.
  
- Use of timber allows the design to fulfil the passive housing requirement, to be energy saving and therefore make a small contribution to climate change.
  
- Town needs to accommodate its local families in order to sustain the viability of the extended family.

-Less than one per year affordable rental home has been built in Much Wenlock in the last fifteen years, which is a disgrace.

-Valuable contribution to addressing unmet social housing need in Much Wenlock; relatively small scale and origin as a community development project sits well with policies of Much Wenlock Neighbourhood Plan; observations made by Town Council in comments of 2<sup>nd</sup> September should be addressed.

-Query as to whether there would be many objections if the scheme were for expensive open market housing.

#### 4.13 18 Objections:

-Planning on this site was refused due to access problems and flooding.

-Refusal of permission for development on the land at the end of the 1960s/early 1970s was the right decision then as it is now.

-Neighbourhood Plan policy NP5 says up to 10 dwellings but 12 are proposed. The two additional units above NP5 target are 3 bed units for co-ownership, so providing viable revenue for the Housing Association and not to meet local housing needs; additional units should be 1 bed units for rental.

-Timber clad buildings out of keeping with medieval town and surroundings.

-No farm buildings visible within 0.75 mile radius of site; no buildings with their whole elevations clad in timber, making them look like 2 storey sheds.

-Timber only used for decorative panels in buildings in area.

-Design should tie in with Oakfield Park and use local materials.

-Design is a total nightmare.

-Could be built as 'Passivahaus dormer bungalows'.

-Loss of privacy; overlooking.

-Loss of light and overshadowing.

-Devalue property.

-Disturbance from construction works.

- Light and noise disturbance from parking arrangements to the rear of existing properties, where bungalow bedrooms are sited.

-Would have noisy families adjacent to bungalows occupied by mainly retired couples used to the tranquillity of a field, not a busy estate.

-No mention of lighting along Callaughton Lane.

-Outside Town development boundary.

-Adverse impact upon setting of Town.

-Believe there are more suitable sites available with safer access to town centre amenities and schools; should use the ground behind the fire station which is not being used to its full potential.

-Question ownership of grass verge on which it is proposed to construct a pedestrian footway; believes verge was owned by Oakfield Properties; it is not registered with the Land Registry as being Highways land; Highways/County cannot claim Adverse ownership, as although they have a duty of care, this has not been exercised in the 43 years he has lived at 1Oakfield Park and he has cut the grass verge.

- Believes Shropshire Council highways have not cut the grass or maintained this area in the 55 years since the field was sold by Mary Martin to Oakfield Properties Ltd.
- Widening of Callaughton Lane would still not be enough to allow two vehicles to pass, which may be traffic calming but will cause difficulties for wide commercial vehicles to not mount the footway.
- Poor visibility onto the busy Bridgnorth Road; with vehicles turning in from Bridgnorth direction having to negotiate what is in effect a hair pin bend, veering onto wrong side of road.
- Add to parking pressures in the Town.
- School parking a problem with vehicles regularly left near this junction.
- One Town Councillor would have voted against the development if the speed limit sign on Bridgnorth Road will not be moved 100 metres further towards Bridgnorth, affecting the Town Council vote.
- Double yellow lines needed around junction.
- Applicants traffic report underestimates the potential traffic flow, not allowing for visitors, delivery vehicles, service providers; reflects only a third of the potential increase in traffic.
  
- Area prone to flooding.
- Surface water run-off runs all the way down the hill to the A458 where there is a surface water drain which cannot cope with flows; lane will still flood with no new surface water drain.
- Much Wenlock has been classed as one of the few “Rapid Response Catchments” putting the town on a par with Boscastle; the houses will be at risk in the future if built.
- No consultation has been done with the Environment Agency, who have responsibility in relation to Rapid Response Catchments, and in August 2015 they identified 380 householders at risk, to which this proposal would add 12.
  
- Would impact on solar energy reaching neighbouring properties; winter sun rise and sun set totally negated by positioning of proposals.
- Would appear to be a first phase with further development planned; insufficient town infrastructure to support a large scale building project.
- Where would pumping station be and how much noise would it make? Concerns about potential failure of pumping station and impact on existing properties and capacity of Oakfield Park systems.
  
- Nature of two storey dwellings discriminate against the needs of the elderly or in need of medication, favouring families and the young.
  
- Loss of prime agricultural land.
- Loss of access to field.
  
- Question Town infrastructure capacity and design life of dwellings.
- Will the houses be kept as affordable houses or sold off at a discount after 5 years under right to buy?.
  
