



Committee and date

South Planning Committee

1 August 2017

Development Management Report

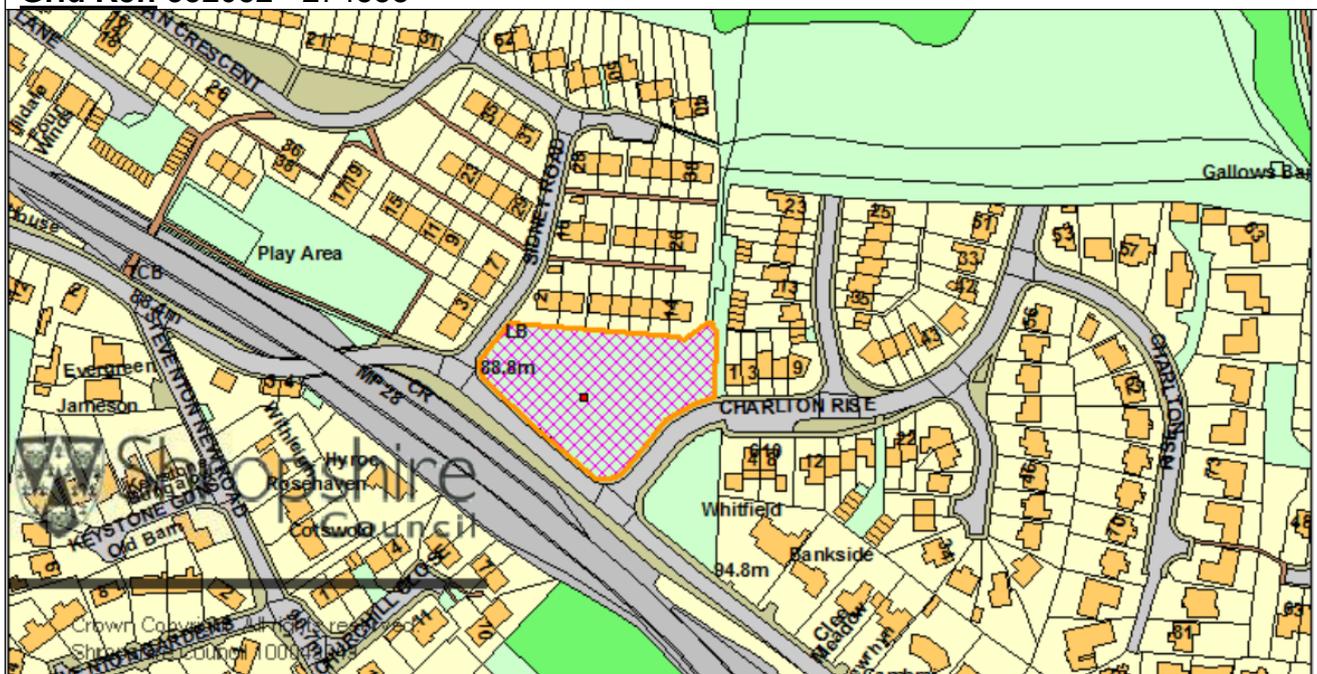
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/01387/FUL	Parish: Ludlow Town Council
Proposal: Erection of seven bungalows for social housing	
Site Address: Land at Sidney Road, Ludlow, Shropshire	
Applicant: Shropshire Housing Group	
Case Officer: Mark Lynch	email: planningdmsw@shropshire.gov.uk

Grid Ref: 352052 - 274558



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Contact: Tim Rogers (01743) 258773

