



Committee and date
 South Planning Committee
 11 October 2016

Development Management Report

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

Summary of Application

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

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

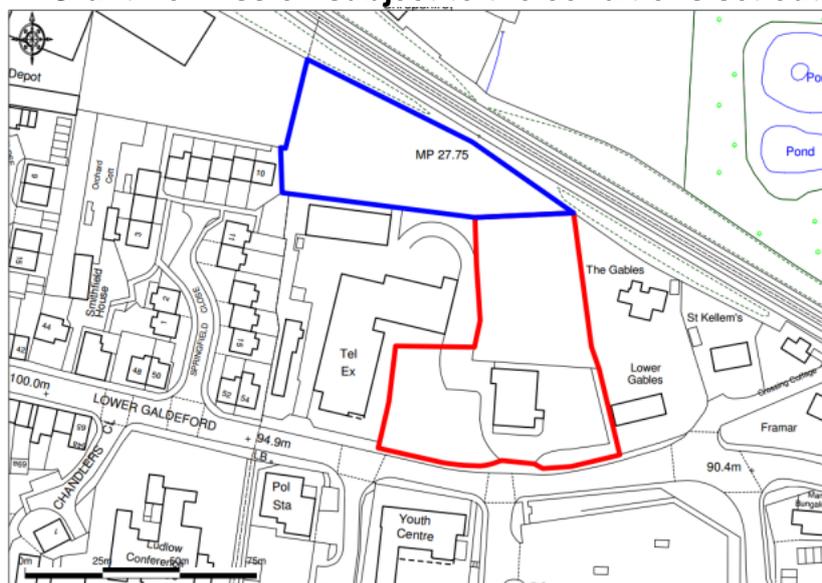


Fig 1 - Location

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a new retail & commercial building on land adjacent to the Telephone Exchange, Lower Galdeford, Ludlow. The proposal is for a two-storey commercial building which has a

surface area of 400 m² and an internal gross floor area of approximately 800 m². The building has been designed to be like a modern retail unit rather than a warehouse. The front (eastern elevation) acts as a focal point with two full height sections of glass providing natural light into and a modern style, contrasting with the Cedar wood timber panelling.

- 1.2 Ten external car parking spaces are proposed, one disabled. The application also includes for the 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 250m² of A1 (non-convenience) retail, with the remaining area of the building having an A2 office and B8 warehouse use class;
 - It is confirmed that whilst the site has been designed for access by heavy goods vehicles, daily deliveries by these vehicles is very unlikely due to the nature of the proposed use;

- 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

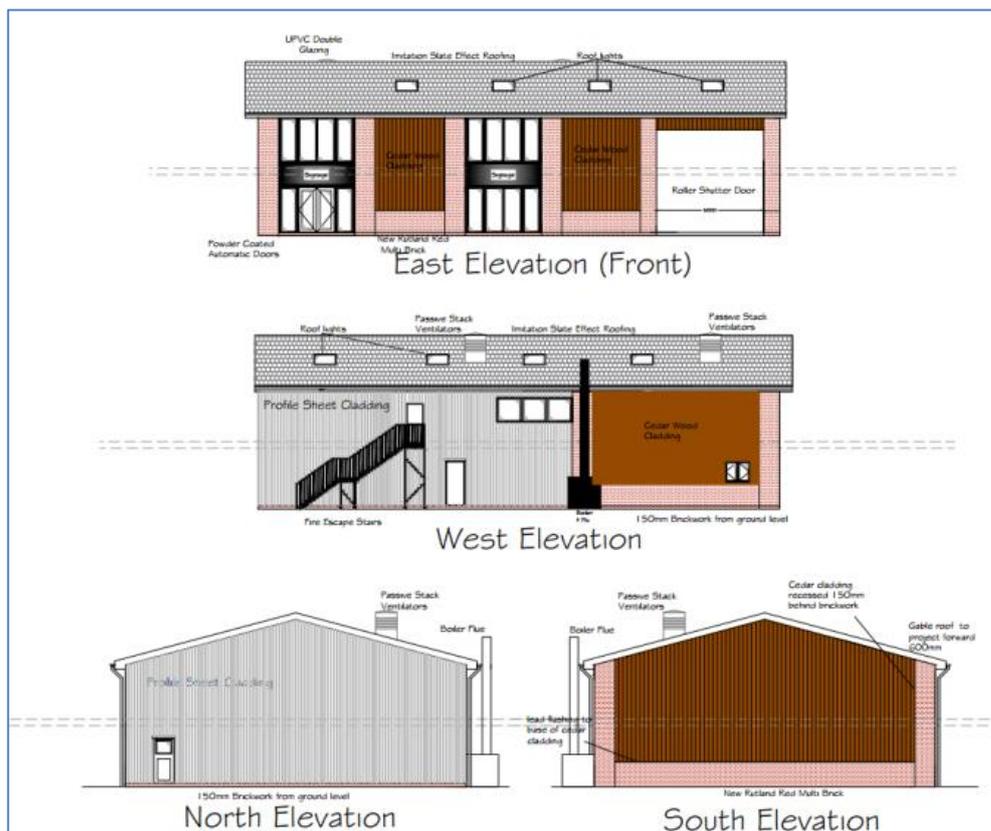


Fig 3 – Proposed elevations

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 27th 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 previously 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 m². The policy advises that the Council will not permit proposals which have a significant adverse impact on town centres. In this particular case the applicant has provided further clarification on the nature of the proposals and as confirmed that the commercial building will be limited to a 'shop counter' with 250m² of A1 (non-convenience) retail, with the remaining area of the building having an A2 office and B8

warehouse use class. As such the officer concludes that 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 250m² also provides appropriate reassurance regarding the adequacy of the proposed 10 parking spaces to support this use. It should be recognised that the general depot use covering the wider site could potentially generate significant vehicle movements without the benefit of modern planning restrictions. Provision is made to separate trade and public vehicles within the site and all internal HGV movements associated with the proposals would be supervised by a banksman. It is not considered that highway refusal of the current proposals could be justified on this basis.

6.4 Residential amenity

6.4.1 Noise: A resident of The Gables to the east of the site has expressed concerns about amenity impact from increased vehicular traffic and the proposal for a lorry turning area along this boundary. This includes from engine noise, reversing alarms and from tyres negotiating a slope with loose stone chippings where the turning area is located. In response to this the applicant has proposed landscaping and fencing along this boundary and has confirmed the low level of anticipated HGV movements. A resident has expressed concern that as the site is 2m lower than The Gables the 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 17th December 1980
- SS/1978/467/O/ Demolition of existing buildings retaining existing offices, erection of new depot and store building and formation of new vehicular access. PERCON 22nd September 1978
- SS/1978/673/P/ Use of land as vehicle parking. PERCON 12th January 1979
- SS/1976/384/P/ Proposed residential development and alteration of existing vehicular access. REFUSE 19th November 1976
- SS/1/05/17616/F Change of use of storage unit to funeral parlour. WDN 31st October 2005
- SS/1/06/18952/F Change of use of Severn Trent Water Depot to warehouse with ancillary retail area to trade and public of windows and associated products. PERCON 3rd January 2007

Relevant Planning Policies

Central Government Guidance:

- National Planning policy Framework

Shropshire Core Strategy:

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

SAMDev Plan:

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

Relevant Planning History:

11. ADDITIONAL INFORMATION

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 250m² within the building;
 - ii. A2 office use;
 - ii. B8 storage or distribution use.

Reason: To protect the amenities of neighbouring residents and the character of this part of 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.