- Agree there is a need for more affordable houses in Much Wenlock but please let's do it right

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design and landscape impact  
Highway Safety  
Drainage  
Residential Amenity  
Ecology  
Affordable Housing  
Open Space  
Loss of Agricultural Land

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
- 6.1.3 The SAMDev Plan is the second part of the Local Development Framework for the county. The Core Strategy policies are complimented by the SAMDev Plan DPD, which provides additional detail to the over-arching policies contained in the Core Strategy. It is supplemented by, in the case of Much Wenlock, the Much Wenlock Neighbourhood Plan 2013-26, adopted on 25<sup>th</sup> July 2014, which also forms part of the Development Plan.
- 6.1.4 Other material planning considerations also have to be taken into account when assessing the proposals. One such material planning consideration is the National Planning Policy Framework (the Framework). In March 2012, the Framework replaced all previous PPG's and PPS's and confirmed the Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.

- 6.1.5 The Framework sets out a presumption in favour of sustainable development. There are three dimensions to this, namely: an economic role, a social role and an environmental role. These roles are mutually dependent.
- 6.1.6 Policy CS1 of the Core Strategy establishes a settlement hierarchy with new development focussed in Shrewsbury, the Market Towns, other identified Key Centres and, in the rural areas, the Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. SAMDev Policy MD1 supports sustainable development within Shrewsbury, having regard to other policies contained in the Core Strategy and the SAMDev Plan.
- 6.1.7 Much Wenlock is classified as a Market Town under Policy CS3 and a location that will have limited development that reflects its important service and employment centre role whilst retaining its historic character. SAMDev Settlement Policy S13 (Much Wenlock Area) advises that Much Wenlock has a Neighbourhood Plan (MWNP) which sets out the development strategy for the town during the Plan period. With regard to affordable housing, SAMDev Plan policy MD7a relates to managing housing development in the Countryside and states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.8 Objective 1 of the MWNP relates to housing and states that the Plan will provide for a limited amount of housing to meet local needs. This is to be achieved by a number of measures, including through:  
“developing collaborative partnerships with one or more Housing Associations to bring forward affordable housing on exception and other sites.”

Policy H5 states:

“Proposals for small scale affordable housing developments outside the Much Wenlock development boundary will be supported subject to the following criteria:

- They comprise up to 10 dwellings; and
- The proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and
- The development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity; and
- The proposals would not have a significant impact on the surrounding rural landscape and the landscape setting of any settlement in the plan area; and
- The development is appropriate in terms of its scale, character and location with the settlement to which it is associated.

Open market housing will only be permitted outside the Much Wenlock development boundary where this type of development can be demonstrated to be essential to ensure the delivery of affordable housing as part of the same development proposal.”

The explanatory text to the above policy explains:

“Shropshire Council’s Interim Planning Guidance on affordable housing sets a maximum size of 20 dwellings, for urban exception sites (defined as settlements

over 3,000 population). The Census 2011 shows that Much Wenlock is smaller than this and therefore exception sites should “reflect the character and scale of the settlement”. We support this policy and have included the figure of ten dwellings in Policy H5 as a guide rather than a target, taking into account local housing need.”

- 6.1.9 The application site is outside but immediately adjacent to the Much Wenlock Town Development boundary. While the proposed development would be for 12 dwellings, the explanatory text to MWNP Policy H5 set out above makes it clear that the reference to 10 dwellings in that policy is a guideline only. It is considered therefore that there is no in-principle housing policy objection to a scheme for 12 affordable houses on the application site. The acceptability or otherwise of the proposed scheme therefore depends upon consideration of the matters discussed below.

## **6.2 Siting, scale and design and landscape Impact**

- 6.2.1 Section 7 of the Framework is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design. It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1.
- 6.2.2 Policies CS6 and CS17 of the Core Strategy are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by Policy MD2 of the SAMDev Plan. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. The MWNP Objective 6 relates to good quality design aims to ensure that development respects the scale, style and setting of the town, that new developments use materials in keeping and which respect their setting, be of the highest quality design and include gardens of an appropriate scale to the properties. Policy GQD1 seeks to protect the high quality natural landscape outside the development boundary of Much Wenlock. Policy GQD2 sets out a number of design criteria against which new development should be appraised, making reference to the principles set out in the Much Wenlock Design Statement; making efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area; be suitably designed for the context within which they are set; retain existing important landscape and natural features; ensuring that the scale and massing of buildings relate sympathetically to the surrounding area; create safe environments; and use traditional and vernacular

building materials where such treatment is necessary to respect the context of the development concerned.