Recommendation: Permit, subject to the conditions contained in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application has been amended following negotiations with the applicant. Initially, the proposals were for the erection of seven one and two bedroom bungalows in two separate terraces; one comprising three dwellings and one comprising four dwellings, arranged in a V shape on the site with the larger terrace facing south towards Sheet Road and the shorter terrace facing east towards Charlton Rise. Both terraces are set back from the roadside across open space and are accessed from both streets by new footpaths that lead across the frontages of both terraces.
- 1.2 Following discussions, the scheme has altered and now comprises a single terrace of five bungalows arranged across the site parallel with the existing bungalows to the north. The terrace is stepped in parts to follow the profile of the land.
- 1.3 The design of the dwellings is traditional low level single storey with steeply pitched roofs. The front elevation is relieved by the incorporation of two pronounced gables. Materials will include appropriate facing bricks, concrete roof tiles and upvc fenestration.
- 1.4 Car parking for the development includes a row of ten spaces in a bay on the north-western edge of Charlton Rise and an off-street group of three disabled spaces directly to the west off Sidney Road. To the rear will be a substantial communal garden shared between all five dwellings. The layout plan shows the existing group of trees in the south eastern corner retained and a row of additional trees to be planted along the Sheet Road frontage. The existing tree within the centre of the site is proposed to be removed. The car parking areas will be accessed from the houses via new footpaths and the remainder of the site will stay as an open-plan area.
- 1.5 The site is constrained by the existing mains sewers that cross the land within the eastern and southern parts of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the defined settlement boundary for Ludlow on the edge of an existing development of bungalows to the south east of the town. The site is currently an area of open space that includes two small groups of mature trees; one on the south east edge and one within the centre of the site.
- 2.2 The site has a slight slope in a general north to south direction towards Sheet Road with a slight hollow evident in the middle of the site. To the immediate north across a footpath is a row of bungalows that face across the site. The front boundaries of these dwellings are marked by a low hedge and picket-style fencing, in part. Beyond to the north and west lie other, similar bungalows on

slightly rising ground.

- 2.3 To the east lies Charlton Rise which serves a development of two storey dwellings and a three storey group close to the entrance off Sheet Road that includes commercial uses at ground floor level.
- 2.4 Sheet Road is a principal route into and out of the town and it passes beneath the railway line a short distance away from the site to the south west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposed development has received objections from Ludlow Town Council and has been referred to the South Area Planning Committee for consideration by the local elected member on the basis of public concerns with regard to the significant loss of green space, footpath clarification, felling of two trees and ownership of trees and the objection from Ludlow Town Council. The Chair and Vice Chair of the South Planning Committee consider the application raises issues that warrant consideration by Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **Ludlow Town Council** – strongly objects to the original and amended proposals on the following grounds:

i) The amenity value of the land is significant to the residents, who have enjoyed the use of the land for over twenty years
ii) The development would be detrimental to the visual amenity of the area
iii) the existing footpath and the bridleway are on the definitive map;
iv) there are Tree Protection Orders on all 3 trees on the site
there is precedent in case law established by the Sunningwell case in Oxfordshire, and others, where the development was refused on the grounds that the space had been used as an amenity area for over 20 years.
Members object to the proposed parking leading off Sidney Road, this is already a very busy road which is single width due to parked cars, the bus stops at the end of Sidney Road where the proposed entrance has been planned, the area is obscured and dangerous.

Members requested that the Town Clerk write to Shropshire Council to call the application to the Shropshire Council Planning Committee.

- 4.1.2 **SC Affordable Housing** – Comment:

There is substantial affordable housing need in Ludlow and therefore this proposal is supported in that the bungalows will partially address such need. Appropriate conditions will be required to ensure that the bungalows will remain affordable in perpetuity.

- 4.1.3 **SC Highways** – Comment.

No Objection – subject to the development being carried out in accordance with the approved details and the following informatives.

Observations/Comments:

The site is an open, grassed amenity space with trees, off Sheet Road, Ludlow. Sheet Road is one of the radial routes into the town centre from the A49 by-pass. The site is bounded on three sides by roads. To the west is Sidney Road, U8564, an urban feeder road to a council type housing estate. To the east is Charlton Rise, U8563, a cul de sac of private housing with several spurs off it. The northern side of the site has a row of council type bungalows along a footpath. All of these roads are governed by a 30mph speed limit. The Hereford rail line is to the south-west of Sheet Road and runs parallel with it at the location of the site.

The proposal is for a change of use of this site in order to build five bungalows with associated footpaths and parking space for 10 vehicles off Charlton Rise, one of these spaces being set aside for a disabled badge holder which is well away from the bungalows. Any transference of goods between bungalows and cars will mean having to carry such items the distance between the bungalows to the parking area.

From the potential householder's view, the length of driveway/footpath, is the trip which they will have to make, weekly, to put refuse and recycling bins out for emptying. The recommended maximum distance is 25m. Collection is made from the roadside. These bungalows are being built in an area isolated from immediate access to roads which will involve an even further walk with bins and boxes to the roadside space which is proposed to be set aside for refuse collection storage off Sidney Road.