- 6.2.3 The proposed development in this case would be designed to achieve high standards of energy efficiency. The proposed dwellings designs are of a simple, modern architectural style, but utilising traditional vernacular materials comprising of timber cladding with small plain clay tiles to 40° dual pitched roofs. These external finishes are found in traditional farm buildings in Shropshire and the simple rectangular form of the buildings, without overtly domestic features such as dormers, projecting gables and chimneys, result in what the Conservation Officer has described in her comments at 4.5 above as a modern interpretation of an agricultural style. The generous space around the buildings would also assist with their integration into this landscape setting with the rising agricultural land to the south and south west. It is considered that the proposed development would establish a strong sense of place, with a suitable balance between form and space as sought by paragraph 58 of the NPPF. The proposed landscaping and site boundary treatments outline in paragraph 1.5 above would also assist in assimilating the proposed development into the rural, edge of town landscape.
- 6.2.4 The design approach which has been adopted for the proposed development is considered to be acceptable for this site, in compliance with the NPPF, Shropshire Core Strategy policies CS6 and CS17; SAMDev Plan policy MD2 and Much Wenlock Neighbourhood Plan policies GQD1; 2 and 4.

### **6.3 Highway Safety**

- 6.3.1 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. It requires consideration to be given to whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of development and adds that 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, which in this case requires consideration to be given to the road layout within the development, the proposed works to Callaughton Lane and the impact of traffic generated on the local highway network.
- 6.3.2 The level of off-road parking provision within the proposed scheme would comply with Much Wenlock Neighbourhood Plan policy H6 in providing a minimum of two parking spaces per dwelling for housing development..
- 6.3.3 The Transport Assessment submitted with the planning application. It advises:
- “For assessment of overall traffic figures and generation it is normal to consider that each household will generate typically between 6 – 9 movements per day, with one in each of the peak hours. The actual calculated figure is based on the location, availability of other modes of transport and proximity to facilities. This site is

considered to be sustainable in terms of its distance to the alternative modes of sustainable transport and is in close proximity to a higher order strategic highway network and also local facilities and amenities. Therefore I would suggest that a figure of 6 - 7 movements per household is used for this location. This would mean a maximum of 72 - 84 traffic movements in any 24 hour period. This assessment whilst rather simplistic is accepted nationally as a means of assessing the basic trip generation for a development of this size.

It is likely that the A458 carries quite a high volume of traffic, likely in excess of 5 – 6000 vehicles annual average daily traffic. In this regard therefore the additional traffic generated by this development will likely have no demonstrable effects on the capacity of the A458, nor the safe and free flow of traffic along its route.

Whilst TRICS data may also be used to calculate traffic movements onto the highway network, by interrogating a number of similar sites across the country, the figures from experience would in all likelihood be lower than those indicated above from a first principles assessment. However this is considered to be a small development and if 100% movement is assumed, this would be worst case. I would not expect TRICS data to be used in this instance.

Given the provision of the alternative modes of transport and the close proximity of the bus stops together with the safe and suitable pedestrian facilities, both within the development and along the existing highway network to the village facilities, it is considered the likely traffic movements will be lower than worst case. It is noted that the local shop and local facilities are less than a five minute walk from the proposed development site.

It is considered that the likely level of traffic generated by such a development site will have no significant demonstrable effect on the free flow and safe movement along Callaughton Lane, nor the wider highway network.”

- 6.3.4 SC Highways Development Control are content that the proposed layout within the development would not lead to conditions detrimental to highway safety and would allow for adequate access by service vehicles. With regard to Callaughton Lane, the proposed works to it associated with the formation of the access into the development (See 1.2 above), changing the priority for vehicles emerging onto Callaughton Lane, are considered to be acceptable to accommodate safely the additional traffic likely to be generated by the proposed 12 dwelling development. The wider highway network could accommodate safely the type and volume of traffic likely to be generated by the proposed development. The extension of the 30mph speed limit along Callaughton Lane would be the subject of a financial contribution to the required Traffic Order through a Section 106 Agreement on any planning permission issued.
- 6.3.5 In their comments of 1<sup>st</sup> August 2016 Much Wenlock Town Council has qualified its no objection by statement that the 30mph speed limit on the approach to the town should be extended further along the A458 towards Bridgnorth. This matter has been explored by the Council's Highways Development Control Team: They advise that such an alteration would not receive the support of West Mercia Police. The traffic that would be generated by the 12 dwellings in this proposal would not justify the relocation of the 30 mph speed restriction sign location on the A458 on highway safety grounds.

- 6.3.6 A number of the objectors have questioned whether the land that would be required for the proposed footpath link to the Oakfield Park road junction forms part of the public highway. SC Highways Development Control has reviewed the matter and are satisfied that the verge in question falls within the adopted highway. However, while this footpath would be desirable to promote sustainable travel, should circumstances arise whereby it could not be constructed they consider that the absence of the path would not significantly compromise highway safety. Judged against the criteria set out in paragraph 32 of the NPPF, the lightly trafficked nature of Callaughton Lane and the short distance involved, highway/pedestrian safety would not be compromised by the lack of a separate footway on Callaughton Lane at this point to a degree that would justify refusal on highway safety grounds.
- 6.3.7 The highway safety requirements of the NPPF, Core Strategy policy CS6 and the parking objectives of the Much Wenlock Neighbourhood Plan would be satisfied by the proposed development.

#### **6.4 Drainage**

- 6.4.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. Objective 3 of the Much Wenlock Neighbourhood Plan relates to reducing flood risk. Policy RF1 requires new development to have no detrimental impact on surface water run-off in the town's surface water catchment area, or to be entirely self-sufficient in its ability to manage surface water run-off. Policy RF2 states new developments will be designed and constructed to reduce the overall level of flood risk to the use of the site and elsewhere compared to the current use. At Policy RF3 it states new dwellings should be designed to have a predicted water discharge of no more than 80 litres of water per person per day, and Policy RF6 states that parking spaces and driveways associated with new development will have permeable surfaces. A drainage report incorporating a flood risk assessment accompanies the planning application.
- 6.4.2 Currently there is no discernible or identified surface water drainage within the fields and run-off currently discharges onto Callaughton Lane to the existing highway drainage. The proposed site drainage to accommodate surface water would be a sustainable system incorporating the use of rain gardens, swales, piped systems, attenuation ponds and soakaways. An attenuation pond would be located in the upper portion of the public open space and would provide attenuation for the majority of the site drainage, with only Plots 1 and 2 and the access road draining direct to the second attenuation pond and soakaway in the lower portion of the public open space. The surface water drainage would be designed to current standards for a 1 in 100 year event plus 30% climate change (35% in revised details) for a range of storms, together an additional allowance for urban creep. Exceedance flows are taken into account. A drainage swale to the south western and southern boundaries would capture overland flows from the land above the site. A series of weirs would be provided to the swale to slow and store surface

water run-off. The bottom of the swale would be provided with stone to assist in providing storage and also percolation to lower ground where a suitable medium is available to allow the use of soakaways. The surface water collected through the swale would discharge to a silt chamber adjacent to Callaughton Lane, before discharging to the soakaways located in the lower attenuation pond and soakaway system. The discharge to the soakaway would be at the soakaway in the lower portion of the public open space would be at the Greenfield run-off rate of 5 litres per second per hectare. Driveways would be provided with permeable surfaces, with subsoil drainage capturing and flows and directing the flows to the attenuation pond. Foul water drainage would be discharged to the existing foul water sewer serving Oakfield Park via a small pump station located within the open space area.

6.4.3 The Council's Flood and Water Management (FWM) Team have sought additional information on matters including the calculation of runoff from the catchment above the development, the porosity of the lower ground strata for soakaways and how the proposed scheme would accommodate the 35% allowance for climate change in the updated March 2016 guidance from the Environment Agency in respect of the Severn catchment. Additional drainage information has been submitted to address these matters and at the time of writing this report is being evaluated by the FWM Team. An update on this matter will be provided at the Committee meeting. A decision to grant planning permission for the proposed scheme would need to be subject to the satisfactory resolution of outstanding drainage details if discussions are still on-going at the time of the Committee meeting.

6.4.4 With regard to the neighbour comment concerning the rapid response catchment status for Much Wenlock, the Council's Flood and Waste Water Manager has advised that whilst the Environment Agency is the organisation responsible for managing rapid response catchments, the proposed development does not trigger the need for a formal consultation with them. The Council, acting in its capacity as Lead Local Flood Authority, is working to ensure that the proposal, if approved, is fit for purpose. This means that the development, if approved and built, must not increase the risk of flooding elsewhere and must not result in the new properties being at unacceptable levels of flood risk. The designation of a catchment as a rapid response catchment is not, in itself, a reason to preclude new development. The discussions referred to in paragraph 6.4.3 above are addressing this matter, particularly in relation to calculations relating the catchment area for the field above the proposed development.

## **6.5 Residential Amenity**

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing dwellings to the site are nos. 1 to 11 (Odd numbers only) which have rear gardens backing onto the north western site boundary. The separation distance between the rear elevation of plots 1 and 2 and 1 Oakfield Park would be in the order of 22 metres. In the case of plot 4, which would largely have its side gable facing 5 Oakfield Park, the minimum separation distance would be some 18.5 metres. For plot 5, which also would prevent its side gable to 9 and 11 Oakfield Park, the separation distance would be some 16 metres. While there are no set standards contained within the adopted Core Strategy and SAMDev Plan, these distances exceed the typical 20 metres 'back to back' and 12 metres 'back to side gable' standards that had been adopted in the past by local planning authorities as

desirable minimum separation distances. The proposed finished ground floor levels of the dwellings would correspond closely to existing land levels, with some setting into the ground to accommodate the land slope on plots. The ridge heights of the proposed two storey dwellings would be some 8 metres, with eaves heights of some 5.4 metres, coupled with 40° roof pitches to accommodate small plain clay tiles. The proposed two storey dwellings would thus be of a relatively modest scale, with the gaps between the proposed buildings also reducing the sense of enclosure.