As this is a row of bungalows, it is likely to attract elderly/mobility impaired residents and it has not been made clear as to how these residents are to manage their refuse and recycling. If the bins are kept at the front of the bungalows, they will look unsightly, if they are kept to the rear of the bungalows, there appears to be no gates through which these bins and boxes can be moved; is the refuse/recycling point to be communal where every little bag of rubbish/recycling has to be trotted out to the communal bin? This needs clarification.

4.1.4 SC Drainage – Comment.

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. 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 35% 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, dimensions and location plan 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 not be feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. 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 extensions of impermeable surfaces.

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope 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.

Reason: To ensure that no surface water runoff from the new access/ driveway

run onto the highway.

4. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

Reason: To minimise the risk of surface water flooding.

5. Informative: 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, driveway, parking/paved area
- Attenuation
- Greywater recycling system
- Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4.1.5 **SC Tree Officer** – Comment.

Concerns were expressed in respect of the initial 7-unit scheme in relation to justifying the removal of the protected tree (T3) in the centre of the site. It was recommended that the applicant be given the opportunity to consider a revision of their site layout and supporting details and to demonstrate that the social or economic benefits of the proposed development outweigh the harm to the assets at the site (Loss of tree T3 in particular) as part of this the applicant would need to demonstrate that on-site mitigation or compensation measures are feasible and will satisfy the sustainable aspirations set out in national and local policies and guidance.

In respect of the amended 5-unit proposal:

In considering this revised / amended proposal where applicable due regard has been given to the following local and national policies and guidance, including policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy; policies MD2 & MD12 of the SAMDev Plan as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012, and British Standard 5837:2012 Trees in relation to demolition design and construction: recommendations and BS8545:2014 Trees – from nursery to independence in the landscape.

In the light of the submission of the revised design and access statement, proposed site plan and arboricultural detail including proposed compensatory planting the Tree Service offers the following comments:

We acknowledge that there is a balance to be made between the importance of

maintaining the character and amenity of an area and the need for social housing and that the social or economic benefits of new social housing at this site might justify the adverse effects on amenity derived from the loss of tree T3. Should it be the case that it is the decision of the planning committee to grant planning permission, that decision would overrule the TPO in relation to tree T3. The Council would however be able to make the case for the expedience of protecting the proposed new planting.

The revised planting plan and associated arboricultural method statement and tree protection plan offer a significant and well-designed compensatory planting scheme with appropriate tree protection measures that from an arboricultural perspective serve to address the needs for compensatory planting set out in the Councils policies on sustainable development and natural assets.

RECOMMENDED CONDITIONS

Landscape:

In order to ensure that accountability for the landscape provision stays in the hands of the developer and ensure that it is sustainably planned and delivered. The Tree Service recommends that the Council seek for landscape provisions including the proposed tree planting to be completed in full before the occupation of the site. And that the standard replacement within a five year period of any lost stock condition be is also applied.

Tree protection

The approved measures for the protection of the trees as identified in the agreed tree protection plan (ref. 2930 17 03 02 B) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from the approved tree protection plan without the written agreement of the Planning Authority.

Reason: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

Tree Protection notification

No works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

4.1.6 **SC Public Rights of Way Officer** – Comment.

From checking the Definitive Map of public Rights Of Way it appears FP 17 will be affected by the new development and I have attached a plan of the area showing rights of way information onto which I have overlaid the current

proposed block plan and this shows FP 17.

This footpath will require a legal order to be made to either divert or extinguish the footpath under the terms of the Town and Country Planning Act.

The applicants will need to apply to the Mapping and Enforcement Team for such an order and, in the meantime, the route will need to be temporarily closed before any works commence at the site. The Mapping and Enforcement Team can provide the necessary information and application forms for both orders.

4.1.7 **SC Ecology** – Comment:

An Ecological Appraisal was carried out on this site in August 2016 by Pearce Environment.

Habitats on the site consist of amenity grassland, four semi-mature field maple trees and a 'line of mixed ornamental hedgerows (categorised as defunct due to regular gaps to allow gateway access into properties)'.

The trees and hedgerow provide potential nesting opportunities for birds. Works should ideally take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The landscaping scheme should include tree, shrub and hedgerow planting using native species of local provenance.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Bat and bird boxes should be erected on the site to enhance the nesting and roosting opportunities available.

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

Bat and bird boxes condition

Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected:

- A minimum of 1 external bat box or integrated bat brick suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

Lighting Plan condition

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's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

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

Landscaping Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- 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.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Informatives relating to:

Nesting birds
General site informative for wildlife protection

4.2 - **Public Comments**

4.2.1 A total of 22 letters and a petition containing the names and addresses of 77 local residents objecting to the proposed development have been received. The main points in respect of the original and revised proposals are summarised as follows:

Principle of Development

- The site is not suitable for development. A previous planning application was refused in 1994
- The land has been used for recreational purposes by the local community for more than 30 years and has protection
- There are few large open green areas left in Ludlow
- No contact details for the applicant have been provided on the application form so the application is not valid

Impact on Amenity

- The development will result in severe overlooking of neighbours
- The loss of the trees, which are protected by a Tree Preservation Order, will adversely affect the character of the area
- This is a very pleasant amenity area and sets the scene for visitors when approaching Ludlow town centre
- Future residents will be affected by noise from the road and from the railway
- There is inadequate separation between the new build and the existing bungalows to the north leading to loss of privacy and obstruction of views
- The design of the development is unattractive
- The new design will create an extensive visual barrier obliterating the current terraced street scene
- The new layout shows the buildings only 18m from existing dwellings causing severe overlooking issues

Highway Safety

- The car parking arrangements will not facilitate vehicles leaving in forward gear onto busy roads thereby creating hazards
- Sheet Road and Sidney Road is already a bottleneck and this development will make the situation worse
- Due to ground level differences, pedestrians using some of the proposed footways will be at risk of falling and suffering injury
- There are too many car parking spaces for five single bedroom dwellings
- The amended scheme will still lead to local parking difficulties

Ecology

- The Ecological Report makes no reference to the Gallows Bank Millennium Green and the Stych Brook, which provide important habitat
- The loss of the trees on the site will affect bat foraging

Drainage and Flooding

- There are impermeable soils on the site that will prevent drainage by percolation
- Linking into the main drains is unacceptable
- Site used to be a pond and wetland area
- Existing underground drainage pipes are old and cannot cope with this development
- The Stych Brook runs in a culvert under the site. If the development damages it there will be flooding problems locally

Inaccuracies

- The description is inaccurate. The development is for disabled persons rather than being social housing
- The proposals make no reference to either the culverted Stych Brook beneath the site or to the rights of way that cross the site
- The Bridleway is not accurately shown
- Despite what is said on the application form, there are no waste or recycling facilities shown on the plans

Other Matters

- The development will spoil local views
- Local property values will be reduced as a result of the development
- No facilities shown for waste storage and collection
- Will lead to parking on frontage of existing garages on Charlton Rise

4.2.2 Councillor Tracey Huffer:

Due to public concerns I have received, with regard to the significant loss of green space, footpath clarification, felling of two trees and ownership of trees. Also to be noted objection from Ludlow Town Council. As Unitary Councillor for this division I would like to request that this application is called in to planning committee.

5.0 THE MAIN ISSUES

- Principle of development
- Affordable Housing
- Siting, scale, design, visual impact
- Impact on neighbours/residential amenity
- Impact on Trees
- Impact on Biodiversity

- Highways and Transport
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 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 and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 The National Planning Policy Framework promotes sustainable development and states that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
- 6.1.3 Policy CS1 of the adopted Core Strategy sets out the strategic approach that will be used to guide and manage new development over the lifetime of the Core Strategy. The emphasis is on creating sustainable places that are socially inclusive and economically vibrant and which are resilient and adaptable to change. It will direct the majority of new development to places that already have good infrastructure, services and facilities.
- 6.1.4 Policy CS1 establishes a settlement hierarchy with Shrewsbury and the Shropshire Market Towns being the primary focus for new development. Other identified Key Centres will also accommodate growth with rural areas being catered for through the establishment of Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth.
- 6.1.5 Ludlow is classified as a Market Town under Policy CS3 of the Core Strategy and is one of the most sustainable settlements in the county. It will be the focus for new development in South Shropshire over the life time of the Plan. Settlement Policy S10.1 (Ludlow Town Development Strategy) states that new housing development will be delivered primarily on the allocated housing sites east of the A49, set out in schedule S10.1a and identified on the Policies Map, alongside additional infill and windfall development within the town's development boundary. The site lies within the settlement development boundary for the town

and its development for alternative uses is acceptable in principle.

6.1.6 Policy MD3 of the SAMDev Plan, amongst other things, supports sustainable housing development on sites not allocated for development having regard to other local plan policies. In particular, CS3 is one such policy, which identifies the Market Towns of Shropshire as being the focus for new development over the lifetime of the Development Plan. It supports balanced housing development of an appropriate scale and design that respects the distinctive character of the towns and which take place within the defined settlement boundaries. Ludlow is one such Market Town.