- 6.5.2 Whilst it is accepted that the erection of dwellings on the site which is currently undeveloped would affect the view from existing properties, little weight can be attached to this impact in assessing the proposed scheme. It is considered that the scale, massing and orientation of the dwellings, the proposed levels, and the separation distances between the existing and proposed dwellings would ensure that there would be no unacceptable overbearing impacts, loss of privacy or reductions in sun light and daylight reaching the existing properties to a degree that would justify a refusal of this application.
- 6.5.3 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself.

## **6.6 Ecology**

- 6.6.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the provision of bat boxes and artificial birds' nests, landscaping and an external lighting plan.

## **6.7 Affordable Housing**

- 6.7.1 Core Strategy policy CS5 relates to development in the Countryside and Green Belt and allows for affordable housing/accommodation to meet a local need in accordance with national planning policies and policy CS11. Policy CS11 advises that the diverse housing needs of Shropshire residents now and in the future will be achieved by a number of measures, including permitting exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity. The Much Wenlock Neighbourhood Plan policy H5 accords with this approach and has been discussed at paragraph 6.1.8 above (Principle of Development).
- 6.7.2 Of the 12 dwellings proposed, 10 (Two 1 bed; seven 2 bed and one 3 bed) would be for rent affordable rent, with two dwellings (Two 3 bed) as intermediate housing.
- 6.7.3 With regard to the Town Council's comments that all the dwellings should be for rent, The Council's Housing Enabling and Development Officer has commented that this proposal has been comprehensively developed as a community led exception site initiative (i.e. local needs housing project developed by the

community in conjunction with a Registered Provider). One aspect of the community process is to consult the local community including encouraging those with a housing need to identify their own specific requirements. This process has identified the need for both rented and shared ownership tenure; such requirements are also mirrored in the Council's housing register in relation to Much Wenlock. If the scheme were to just deliver rented housing, then it would not be in the spirit of a community led scheme in that the consultation process would have been to a degree, meaningless. There is an expectation that exception site schemes, whether they are community led or not, include both rented and shared ownership tenures given that such provides greater opportunities for those in housing need.

6.7.4 The agent has commented that the housing need in this case is based on Shropshire Council Policy and Shropshire Housing Group has already agreed a lower percentage than the normal ratio of 70:30 affordable rent/shared ownership. Shropshire Housing Group is also responding to the demand expressed in three public consultation sessions which support the inclusion of shared ownership properties. In the event of the shared ownership properties not selling Shropshire Housing Group intend to convert them to rented properties.

6.7.5 Where the applicant is a Registered Provider, as is the case in this application, planning conditions are considered to be an acceptable means of controlling the occupation and affordability in perpetuity: This is the approach that the Council has used with Registered Providers. The use of a Section 106 Agreement would not, it is considered, offer any greater control than the use of conditions in this instance. The conditions on any approval issued would state:

1. The dwellings hereby permitted shall not be let or occupied other than either:  
a. In the case of 10 dwellings, under a tenancy in accordance with the normal letting policy of a Registered Provider; and b. in the case of 2 three bedroomed dwellings, by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to or achieve a share greater than 80% of the whole.

Reason: To ensure compliance with the requirements of Policy CS11 of the Shropshire Core strategy to ensure affordability in perpetuity.

2. The affordable housing units shall be advertised through the Shropshire Choice Based Letting scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme. Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

3. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Local Need criteria and the Local Lettings Plan which shall be agreed in writing by the Local Planning Authority, all lettings or shared ownership leases shall meet the local connection and the cascade requirements set out in Shropshire Council's Type and Affordability of Housing Supplementary Planning Document or any policy or guidance that may from time to time replace it.

Reasons: To ensure compliance with Policy CS11 of the Shropshire Core Strategy with regard to local needs and prioritisation for local people.

## **6.8 Open Space**

6.8.1 Core Strategy policy CS6 seeks to ensure developments achieve the local standards for the provision and quality of open space. SAMDev Plan policy MD2.5 acknowledges that open space can contribute to wider policy objectives, including surface water drainage, and seeks to achieve a quantity of open space in developments based on 30 sqm per bedroom. Much Wenlock Neighbourhood Plan policy GOS2 states new development should include or contribute to the provision of open space in line with the standards set by Shropshire Council. In this particular case open space areas would be provided that would have a dual drainage role and the private garden areas are relatively large in this low density scheme to reflect the rural setting. It is considered that the open space provision within the proposed development would be satisfactory in this case. The maintenance of these areas, which also have a role in the surface water drainage of the development, would be by the Housing Association under the terms of their management arrangements for the site.