6.1.7 The application site is a windfall site and it falls within the defined settlement boundary for Ludlow. Subject to an assessment of how the development fits into its local context it is considered, therefore, that the principle of redevelopment of this site for five affordable dwellings is acceptable and that it accords in general with Policies CS1 and CS3 of the Core Strategy and MD1, MD3, and S10.1 of the SAMDev Plan.

6.2 **Affordable Housing**

6.2.1 The applicant is a registered social landlord and the proposed development comprises five affordable dwellings (100% provision), to be managed by the applicant. The town of Ludlow has a high affordable housing need and these additional five dwellings are welcomed by the Council's Affordable Housing Officer as they will make a small but important contribution towards the need for such accommodation in Ludlow. With the applicant being a registered social landlord (RSL) planning conditions can be used on any approval to secure the properties as affordable housing.

6.2.2 The proposals therefore carry some weight in this regard.

6.3 **Siting, scale, design and visual impact**

6.3.1 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 advises planning policies and decisions should not seek to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. 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.

6.3.2 Policy CS6 of the Core Strategy is 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 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.

6.3.3 The proposed development has been amended since its first submission to take account of the local constraints and views of local residents. The number of dwellings has been reduced from seven to five and the separation distance dividing the new development from the existing bungalows to the north has been increased. The design has also been refined and simplified to more appropriately reflect the existing house types to the north and west. Materials to be used will also reflect those prevailing locally. It is considered that the siting, scale, design and appearance of the development as amended is more in keeping with its surroundings.

6.4 **Impact on neighbours/residential amenity**

6.4.1 Policy CS6 also requires that development should safeguard residential and local amenity. The initial scheme was considered to be unacceptably detrimental to the amenity of the residents occupying the bungalows to the immediate north due to the relative positioning of the buildings and their orientation.

6.4.2 The future occupiers of the proposed dwellings would also have experienced an unacceptable loss of amenity due to the proximity of the development to the existing bungalows. Negotiations were carried out to resolve these issues and the latest amended plans show a reduced development that has been repositioned further away from the adjacent bungalows.

6.4.3 The degree of separation is approximately 18m between the front elevation of the existing bungalows and the rear elevation of the proposals. This reflects the prevailing separation distances established elsewhere within the adjacent housing estate. Subject to suitable rear boundary treatments adjacent to the footpath along the northern site boundary, and given the fact that these dwellings are all single storey, it is considered that this arrangement is acceptable.

6.4.4 Due to the separation distances involved, the scale and location of the proposed development is not considered to directly affect the amenities of residents on Charlton Rise or those dwellings arranged along the western side of Sidney Road.

6.4.5 The proposed row of terraced dwellings is set a considerable distance back from the public highway and the development will maintain a relatively deep and open frontage to Sheet Road, Sidney Road and Charlton Rise. Additional landscaping could be introduced to improve the visual appearance of the frontage as there is ample space to replace the tree proposed for removal.

6.4.6 The proposed development will alter the appearance of the area. The amended scheme is considered to have a less significant impact compared with the previous iteration and its effects would be less harmful on the character of the area as a consequence. Subject to additional landscaping it is considered that the proposals are consistent with Policies CS6 and MD2 in terms of impact on residential and visual amenity.

6.5 **Impact on Trees**

- 6.5.1 The application site currently contains three semi-mature trees that are subject of a provisional tree preservation order (TPO). This was made recently following the felling of a fourth tree that occupied a central position on the site late last year. That particular tree was the largest and most attractive of the four. The proposed siting of the new dwellings across the centre of the site would necessitate removal of another tree and this has caused much concern within the local community. Local residents value these trees and are opposed to any further felling.
- 6.5.2 The Council's Tree Officer has considered the value of these trees and, in context, he concludes that the trees are in good health and are significant visual features in the area. Existing housing development within the area is of relatively high density and the areas of amenity land that front Sheet Road are dominated by areas of open grass with only a few isolated trees to relieve the otherwise monotonous appearance. As a result, the value of the remaining trees on these amenity areas is elevated.
- 6.5.3 The Framework places weight on the conservation and enhancement of the natural environment and this is reflected in the Development Plan policies CS6, CS17, MD2 and MD12. These policies seek to retain important landscape features within new developments unless there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site. Policy MD12, which is specifically concerned with the natural environment, facilitates the removal of such features where it can clearly be demonstrated that the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.5.4 This latter point is important as it requires the Council to weigh in the planning balance the value of retaining the remaining centrally positioned tree against the social benefit of the provision of five new dwellings that are intended to meet the significant affordable housing demands evident within Ludlow.
- 6.5.5 These policies acknowledge that in many instances such tensions between conservation and new development need to be resolved and each policy accepts that in certain cases new development should prevail where there is clear evidence in support of it and where the loss of an amenity such as a tree in this case can be satisfactorily mitigated. The applicant is proposing to replace the tree with additional planting along the Sheet Road and Charlton Rise frontages, as well as retention of the existing trees on the site frontage.
- 6.5.6 The applicant submitted an amended Arboriculture Report and planting plan showing an additional six trees planted around the street frontages. These have been reviewed by the Council's Tree Officer and his detailed views are set out above in this report. In summary, he has accepted the justification set out for removal of the tree, especially as the compensatory tree planting and landscaping is considered to be high quality and will eventually be of greater public benefit.
- 6.5.7 He has, however, acknowledged that there is a balance to be made between the importance of maintaining the character and amenity of an area and the need for social housing and that the social or economic benefits of new social housing at

this site might justify the adverse effects on amenity derived from the loss of tree T3. Should it be the case that it is the decision of the planning committee to grant planning permission, that decision would overrule the TPO in relation to tree T3. The Council would however be able to make the case for the expedience of protecting the proposed new planting.

6.5.8 The revised planting plan and associated arboricultural method statement and tree protection plan offer a significant and well-designed compensatory planting scheme with appropriate tree protection measures that from an arboricultural perspective serve to address the needs for compensatory planting set out in the Council's policies on sustainable development and natural assets. On that basis, he has no objection to the proposals subject to imposition of appropriate conditions.

6.5.9 As mentioned above, Policy MD12 facilitates the removal of environmental features where it can clearly be demonstrated that the social or economic benefits of the proposal outweigh the harm to the asset. In this case, it is considered that the provision of five units of affordable housing together with the proposed compensatory planting would on balance outweigh the retention of the tree.

6.6 **Impact on Ecology and Biodiversity**

6.6.1 The Framework and Development Plan policies place weight on habitat conservation and enhancement. Although the application site is mainly laid to open grass, the trees on the site are considered to provide either habitat or foraging for bats and therefore are of value. The Council's Ecologist has been consulted and their views are set out above in Section 4.

6.6.2 The submitted Ecological Survey and report have been assessed and the analysis and conclusions have been accepted by the Ecologist. There is no ecological objection to the development proposals subject to imposition of planning conditions requiring provision of nest boxes for bats and birds, submission and implementation of a lighting scheme that is sympathetic to foraging bats and a landscaping scheme that incorporates tree, shrub and hedgerow planting using native species of local provenance.

6.7 **Highway Safety**

6.7.1 The Framework promotes the use of sustainable transportation with an emphasis on alternatives to the private motorcar.

6.7.2 Policy CS6 requires development proposals that are likely to generate significant levels of traffic to 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 requires new development to make appropriate levels of car parking provision to serve the development.

6.7.3 The site will be served by two parking areas. One of these will be accessed directly off Sidney Road where three disabled user spaces are proposed. A

further nine parking spaces will be provided on Charlton Rise in the form of a compact block. The site once accommodated a group of lock-up garages accessed off Charlton Rise but these were demolished around 40 years ago. Access to the dwellings will be via a small number of level footpaths leading to and from each of the parking areas.

- 6.7.4 The proposals have been assessed by the Highways Officer who has confirmed that the development is acceptable in highway safety terms, although the distances separating the bungalows from the car parking and refuse storage areas are considered to be greater than ideal. However, given the constraints affecting the site it should not be expected that the ideal form of development can be designed and achieved and some minor compromises may have to be accepted in order to deliver an appropriate form of development. It is considered, on balance, that the amended scheme achieves that balance and the proposals are considered to be satisfactory in highway safety terms.
- 6.7.5 The Highway Officer's comments relating to visual impact are not relevant to highway safety and are outside his remit.