## **6.9 Loss of Agricultural Land**

6.9.1 The site lies on Grade 3 agricultural land. The NPPF states at paragraph 112 that “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the acknowledged need for affordable housing and the policies of the Much Wenlock Neighbourhood Plan, in relation to such developments outside development boundaries - see 6.1 above (Principle of Development), and the grade 3 classification, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to an affordable housing development immediately adjacent to, but outside of, the development boundary for Much Wenlock. While 12 dwellings are proposed and Much Wenlock Neighbourhood Plan policy H5 makes reference to schemes of up to 10 dwellings, that figure is a guide rather than a target, and the proposed layout would satisfactorily accommodate 12 units in response to the need identified. A refusal on the grounds of the proposal containing 12 dwellings rather than 10 could not be sustained at appeal.

7.2 The proposed development would satisfy the social role of Sustainable Development set out in the National Planning Policy Framework (NPPF) through providing a supply of housing in response to an identified need for affordable housing in the Much Wenlock area, supporting a strong, vibrant and healthy community. With regard to the economic role, the construction of the houses and the activity of the people who would live there subsequently would also be likely to support economic activity to the benefit trade and service provision in the wider area.

7.3 Assessed against the environmental role of sustainability, the proposed development would be in a location that could access town services without over-reliance on the private car and public transport is available for journeys out of the town. The proposed built form would not detract from the visual amenity and rural character of the area, would not unduly harm neighbour amenity and ecological interests can be safeguarded through planning conditions. The proposed development would provide on-site parking at the rate sought in the Much Wenlock Neighbourhood Plan for new development and the highway works that form part of the proposal would ensure that it would not be detrimental to highway safety. The proposed surface water drainage arrangements remain under discussion at the time of writing this report and an update will be provided at the Committee meeting.

7.4 Subject to satisfactory agreement being reached on the proposed surface water drainage arrangements, it is considered that the proposed affordable housing development accords with the provisions of the NPPF, the Shropshire Core Strategy, the SAMDev Plan and the Much Wenlock Neighbourhood Plan. A Section 106 Agreement would be required to secure the financial contribution needed for the re-location of the 30 mph speed limit signs on Callaughton Lane.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced

against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy:  
CS1 Strategic Approach  
CS3 The Market Towns and Other Key Centres  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev Plan:  
MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD7a Managing Housing Development in the Countryside  
MD12 Natural Environment  
MD13 Historic Environment  
S13 Much Wenlock

Much Wenlock Neighbourhood Plan

SPD on the Type and Affordability of Housing

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

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. Highways and Drainage Report (Including Flood Risk Assessment).
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr David Turner
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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 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.
3. The external facing materials for the dwellings shall be in accordance with the details shown on drawing number PL310 (Elevation - Material Study, dated May 2016) unless an alternative palette of materials has been approved in writing by the Local Planning Authority.

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

4. Prior to the dwellings that they serve being first occupied, the parking spaces and private driveways shall be surfaced in a permeable material which has first been approved in writing by the Local Planning Authority, and shall thereafter be maintained as such.

Reason: To comply with Much Wenlock Neighbourhood Plan policy RF6, in the interests of sustainable drainage and reducing flood risk.

5. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall include:

- a) details of the trees, hedges and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.
- c) details of existing trees and hedges to be retained.

Reason: to ensure satisfactory tree, hedge and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

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

7. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include details on how and when such works will be designed, implemented and managed so as to avoid causing damage to any retained tree, woody shrub or hedge and how these features will be protected during the process.

Reason: to ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. All pre-commencement tree protection measures detailed in the approved Arboricultural Method Statement (AMS) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS. Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone (CEZ); vehicles shall not traverse and nothing shall be stored or placed and ground levels shall not be altered nor any excavation made within the CEZ, without the prior written consent of the Local Planning Authority.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

9. A landscape and SUDS management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small private 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 and SUDS management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of the open space and SUDS areas in perpetuity.

10. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

11. Prior to their construction details of the construction method, heights, materials and appearances of the retaining walls indicated on the general arrangement drawing ARCH0173/GA/003 Rev F shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To define the permission and in the interests of the visual amenities of the area.

12. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved in writing by the Local Planning Authority. The approved access details affecting the public highway shall be fully implemented before any dwelling is first occupied, with the estate road constructed to at least base course macadam level before the dwellings that it would serve are first occupied.