6.8 **Drainage**

- 6.8.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The application proposes connecting the surface water drainage into the existing mains system. The Drainage Engineer recommended that this is not done as it could result in increased flood risk elsewhere. Instead, he recommends that soakaways are investigated and if that is not feasible then the issue of drainage should be made a pre-commencement condition to enable the matter to be resolved before any work starts on the site.
- 6.8.2 The Council's Drainage Team has advised that the site is potentially at some risk of flooding and that ground conditions are such that conventional percolation drainage methods via soakaways may not be appropriate, pending further investigation. The applicant is aware of this and has agreed to design a sustainable drainage scheme that meets current standards and has requested that this be made a pre-commencement of works requirement. The floor slab levels of the dwellings should be set at least 150mm above any known flood level. It is recommended that suitable planning conditions be added requiring submission of further drainage details to be agreed and implemented prior to commencement of development.
- 6.8.3 Subject to such conditions, there would be no objection to the development on drainage grounds.

6.9 **Other Matters**

- 6.9.1 The Highways Officer has commented on the access arrangements for residents to carry refuse and recyclable materials to the proposed storage area. The amended layout plan appears not to be especially efficient and there are no details, for example, of where each individual dwelling will store its wheelie bins and recycling containers.

- 6.9.2 The applicant has confirmed that each dwelling will have space to keep such bins within the communal curtilage. There will be gates provided at the boundary of the curtilage to make it much easier for residents to access the refuse collection area. The harmful visual impact of the bins mentioned in the Highway Officer's comments will not occur as a result of these arrangements. The applicant has agreed to supply a more detailed layout plan showing means of enclosure, gates and so forth and it is recommended that this be made subject to a separate planning condition.
- 6.9.3 Representations have been made concerning the status of this land as a protected community asset. The Town Council has apparently submitted an application to have the site listed as a village green to prevent the land being developed; but to date there is no indication that this has been successful. Legal advice obtained states that should a site be so listed then any infringement of the rights of the inhabitants to enjoy activities on the land would be prevented by the law relating to town and village greens. In effect it would prevent lawful implementation of any planning permission. However there are a number of tests to be met before the land would be registered as a village green so there is no guarantee that it will, in fact, happen. At present, therefore, Members should consider the current proposals on their merits and in the context of relevant planning matters as they exist at the time of decision-making and not as the might be in the future.
- 6.9.4 As a precaution, Members' attention is drawn to an appeal decision dated 3rd February 2014 relating to the refusal of outline planning application reference 13/00568/OUT for up to fifteen dwelling houses on land east of "Sunnydale", Bank Drive, Dorrington. In allowing the appeal, the Inspector opined the following:
- "The whole of the field, including the appeal site, was designated as a village green by Shropshire Council in June 2012 following consideration of a report of a two-day inquiry held in September 2011.*
- The village green status of the site is protected by separate legislation, and is not, in itself, a ground for the refusal of planning permission. However, the grant of planning permission cannot override the legislation protecting the designated village green."*
- 6.9.5 In the current case, the land has not been designated as a village green. There is no evidence available either that demonstrates that the land enjoys any other elevated or special status. As such, the proposed development should be assessed on its merits.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 The site lies within the defined settlement boundary for Ludlow and the principle of new residential development on the site is, therefore, acceptable. The proposals will deliver a number of community benefits including a contribution towards the affordable housing stock of the town, where there is an identifiable need. However, the fact that this is an affordable housing development does not alter the acceptability of new residential development on this site.
- 7.3 The application is valued by local residents who view it as an asset as it is both an open space in the locality and because it contains a number of trees that are seen as important visual features. The development will alter the character of the site by removing one of the trees and introducing built form in part of the site. However, there will be compensatory tree planting which will increase the number of trees around and within the site in due course and the reduced scale of development now proposed will be inset from the edges of the site thereby ensuring that the open character of the site is retained to a reasonable degree.
- 7.4 The principle of the proposed development has been assessed against the provisions of the development plan and all other material planning considerations and is considered to be sustainable development. It is acceptable in principle and the site is capable of being developed in such a way that is unlikely to give rise to any unreasonable impacts that would adversely affect the amenity of local residents, highway safety, flood risk, biodiversity interests or the character and appearance of the local area. The design and appearance of the development has been refined through negotiation and is considered to be acceptable in context.
- 7.5 The proposal is therefore considered to be consistent with the provisions of the National Planning Policy Framework and the policies contained within the adopted Core Strategy and SAMDev Plan. Subject to the conditions set out below, the proposals are considered to be acceptable and are recommended for approval.

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.

PLANNING POLICIES

Shropshire Adopted Core Strategy:

- CS1: Strategic Approach
- CS3: The Market Towns and Other Key Centres
- CS6: Sustainable Design and Development Principles
- CS9: Infrastructure Contributions
- CS11: Type and Affordability of Housing
- CS17: Environmental Networks
- CS18: Sustainable Water Management

Shropshire Adopted SAMDev Plan:

- MD1: Scale and Distribution of Development
- MD2: Sustainable Design
- MD3: Delivery of Housing Development
- MD12: Natural Environment
- S10: Ludlow Area Development Strategy

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

2, 7, 12, 14, 17, 47, 56, 58, 60, 61, 70, 74, 103, 118 and 187

HISTORY

SC/00292/17- Provisional Tree Preservation Order April 2017

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning, Design and Access Statement received on 16 th June 2017
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Tracey Huffer
Appendices APPENDIX 1 – Conditions and Informatives

CONDITIONS

1. TIME LIMIT

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. PLANS

The hereby permitted use shall be carried out in accordance with the details shown on the following approved drawings:

- C-101: Site Plan
- C- 102G: Proposed Block Plan
- C-205A: Amended Floor Plans
- C206B: Amended Elevations
- 2930 170302B: Proposed Tree Planting and Protection Plan

REASON: To define the permission in the interests of local amenity.

3. MATERIALS

No development shall commence on site until details and samples of the materials to be used for the external walls, roofs and hard-surfaced areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. MEANS OF ENCLOSURE

No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area

5. SUBMISSION OF LANDSCAPING PLAN

Notwithstanding what is shown on the approved plans, no development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has

been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- 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.

6. LANDSCAPING SCHEME IMPLEMENTATION

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. PROTECTION OF RETAINED TREES

The approved measures for the protection of the trees as identified in the agreed tree protection plan (ref. 2930 17 03 02 B) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from the approved tree protection plan without the written agreement of the Planning Authority.

REASON: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

8. TREE PROTECTION NOTIFICATION

No works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

REASON: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

9. SURFACE WATER DRAINAGE SCHEME

No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway/parking areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

10. FOUL DRAINAGE SCHEME

No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

11. FLOOR SLAB LEVELS

The proposed ground floor slab levels of the hereby approved dwellings shall be set at least 150mm above the existing ground levels on the site measured at the point immediately adjacent to each of the proposed dwellings.

REASON: In the interests of safeguarding the development from potential flood risk.

12. HIGHWAYS

No part of the development hereby approved shall be first occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

13. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area

14. PROVISION OF BIRD BOXES

Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected:

- A minimum of 1 external bat box or integrated bat brick suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

REASON: To ensure the provision of roosting and nesting opportunities in the interests of biodiversity.

15. 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 Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

REASON: To minimise disturbance to bats, which are European Protected Species.

16. AFFORDABLE HOUSING

The dwellings shall not be let or occupied other than either:-

- a. under a tenancy in accordance with the normal letting policy of a Registered Provider;
- or
- b. by way of a Shared Ownership lease or equity share arrangement whereby the occupier is able to achieve a share of 80% of the whole.

Reason: To define the permission and ensure compatibility between the requirements of Shropshire Core Strategy Policy CS11.

17. In addition to the requirements of the Shropshire Affordable Housing and Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection

Contact: Tim Rogers (01743) 258773

and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy guidance that may from time to time replace it.

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

18. CONSTRUCTION HOURS

Demolition, construction works or deliveries shall not take place outside 7.30am - 6pm Monday to Friday, and 8am - 1pm on a Saturday, with no work taking place on Sundays or bank or public holidays.

Reason: In order to maintain the amenities of the area in accordance with policy CS6 of Shropshire Council Core Strategy.

19. CONSTRUCTION MANAGEMENT

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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. 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.

INFORMATIVES1. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. 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.

3. 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 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/>

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.

4. Diversion of Public Right of Way

It appears FP 17 will be affected by the new development and I have attached a plan of the area showing rights of way information onto which I have overlaid the current proposed block plan and this shows FP 17.

This footpath will require a legal order to be made to either divert or extinguish the footpath under the terms of the Town and Country Planning Act.

The applicants will need to apply to the Mapping and Enforcement Team for such an order and, in the meantime, the route will need to be temporarily closed before any works commence at the site. The Mapping and Enforcement Team can provide the necessary information and application forms for both orders.

5. Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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 mid-March to August 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.

6. General site informative for wildlife protection

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

7. 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.