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

13. Prior to the commencement of the development full engineering details of the proposed footway along Callaughton Lane and carriageway widening 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 before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

15. Demolition or construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
  - Saturday 08:00hrs to 13:00hrs
  - Nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

16. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 4 woodcrete or similar bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.
2. A total of 2 woodcrete or similar artificial nesting boxes suitable for house sparrows or starlings.
3. A total of 2 woodcrete or similar artificial nesting boxes suitable for house martins, swifts or swallows.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

17. 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 Trusts Bats and Lighting in the U.K. guidance.

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

18. The dwellings hereby permitted shall not be let or occupied other than either:
- a. In the case of 10 dwellings, under a tenancy in accordance with the normal letting policy of a Registered Provider; and
  - b. in the case of 2 three bedrooomed dwellings, by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to or achieve a share greater than 80% of the whole.

Reason: To ensure compliance with the requirements of Policy CS11 of the Shropshire Core strategy to ensure affordability in perpetuity.

19. The affordable housing units shall be advertised through the Shropshire Choice Based Letting scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme. Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

Reason: To ensure compliance with Policy CS11 of the Shropshire Core Strategy with regard to local needs and prioritisation for local people.

20. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Local Need criteria and the Local Lettings Plan which shall be agreed in writing by the Local Planning Authority, all lettings or shared ownership leases shall meet the local connection and the cascade requirements set out in Shropshire Council's Type and Affordability of Housing Supplementary Planning Document or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Policy CS11 of the Shropshire Core Strategy with regard to local needs and prioritisation for local people.

### **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. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy and egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

4. The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.
5. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
6. 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. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

The principles and standards of the Secured By Design 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](http://www.securedbydesign.com)

7. In determining this application the Local Planning Authority gave consideration to the following policies:

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

Shropshire Core Strategy:  
CS1 Strategic Approach  
CS3 The Market Towns and Other Key Centres  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev Plan:

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD7a Managing Housing Development in the Countryside  
MD12 Natural Environment  
MD13 Historic Environment  
S13 Much Wenlock

Much Wenlock Neighbourhood Plan

SPD on the Type and Affordability of Housing

8. 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](http://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.

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<u>Committee and date</u>
South Planning Committee
11 October 2016

## Development Management Report

### Schedule of Appeals and Appeal Decisions as at 11 October 2016

<b>LPA reference</b>	15/05508/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Delwyn Jones
<b>Proposal</b>	Erection of dwelling and garage with office above and new vehicular access
<b>Location</b>	Proposed Dwelling South West Of Aston Rogers Westbury Shropshire
<b>Date of appeal</b>	08.09.16
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	16/01085/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Simon Angel
<b>Proposal</b>	Erection of detached dwelling including detached garage/office
<b>Location</b>	Land Adjacent Wayside 4 Ashford Carbonell Shropshire
<b>Date of appeal</b>	13.09.16
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	15/01120/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Richard Allen
<b>Proposal</b>	Erection of dwelling (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)
<b>Location</b>	Proposed Dwelling To The East Of Lordstone Lane Minsterley Shropshire
<b>Date of appeal</b>	11.04.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	21.09.2016
<b>Costs awarded</b>	No
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	15/03170/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	F H Maiden & Sons
<b>Proposal</b>	Outline application (access, layout, scale not reserved )for residential development
<b>Location</b>	Proposed Residential Development Land East Of Bridgnorth Road Highley Shropshire WV16 6BX
<b>Date of appeal</b>	27.9.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

## Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

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**Appeal Ref: APP/L3245/W/16/3145902**

**Land adjacent to Lordstone Lane, Bentlawnt, Shrewsbury, Shropshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Richard Allen against the decision of Shropshire Council.
  - The application Ref 15/01120/OUT, dated 10 March 2015, was refused by notice dated 19 November 2015.
  - The development proposed is described as '*erection of a single open market dwelling*'.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The proposal is for outline planning permission with all matters reserved apart from access. The appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016<sup>1</sup>, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.
4. The Council published its Full Objectively Assessed Housing Need 2016-2036 (FOAHN) document on 4 July 2016 and comments have been sought from the parties in relation to its effect on the appeal. Accordingly, the FOAHN has been taken into account.

### Main Issue

5. The main issue is whether the proposal would result in a sustainable pattern and form of development, having particular regard to local and national planning policy, the effect on the character and appearance of the area and its location within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### Reasons

6. Bentlawnt and Pentervin are to the east and west of the appeal site and form part of a Community Cluster as defined by the Site Allocations and Management of Development Plan (SAMDev). For this particular Community

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<sup>1</sup>*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

- Cluster, SAMDev Policy S2 outlines a housing guideline of 15 dwellings over the plan period. However, despite the absence of development boundaries for this Community Cluster, intervening sloped fields, trees and vegetation visually separate the site from Pentervin and Bentlawnt to the west where the main built up area is. Therefore, for planning purposes, the site occupies a countryside location as classified by Shropshire Core Strategy (CS) Policy CS5.
7. Policy CS5 seeks to strictly control development in the countryside in accordance with national planning policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements such as Community Clusters, but does include some exceptions to this principle. However, the proposal would not meet any exception listed in the policies.
  8. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Whilst it is not clear on what progress has been made towards the Community Cluster's housing guideline of 15 dwellings, owing to the recent adoption of the SAMDev Plan, it seems likely the Council will be able to meet the housing guideline by the end of the plan period. In addition, based on the FOAHN, the contents of which have not been disputed by the appellant, the Council can demonstrate a five year housing land supply. Consequently, policies relevant to the supply of housing are not considered out of date and therefore attract full weight. Taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
  9. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing. In addition, paragraph 55 of the Framework states housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
  10. The appeal site forms part of a larger agricultural field which slopes upwards towards its frontage with Lordstone Lane. Fields further west of Lordstone Lane slope down and away from the appeal site giving it an elevated position in relation to its surroundings. During my site visit, I saw that Top House and The Elms are located along Lordstone Lane and are separated from one another by some distance. This dispersed pattern of development, the hilltop setting and adjoining fields gives this particular section of Lordstone Lane an open countryside character. Consequently, I consider the development would be in an isolated location.
  11. The dwelling would be located within the Shropshire Hills AONB and whilst it would not be a noticeable building from northern vantage points, its prominent position would be appreciable from distant views, including from Rea Valley and Stripstone Ridge. Despite nearby trees, roadside hedgerows and the intended traditional design, the dwelling would also be noticeable from closer vantage points at Bentlawnt and when travelling north along Lordstone Lane. As a result, the proposal would detract from the open countryside character of its immediate surroundings and the wider landscape quality of the Shropshire Hills AONB.

12. Therefore the proposal would not result in a sustainable pattern and form of development, having particular regard to local and national planning policy, the effect on the character and appearance of the area and its location within the Shropshire Hills AONB. Consequently, the proposal is contrary to CS Policies CS4, CS5, CS6, and CS17, SAMDev policies MD3 and MD7a and paragraph 115 of the National Planning Policy Framework. Combined, these policies seek to control development in the countryside and protect local character and landscape assets such as the Shropshire Hills AONB. In particular, paragraph 115 of the Framework states that great weight should be given to conserving the landscape and scenic beauty of high status designations such as the AONB, and in this case, I have.

*Other matters*

13. The proposal would bring benefits in the form of supporting nearby services, increasing housing supply in a short period of time, generate construction employment, biodiversity enhancements, CIL revenue and could be a high quality sustainably designed house. The proposal could also help meet the need for two to three bedroom dwellings as outlined in the Worthen with Shelve Parish Plan. However, in this case, as the proposal is of a minor scale, these benefits are afforded modest weight only and would be outweighed by the harm identified in relation to the main issue above.
14. In coming to that view I have considered an appeal decision<sup>2</sup> regarding the Council's ability to demonstrate a five year supply of housing land. I note that a legal challenge against this appeal decision has been submitted by the Council. The appellant states that the second defendant in the High Court case regarding the Teal Drive appeal decision is proceeding. However, I understand that the Secretary of State has submitted to the judgement of the court. Therefore, with this uncertainty in mind, I cannot rely on the appeal decision in respect of the housing land supply situation in the borough. Moreover, I note the Council's FOAHN which is uncontested.
15. However, the above aside, even if the Council were unable to demonstrate a five-year supply of housing land, or were under delivering housing in rural areas, the adverse impacts identified in relation to the main issue would significantly and demonstrably outweigh the benefits identified above. Consequently, the proposal would still be unacceptable when assessed against the policies of the Framework as a whole.
16. I have also taken into account that the proposal would provide a self-build home for a young couple who are from a local family and wish to return to the area. I also note support from third parties and the Parish Council. However, whilst I can understand the wishes of the appellants, such personal circumstances seldom outweigh general planning considerations.
17. Whilst I acknowledge the appeal and planning decisions referred to by the appellant, I do not have the full details of these cases before me. However, I note that some of the decisions pre-date the adopted SAMDev, involve different proposals such as an agricultural worker's dwelling and the re-development of a former car park. Moreover, I must judge the appeal before me on its own merits.

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<sup>2</sup> APP/L3245/W/15/3067596, Land at Teal Drive, Ellesmere.

**Conclusion**

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR