



Committee and date  
South Committee  
13<sup>th</sup> March 2018

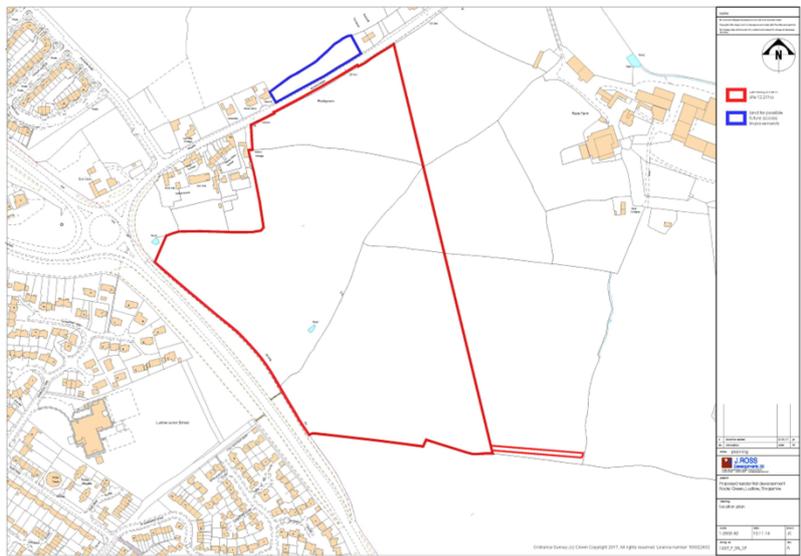
Item  
  
Public

Development Management Report (Referral back to committee)

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

Summary of Application

<b>Application Number:</b> 17/05189/FUL	<b>Parish:</b>	<b>Ludford</b>
<b>Proposal:</b> Hybrid application (part full, part outline) for residential development of up to 200 dwellings and associated infrastructure, drainage, open space, landscaping with access from the A4117 at Rocks Green (full application to involve 68 dwellings and outline application to involve up to a further 132 dwellings)		
<b>Site Address:</b> Proposed Residential Development Land to the South Of Rocks Green Ludlow		
<b>Applicant:</b> Pickstock Homes Ltd		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	



**Figure 1 - Location**

**Recommendation:- Grant Permission as a partial departure subject to the conditions set out in Appendix 1 (after expiry of the statutory period of notice for a departure) and subject to a Legal Agreement delivering 1) an affordable housing contribution, 2) safeguarding of land under the applicant’s control for future use as a roundabout, and 3) a financial contribution of £10,000 to facilitate re-location of the 40mph speed limit to the east of the site access.**

**REPORT**

**1.0 THE PROPOSAL**

1.1 The proposal is a hybrid planning application (part outline and part full) to develop allocated land at Rocks Green, Ludlow for residential development with associated access, infrastructure, landscaping and 0.43ha of public open space. Full planning consent is sought for the first 72 dwellings as the initial phase of the development with outline planning consent being sought for the remaining site. Phase 1 is broken down into 5 specific residential areas consisting of 2, 3 and 4 No. bedroom units. A further 2 outline phases would include 64 dwellings each, for which reserved matters details would be submitted at a future date.

1.2 Interlinked green infrastructure has been incorporated, retaining existing trees, hedgerows and field patterns and making provision for areas of public open space. The scheme presents a definitive edge to the countryside with a landscaped eastern boundary. A central tree lined spine road with grass verges links to the A4117 via a priority T-junction designed with swept paths for a large refuse vehicle which represents the largest vehicle that would require access on a regular basis. Space has also been set aside for a future roundabout upgrade if additional development occurs between Rocks Green and The Sheet, though this does not form part of the current application.



**Figure 2 – site layout**

- 1.3 The general height of the houses proposed residential areas is 2 storey with chimneys and the some dormer windows on particular plots to add interest and mark key frontages. The applicant states that some 2.5 storey dwellings may be delivered in Phase 2 where topography allows. The proposed net site-wide density will be between 15 to 35 dwellings per hectare, varying within the site and providing up to 200 dwellings. The applicant states this is consistent with the overall density and character in the surrounding areas and makes effective use of the land available. 15% of the dwellings will be affordable - 30 in total for the whole scheme (phases 1-3).
- 1.4 The street hierarchy includes the primary access road, secondary streets, shared surface lanes and private drives, all designed to accord with the Council's Design Guidance. A 3m wide shared cycle/footway is proposed along the site frontage. A sustainable urban drainage strategy would be employed, providing natural attenuation in the lowest areas of the site whilst also protecting and enhancing biodiversity.
- 1.5 Dwellings are designed with key frontages which provide enclosure and surveillance of public open spaces. Separation has also been provided from noise sources such as the A4117 and the A49. A mix of house types is proposed with housing ranging from 2 to 5 bedrooms. It is stated that the scale of the houses generally reflects those in the surrounding area and their style and placement seeks to introduce variety in the landscape. Small clusters of houses have generally been located away from sensitive edges and are designed to reflect traditional terrace arrangements.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site (area 12.5ha) is located to the north-east of the A49 and the south-east of the A4117 on land at Rocks Green, approximately 700m to the north-east of the town of Ludlow. The 'full' element of this hybrid application comprises an area of 4.85ha and is located nearest to the A4117 (see figure 2). The remaining outline element comprising 7.67ha forms the southern part of the application site. The site is allocated within the Site Allocations and Management of Development (SAMDev) for in the region of 200 houses as site LUD017 Rocks Green.
- 2.2 The site comprises four fields currently used as grazing pasture land. It is gently undulating with land falling away gently towards the south east. A small cluster of residential properties referred to as Rock Green Terrace and the Nelson Inn, are situated adjacent to the north-western boundary of the site, along with a few other residential properties and their curtilages. The majority of these are cottages or bungalows, ranging in style and age considerably. On the western boundary of the site is the A49 dual carriage way. To the west of this is the built-up area of Ludlow and Ludlow Junior School.
- 2.3 The A49 is heavily bounded on both sides by mature trees. There is a pedestrian crossing on the A49 adjacent to the site, south of the roundabout, which would enable linkages with the town. To the east of the site lies further agricultural land and farm buildings.
- 2.4 An existing footpath provides a link from south west to north east across the site and will be retained, encouraging east west linkages across the site and enabling access to

Ludlow Junior School. An extension of this to the north will require formal diversion. An additional footpath will link the site with the employment centre to the south.

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

3.1 The application has been referred to committee by the local Member. This has been agreed by the Area Planning Manager in consultation with the chairman on the basis that the application is a major development raising complex planning issues which it is appropriate for the committee to consider.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 Ludford Parish Council: No objection. The Clerk would confirm with the Highways Authority that they are fully aware of the traffic implications of both phase 1 and 2 of the Pickstock Homes development. All the Councillors approved the idea that a footbridge should be requested again and that a road traffic roundabout should be completed before the first phase of the works begins to alleviate traffic flow in and around the site. Ludford Parish Council request further information on the public open spaces and the balancing pond, specifically the maintenance of these sites following completion of the development. Who will become responsible? The Parish Council also discussed the possibility of additional affordable housing being offered, as the area has a shortfall.

4.1.2i. Highways England: No objection subject to conditions. Highways England responded to a pre-application scoping enquiry in May 2017 from the applicant's transport consultant Corun Associates. Highways England then received notification of a planning application 17/05189/FUL on 10 November 2017. The relevant supporting information, including a Transport Assessment (TA) prepared by Corun, was reviewed in November and a small number of outstanding issues were identified, as summarised below:

- We were not able to verify the growth factors provided within the TA based on the information provided. It was requested that Corun provide further details of the parameters selected within TEMPRO to derive the growth factors.
- The trip distribution methodology was not considered to be the most accurate method of distributing residential trips. It was requested that a sensitivity test be undertaken using Census 2011 Journey-to -Work data to distribute proposed development trips.
- It was requested that the ARCADY model traffic flow inputs for both A49/A4117 Roundabout and the A49/Sheet Road Roundabout needed to be updated with the correct HGV percentages for all turning movements.
- The position needed to be clarified with regard to the footpath works and whether they formed part of the application. This was important to establish whether works would be required on the SRN.
- It was also suggested that plans should be amended to include footpath links. If any works fell inside the SRN boundary these would need to be submitted to the Local Planning Authority along with a Road Safety Audit (RSA) and Walking, Cycling and Horse Riding Assessment and Review (WCHAR), in accordance with HD 19/15 and HD 42/17 respectively, for consideration by Highways England.

- On 24 November 2017 Highways England recommended that the application not be determined for a 3 month period in order to allow time for the applicant to provide the required information. Since that time Highways England has continued to engage with the applicant and the applicant's transport consultants in order to resolve the outstanding technical issues.
- ii. All outstanding items were discussed and provisionally agreed during a meeting between the applicant, Corun, Highways England, and our consultant's SYSTRA and Kier, on 11 January 2018. All requested information was confirmed by Corun in a Transport Note (13-00232JJC/TN03) dated 12 January 2018. The Note was reviewed by Highways England and the following conclusions made:
- Growth factors are acceptable.
  - The trip distribution methodology is acceptable as national travel survey statistics indicate that commuting trips represent a small proportion of trip purposes in peak hours.
  - The HGV proportions used in the junction capacity model are acceptable as junction calibration is not required.
  - Due to the difficulties in comparing queue lengths such as the snapshot maximum observed queue with ARCADY output mean queues, the queue length validation provided is acceptable.
- iii. As the application site masterplan would remove the provisional footway route to the pedestrian crossing on the A49, there is no longer a need for Highways England to consider works on their network at this time. However, our final formal response is based on the footpath connection to the SRN being withdrawn from the application. Any future works affecting the SRN, not covered in this application, will need to be designed in compliance with DMRB standards and will be subject to detailed design procedures, including Road Safety Audits and a Walking, Cycling and Horse Riding Assessment and Review (as per HD 19/15 and HD 42/17). No objections subject to the above, and formal submission of Corun's Transport Note as an addendum to the TA. A construction management plan condition is recommended.
- 4.1.3 Severn Trent Water: No objection subject to the inclusion conditions requiring prior approval of surface water and foul drainage details.
- 4.1.4ai. WSP – For Highway Authority (18/11/17): Holding objection. Although, the general principle of this prospective major development is considered to be acceptable, at this location, from a highway and transport perspective. The submitted details, supporting this planning application, have failed to adequately demonstrate the whole impact of the proposed wider development on the adjacent highway network. The proposed new infrastructure also appears lacking and is unlikely lead to sustainable development.
- ii. The proposed simple priority junction does not appear to be appropriate for the location and size of development proposed, especially as there will be further expansion of the site, in the future. It is considered that a 'ghost island' junction would more appropriate to serve the prospective wider development, but consideration could also be given to a roundabout junction as this would have the added advantage of creating some speed reduction on the A4117, which may provide additional benefits at this location.

- iii. It is noted that the proposed site access is proposed to be located immediately adjacent to the 40mph speed limit village gateway feature. Given the position of the additional speed-visor sign, it is expected that southwest bound traffic speeds are likely to be in excess of the posted limit (40mph) at the location of the proposed new access. In this situation, with the development introducing slow moving and turning vehicles on the A4117. It will be necessary for the developer to facilitate the movement of the speed limit to further away from the site access (northeast) to ensure that passing vehicles are traveling at the appropriate speed at the point of access. It is considered that a financial contribution of £10,000.00, sought via S106 agreement, would be an appropriate sum to enable the Council undertake the appropriate Traffic Regulation Order and associated works to introduce the changes to the speed limit and village gateway.
- iv. The layout of the currently proposed simple priority junction, does not adequately accommodate suitable HGV turning movements. In particular the left turn out of the site, towards A49 requires a vehicle to enter the opposing carriageway lane (into oncoming traffic). This is not considered acceptable given the status of this principal distributor route and the current background traffic movements. This junction proposal is also unable to facilitate simultaneous entry and exit for all vehicles likely to be using it. Especially with the likelihood of mixing on-going construction traffic with domestic vehicles (inc. refuse and delivery HGVs) serving the occupied dwellings. For a junction of this type on this at this location the junction radii of 10m should be constructed, as a minimum requirement. In order to ensure appropriate HGV turning movements on and off the adjacent higher status carriageway.
- v. The general indicative layout of the internal roads appears reasonable. However, a detailed assessment will be undertaken, when the developer submits full engineering drawings in order to pursue a S38 agreement and adoption of the infrastructure. In the meantime it is recommended that the developer considers the following:
- Use of swales to capture highway run-off within the proposed green verges, greenspaces rather than using traditional kerbs and gullies;
  - Shared surface (coloured asphalt) carriageways for all small cul-de-sacs serving less than 25 dwellings;
  - Using raised plateaus at junction and footway crossing points to manage internal traffic speeds and improve pedestrian movement;
  - Consider maximising pedestrian connectivity between internal roads and convenient linkages across/around open spaces etc., to existing roads and PROW routes, with surfacing improvements to encourage their use;
  - Provide off site pedestrian/cycle accessibility improvements to encourage sustainable movement.
  - Provide suitable upgrades to existing pedestrian/cycle crossing facilities (A49 & A4117) and/or introduce new more convenient facilities to improve road safety and sustainable movement associate with this development.
- vi. The following comments relate specifically to the Transport Assessment submitted to support this development proposal:

2.2 - Pedestrian infrastructure: Although, there is a network linking the site to Ludlow town, the 'crow fly' isochrones (fig. 2.1) only give an indication of potential distances. It is noted that there are some local amenities within reasonable walking distance but it is considered that the report misrepresents the closeness of some key destinations. For example if you walk 2km from the centre of the site you only get as far as The Bullring and the secondary school is actually a 2.5km walk away. Also, the pedestrian access to the nearest Junior School is not very direct unless you use the PROW network, which is potentially impassable or unattractive route during poor weather conditions. Further examination of the available PROW routes identified in the report should be undertaken to determine how practical / attractive these are for walking to school. Should improvements be required to assist with the potential use of these routes such works will need to be proposed and delivered by the development, subject to approval by Shropshire Council. Indeed the PROW that links the site to Parys Road has steep steps either side of the A49 with no crossing assistance for pedestrians, and is considered inappropriate for use by children.

2.3 - Cycling Infrastructure: All of Ludlow is not within 2km cycling distance – see comment re isochrones above. The report does not adequately address how cyclists will travel from the site to the town centre, in particular how they will cross the A49. Why are only footway links proposed to the Eco Park and to the existing Pelican Crossing on the A49 (from the western edge of the site). This should be upgraded to a Toucan Crossing, as a minimum.

2.4 - Public Transport: It is noted that the site is reasonably well located for the public transport by virtue of the fact that the existing network serves the residential development off Dun cow Road. However, the distance between some of the properties on the proposed development and the town service (722) will be more than 400m. I also suspect some are more than 400m from the Rocks Green stops which only a limited number of services operate from. The report also mentions "other" services on Henley Road but fails to assess their attractiveness in terms of walking distance. No attempt is made to investigate the potential for the service 722 (or other services) to be extended to serve the site in the same way as service 722 serves the residential development off Dun cow Road. The proposed shelters on Road Green would only benefit the users of those services that operate from these stops. I would like to see a more comprehensive assessment of the bus services that are available to the residents of this development, how they can access them (and how attractive this access is) and what potential there is for any extension / diversion of existing services.

2.4.1 - The charge for P&R is now believed to be £1.50.

2.4.12 - The reported journey distance from the site to the rail station of 1.3km is an underestimate, with the actual distance being more like 1.8km from the centre of the site.

2.5.11 - The east side of Ludlow includes one of the most deprived wards in the county and this will be part of the explanation for low car ownership, and may well affect the TA assumptions being made.

3.3 - Overall sustainability of location: The report overstates the sustainability of the location as it fails to recognise the reality of the actual journey distances to some amenities, the usability of many of the sustainable transport routes that it highlights as well as the physical and physiological significance of it being separated from the town by the A49 (T) bypass.

4.2 - Road Safety: It is noted that the RTA record for the area does not suggest any particular highway safety issues relating to current usage, but that is not to say that with such a significant development generating greater vehicle/pedestrian movements that this situation won't change.

5.2 – Proposed access: Consideration should be given to an alternative and more appropriate form of junction to serve the whole site and not just the phase being considered by this assessment.

5.4 - Travel Plan: This will need to be agreed and in place before the site is brought into beneficial use. The TP should include proposals and initiatives to promote sustainable travel as part of the sale process. (See previous comments on the submitted Interim Travel Plan - Oct 2016).

7.2 - Trip generation: The TRICS site parameters do not reflect the location (i.e. <100,000 population within 5 miles) and therefore trip rates used are likely to be on the low side for the location.

7.3 - Traffic distribution and assignment: The approach taken is considered to be adequate.

8.0 - Capacity Assessment: It is accepted that the TA demonstrates that all the junctions assessed will work within capacity in in the future given year (2028), given the trip rates/data used. However, given the comments above these capacities may change should more appropriate trip rates, more reflective of the location, are applied. Informatives are recommended.

- 4.1.4b. Highway Authority update (26/02/18) (Case officer note of communication with Highways Development Management officer): The applicant has submitted updated information to justify the area of land set aside for the roundabout which would cater for future access requirements in the event that there is further development between Rocks Green and the Sheet. This is addition to the current proposals which can be satisfactorily served by the proposed priority T-junction. The Highways Development Management officer has indicated that the area of land is sufficient to cater for any anticipated future levels of traffic. The land in question would be transferred to the ownership of the Highway Authority under a dedication agreement. The Highways Development Management officer has indicated on this basis that the holding objection by the Council's highway consultants can be withdrawn subject to highway conditions. Formal updated comments from the Highway Authority will be circulated in the late representations report.
- 4.1.5 Ecology: No objections subject to conditions including Environmental Management Plan and an Ecological Clerk of Works. Detailed comments will be circulated in the late representations report.
- 4.1.6 Drainage: No objection. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted. The proposed surface water drainage strategy in the FRA is acceptable in principle. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

- 4.1.7 Learning & Skills: No objection. Shropshire Council Learning and Skills reports that whilst there is currently capacity at local schools the scale of the proposed development may impact on future schooling requirements in the area. Learning and Skills will continue to monitor the impact of this and future housing developments in the area. In the case of this development it is recommended that any requirements for increased capacity is met from contributions that are secured via CIL funding.
- 4.1.8i. Rights of Way: No objection. FP7 at its northern end will be affected by the development and will require a legal diversion under the terms of the Town and Country Planning Act. I understand from the Design & Access Strategy that the applicant is aware of the footpath running through the site but not in the correct position, as per the Definitive Map of Public Rights of Way. The Mapping and Enforcement Team can provide the necessary information and application form for this diversion order and suggest that it is applied for as a matter of priority. It is understood that the rerouted line of FP 7 and the creation of the new footpath link will continue to run along a naturally surfaced path. Should these paths be surfaced we would wish for them to formally adopted under section 38 of the Highways Act which would make them publically maintainable by the Highways Department and would be shown on their map as such.
- ii. We have concerns that an increased number of walkers (residents) will increase quite significantly along FP 23, onto the A49 when the development is completed. This means the road being accessed down a set of steps that we feel are not appropriate for this increased usage, especially for schoolchildren using the route to get to school and would wish for the applicant to consider this matter.
- iii. Please ensure that the applicant also adheres to the criteria below:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
  - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
  - Building materials, debris, etc must not be stored or deposited on the right of way.
  - There must be no reduction of the width of the right of way.
  - The alignment of the right of way must not be altered.
  - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
  - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep, the footpath open and available at all times then the applicant will have to apply for a temporary closure of this route and the applicant will need to apply to the Mapping and Enforcement Team for such a closure.

- 4.1.9ai. Conservation: Initial holding objection. It is noted that revised drawings have now been submitted (30/1/17). The previous submitted comments covered a number of historic environment concerns with this proposal that consist of the following (summary):
- Layout of site, including density of site and how the development responds to the existing field system and topography of the site;

- Design of layout, generic building types and proposed materials are not locally distinctive and pastiche;
  - Concern with coalescence with the existing heritage assets of Rocks Green, therefore adversely impacting the setting of those assets;
  - How the development responds to the existing adjacent cohesive cluster of non-designated heritage assets at Rocks Green.
- ii. The main amendment that is obvious on the revised masterplan is the principal entrance of the site in light of concerns given by SC Highways. However, no other significant amendments have been made to the proposal which is very disappointing. Key visuals would be helpful in order to demonstrate that key views and vistas would be maintained, as well as the overall setting of the site. There is also general concern that the site should be considered and planned as a whole in order to aid cohesiveness, where the hybrid approach is not encouraged.
- iii. Therefore previous objections established in the previously submitted comments, still stand, where it is considered that the proposal is considered contrary to paragraph 131 of the NPPF, the design guidance set out in the accompanying PPG as well as contrary to local policies CS6 and CS17 of the Core Strategy and MD2 and MD13 of SAMDev.
- 4.1.9bi. Conservation (02/03/18 – email communication): Objection withdrawn. These comments supplement those previously on 27/11/17 and 7/2/18 respectively. The previous comments summarised the outstanding issues with the proposal that included the layout of site, including density and how the development responds to the existing field system and topography of the site:
- Design of layout, generic building types and proposed materials are not locally distinctive and pastiche;
  - Concern with coalescence with the existing heritage assets of Rocks Green, therefore adversely impacting the setting of those assets;
  - How the development responds to the existing adjacent cohesive cluster of non-designated heritage assets at Rocks Green.

The revised plans (submitted to the Council on 22/2/18) are noted, along with the covering letter covering the relevant design rationale/considerations:

- Housing Site Plan;
  - Street Elevation; and
  - Site Sections.
- ii. The first issue to address are the proposed housing/building types. It is still felt that the proposal would have provided an opportunity to demonstrate high quality contemporary design, rather than harking back to the 'safer' traditional designs which is unfortunate. However, it is acknowledged that some effort has been made by the applicant to utilise local vernacular materials and features, where render would be introduced in order to offer some variation across the site. The street elevation plan demonstrates that there will be a variation of housing types to reflect the existing variation of Rocks Green. There is agreement that whilst there should be a harmonious relationship between the existing and new development, the distinction between new and old should be obvious and legible.

- iii. The second issue is that of coalescence with the existing settlement (hamlet) of Rocks Green. It is acknowledged that this was discussed and considered as part of the SAMDev examination process, where little reference was made with regards to coalescence, where the Inspector did not raise this as a major strategic issue. It is also noted in the Planning Committee Report for 15/04158/OUT (approved), with regards to the immediate gap with Nelson's Inn PH (non-designated heritage asset) and the fields behind, where it was considered that there is no intervisibility. However, it should be noted that SC Conservation had no input/comment to this outline planning application. The covering letter states that the intervisibility is 'tenuous' and 'no harm' to the setting of Nelson's Inn, including the other historic buildings adjacent, but at least it may be considered that there may be 'negligible harm'. Whilst there is no full concurrence with those views, those policy/planning precedents are acknowledged, where it is considered that there should be a clear and consistent strategic view with regards to this site.
  - iv. The third issue is how the development responds to its immediate hinterland. The proposed revisions include the protection of existing field boundaries, mature trees and hedgerows, where these should form part of more formal open/public spaces, and not form part of domestic curtilages, where residents could remove trees and therefore damaging the setting of the site further with more domestic 'creep' and other associated domestic paraphernalia. Discussion has taken place with the developer with the importance of retaining such features such as along the eastern edge and the frontage, in order to retain rural character, ensuring that the development has an established character from the outset, as well as having an acceptable transition from the development to the rural hinterland beyond. This includes creating an acceptable 'gateway' from the eastern approach and thereby avoiding a harsh immediate transition from open fields/rural landscape to a hard urban landscape. It is acknowledged that the existing gateway along the A4117 into Ludlow is poor, not aided by the A49, where this proposal offers an opportunity to create a more formal gateway feature. Improvements within the site are noted on the Housing Site Plan with regards to creating a boulevard of trees in order to soften the development and aid the general approach in and out of the site.
  - v. Whilst previous objections to this proposal are now withdrawn from a historic environment perspective, it should be acknowledged that there are still some deficiencies with this proposal, though it is recognised that there have been efforts to deal with the principal concerns previously raised, as set out in the covering 'design rationale' letter. Therefore, should this proposal be approved, robust landscaping conditions should be attached to any consent given, including material samples for the relevant building materials, as well as for the hard landscaping, paving etc.
- 4.1.10i. Archaeology: No objection subject to condition. The proposed development site lies partially over an area of earthwork ridge and furrow and enclosures west of Rock Farm (Shropshire Historic Environment Record [HER] PRN 04436). Digital aerial photography (GetMapping 2010) indicates that these earthworks in fact spread across the proposed development site. Immediately adjacent to the southern boundary of the site is a rectangular cropmark enclosure (Rockgreen 4) of probable Iron Age to Roman date (PRN 03099), and a cropmark linear feature (Rockgreen 2, PRN 03097). Excavations here in advance of the construction of the A49 Ludlow Bypass in 1975 recovered a small beaker assemblage from a hearth, indicating occupation in the Early Bronze Age, and

defined a further Romano British rectilinear ditched enclosure cropmark enclosure (Rockgreen 3). There are also a number of listed buildings and a Grade II Registered Park noted within 1km of the site boundary. For the above reasons the proposed development site is considered to hold moderate to high archaeological potential. The proposed development also has the potential to affect the settings of designated and non-designated heritage assets within the wider vicinity.

- ii. The applicant has commissioned an Archaeological Desk-based Assessment and a Geophysical Survey to accompany this application (Archaeological Wales, Report No 1514, November 2016). In terms of indirect impacts, the desk-based assessment considered that the settings of the Designated Heritage Assets in the vicinity of the proposed development could be considered to be at 'minor risk of impact due to the lack of mutual visibility between them and the development site, with no further mitigation required'. The impact on the settings of non-designated heritage assets within 500m of the proposed development would 'range from neutral to major'. We concur with these assessments. With regard to the proposed development site itself, the desk-based assessment and geophysical survey have identified 'a low density of features of indeterminate function' in addition to the ridge and furrow ploughing and inconclusive results in the field adjacent to the cropmark features. The assessment recommends a programme of further investigation prior to construction. Again, we concur with these conclusions.
  - iii. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, we recommend that a phased programme of archaeological work should be made a condition of any planning permission for the proposed development. The first phase of the programme of archaeological work should take the form of an archaeological evaluation to comprise trial excavations to confirm the results of the geophysical survey and the nature and extent of the archaeological resource. This would enable a decision to be made regarding an appropriate mitigation strategy for the archaeological remains affected by the development to form the subsequent phase(s) of the programme of archaeological work. We note that the Planning Statement and Designated and Access Statement suggest 'the potential archaeological significances will be identified through a watching brief of site works.' We would disagree with this statement, and therefore reiterate that the archaeological requirements are for an archaeological evaluation followed by further archaeological mitigation (which may include a watching brief) as required.
- 4.1.11i. Regulatory Services (Public Protection): No objection. Environmental Geotechnical Specialists (RGS) have submitted a Phase I Desk Study; ref. J3647/16/EDS dated 6th October 2016. The information from the Phase I Desk Study shows that there are no possible sources of contamination on the site and any pollutant linkages are unlikely. Shropshire Council has no record of any potentially contaminative uses in respect of the site and therefore it is not considered necessary to undertake any further assessment.
- ii. A noise assessment by Cundall, ref 1014229-RPT-AS-001, has been submitted with this application. It states that it is possible for all residential units to be provided with internal noise levels of 30dB LAeq in the night in bedrooms and 35dB LAeq in the day in all habitable rooms. It provides noise levels required to achieve this but does not specify where specific glazing requirements are necessary nor does it specify what acoustically attenuated trickle vents would achieve the desired noise levels. In relation to external

areas the applicant states that boundary fencing/walls should be possible of achieving no more than 55dBA in external amenity areas. No specifics have been supplied e.g. barrier height, construction, density. Noise conditions covering these matters are recommended (included in appendix 1).

4.1.12i. Trees (1/12/17): No objection subject to the following comments. During pre-application PREAPP/17/00003 the Tree Service made a number of recommendations in accordance with MD2 & MD12 indicating the need for a full application to be supported by the quality and detail of arboricultural and landscape planning and provision appropriate to the scale and value of the proposed development. Having considered the above plans and particulars we consider that the sustainable credentials of this proposed development would be improved if the following key points were addressed:

- i. We disagree with the conclusions set out in section 4.7.13 of the Landscape and visual impact assessment and the inferred conclusions of the tree survey that the development will have no long-term impact on retained trees. We recommend that the site layout around these trees be reconsidered (see section 2 below and SC trees addendum).
  - ii. The provision of a fully considered and detailed landscape proposal with supporting information with proof that the provision will be viable and will provide adequate long-term landscape mitigation and the protection and enhancement of wildlife corridors' and stepping stones (Areas to consider are offered in section 3 and the SC trees addendum).
- ii Arboriculture: The arboricultural report constitutes a base line tree survey with a section headed as an arboricultural impact assessment that is essentially a generic and offers insufficient details to be meaningful. In a number of respects it fails to interpret for the developer and other users of the document important considerations for the wider constraints imposed by existing trees in accordance with section 5 of BS5837:2012 sub-sections 5.1 to 5.4. The site constraints' plan (Ref. 1227\_P\_SA\_05 REV C) upon which the site layout was presumably designed reflects the lack of detail and interpretation offered in the arboricultural report and in our considered opinion fails to give adequate regard to the constraints posed by the existing mature trees and their condition, age, and impacts on future residents enjoyment of their properties: Section 5.24 of BS 837:2012 clearly states that: "Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development. Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance". We consider it unlikely that the retention of mature hedgerow trees especially ash trees in close proximity to houses will be successful in the long term. TPOs might keep the trees on the landscape for a decade or two but the character and faults associated with these trees suggest that they would be better appreciated in a public open space where issues around proximity and access for management are less likely to result in pressure for hard crown reductions or removal.
- iii. Landscape: We recommend that the council employs a suitably qualified and competent landscape architect to consider the proposal in relation to the broader landscape and the landscape and visual impact assessment and the extent / quality of mitigation. However with our knowledge of the area we feel confident to state that the site once developed

will be visible from a number of external points both near and far. Therefore it is important that the provision of a sustainable comprehensive and detailed landscape proposal is essential to the successful integration of this proposed development into the landscape. We consider that in the light of the government's commitment to speeding up development and removing pre-commencement conditions there is a need on a site as large as this for such details to be given the same level of consideration before determination as all other elements of the development such as house and access design and SUDS provisions. The plans submitted include a great many trees planted in thin amenity strips, and whilst we celebrate the general idea of roadside planting it is not clear that for many of the trees the space allocated will accommodate specimens of much stature, and that those trees would be retained into maturity. From experience the Tree Service have found that a few high quality heavy standard trees (in this case +/- 20 trees) planted to the highest possible specification in the right place are more likely to have a significant and long lived effect on an areas character and amenity than many hundreds of poor quality trees planted without proper consideration. (We have attached a Tree Service addendum to help illustrate the points made here).

- iv. The following considerations / approach might better integrate the site into the landscape through providing focused sustainable tree planting. As was discussed in the Tree Service's pre-application comments in relation to the ongoing areas under the outline element of this application we consider that the upfront provision of a detailed landscape proposal could remove the need for pre-commencement conditions which would accord with the Governments aspirations as set out in the recent Government white paper "Fixing our broken Housing Market". The centre of the site is on high ground that drops away to the north and south, the plans show the retention the hedgerow and an amenity strip on this ground that accommodates the public right of way. This high ground provides an excellent opportunity for strategic planting of large landscape trees, but the plans show trees to be planted in a narrow roadside strip sandwiched between the house drives and the main estate road. Widening the ridgeline amenity strip adjacent to the hedgerow would create an appropriate space for the establishment to maturity of large landscape trees (Oak and lime etc.) that in the longer term would genuinely contribute to the estates internal character and its integration into the broader landscape. The southern section of the site has roadside planting in narrow verges between the main estate road and the access roads but the long term success of planting might be better achieved in association with the suds scheme and a broader site margin that will accommodate large landscape trees into maturity without conflict with traffic and pedestrians' etc. The eastern boundary offers some opportunity for the inclusion of large landscape trees to be tagged (protected) for long term retention but this needs to be carefully considered and the trees planted in situations where their presence at full maturity will not result in proximity issues. The triangle of land at mid-point along the eastern boundary was identified in PREAPP/17/00003 for public open space but has now been identified for development the loss of this central open space removes a key central area for recreation on the estate and offers no opportunity for a deep unbroken boundary treatment and habitat corridor along the east boundary. Whilst this application is only full for part of the site the applicant has an opportunity to establish key landscape planting across the whole site in advance of the further phases of development, this would provide established landscape cover to future development and speed up the new developments' sympathetic integration into the landscape. Due to the extent of ground disturbance that will be necessary to deliver this development the un-compacted soils in areas identified for landscape mitigation and planting should be protected from

disturbance throughout the whole development or proportionate and effective soil mitigation and improvement should be part of any approved landscape proposal. For any trees or shrubs planted to thrive and succeed this is an essential provision.

- v. Conclusion: Whilst the Tree Service do not object to the principle of development at this site, we consider that in relation to arboricultural and landscape mitigation measures there is significant room for improvement.

4.1.13 Waste Disposal: It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Particular concern is given to the following plots which are on private drives and the vehicle would not access: 1/7/8/9/10/16/58/59. For the properties identified above collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

## 4.2 Public Representations:

4.2.1 The application has been advertised in accordance with statutory provisions. Four objections and one neutral comment have been received. The following points are raised:

- Clarity sought on fencing details and levels;
- Concerns for privacy with new houses and gardens in direct line of sight.
- Who will maintain the area designated as "Public Open Space"?
- Who will maintain the retained hedgerows?
- Questioning need for the housing in a greenfield out of town location – should use brownfield sites up first;
- Questioning the availability of suitable services to support the development (medical, schools, transport etc);
- Questioning the sustainability of the location - it will involve excessive traffic.
- Existing dwellings at Rocks Green will suffer;
- Current unrestricted views of Clee Hill will be lost;
- Questioning placement of the proposed affordable homes in front of existing property;
- Confusing drawings. Drainage Strategy Sheet 1 shows a different layout to drawing Overall Site Master Plan.
- Recently Shropshire Council have granted outline planning for a 2-plot development at the rear of our property, Ref Number 15/04158/OUT, we know these aren't connected, but again it's our property that is affected. So, the outcome

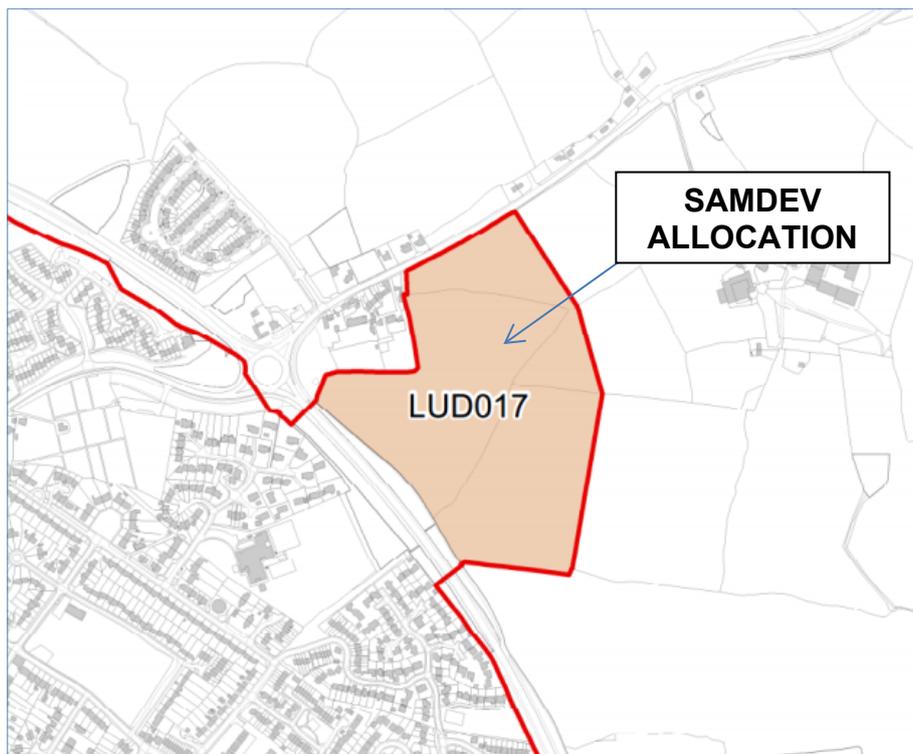
of this and the proposed Pickstock Homes development would mean that three sides of our property would be overlooked by new properties.

- I am concerned about the access into Downton View. This once muddy pathway with a small stile is now used for regular access through. We have our fence panel vandalised on a regular basis. This path is simply not suitable for purpose. I strongly feel that an alternative access point if indeed one is even necessary should be used.
- I object to the proposed development at Rocks Green on A4117, firstly due to the increased traffic on an already very busy and dangerous road. I have problems driving out from my property at the moment due to the volume of traffic and additional traffic would make this much worse.
- What will happen to the wildlife, the birds, rabbits, bats, owls, mice, voles etc. Where will they go, or doesn't that matter to the Council?

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Highways and access
- Visual impact and landscaping
- Other considerations

## 6.0 OFFICER APPRAISAL



**Figure 3 – SAMDev allocation**

### 6.1 Principle of development

- 6.1.1 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 (DP) unless material considerations indicate otherwise. Consideration needs to be given to this presumption in favour of sustainable development in determining whether a site is suitable for release.
- 6.1.2 SAMDev Policy S10 advises that the guideline for growth in Ludlow is for around 875 new dwellings and a minimum of 6 ha of employment land between 2006 and 2026. The policy advises that new housing development will be delivered primarily on the allocated housing sites east of the A49, alongside additional infill and windfall development within the town's development boundary.
- 6.1.3 The application site is identified as a housing allocation for up to 200 homes under SAMDev Policy S10 (allocation reference LUD017). The site profile for the allocation advises that any planning application for the site should include the following:
- access off the A4117;
  - landscaping to take account of wider setting;
  - provision of open space;
  - contribution to pedestrian/cycle access over A49, and to foot/cycle path to Eco Park;
  - provision to enable access to potential future development area to the south.
- 6.1.4 The principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposals are also capable of complying with other relevant development plan policies.

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

- 6.2.1 Full permission is only being sought for phase 1 of the development at this stage. Phases 2 and 3 would be subject to reserved matters applications with respect to detailed layout, design and landscaping at subsequent stages. An indicative master plan for the whole site does however show access roads, landscaping, housing areas, public open space and drainage within the entire site. It is considered that the overall layout of the site as shown on the Masterplan is acceptable.
- 6.2.2 There is a logical layout for traffic circulation with a street hierarchy which balancing access against residential amenity. The curved / sinuous design of streets lends variation and privacy to the street scene. Sufficient open space has been provided with passive surveillance. The masterplan retain existing trees, hedgerows and wildlife features and creates new landscape features including hedgerows, grass areas and a balancing pond.
- 6.2.3 The detailed layout of Phase 1 initially attracted some objection from Conservation officers. This has however been subject to a number of changes and is now considered to be acceptable by them. A visual gap between the development and existing properties at Rocks Green has been amplified. Use of render has been introduced onto some facades in order to reflect the prevalence of this surface treatment in existing properties at Rocks Green. Properties are set back from the A4117. A central tree lined 'boulevard' provides access into the site.

- 6.2.4 Nine different types of home are proposed from 2-5 bedrooms. These exhibit a variety of features including porches, canopies, chimneys, brick lintels and recently introduced render (see above) and a range of different roof forms which give variety to the street scene. There would be ample space for 2 vehicles to park and turn on the plots. Most properties are capable of being served by larger refuse collection vehicles though shared collection points would apply for plots 1,7,8,9,10,16, 58 and 59
- 6.2.5 It is considered that Phase 1 of the development is acceptable in terms of layout and design and that an acceptable scheme could also be achieved in principle for phases 2 and 3 at the reserved matters stage. Core Strategy Policy CS6, SAMDev Policy MD2.

#### Layout - plots 54-61

- 6.2.6 The proposed 8 affordable plots (54-61) have been placed on the western side of the site nearest to existing properties at Rocks Green. The occupant of a dormer bungalow to the west of these properties has objected to their placement near to this boundary on the basis that 1) they are affordable and 2) that they would block existing views of Clee Hill 3km to the east from the objector's east-facing kitchen window. The following conclusions can be reached on this matter:
- i. In spatial terms the side (east) elevation of the property faces towards the proposed affordable plots with a separation distance between the property and the rear (west) elevations of the affordable plots in excess of 30m. Whilst Shropshire does not currently have any guidance on spatial standards for housing this is more than double the separation distance between a principal façade and a side elevation which is generally adopted informally at a national level (13m). Whilst the east elevation with the objector's kitchen window would not normally be considered a principal elevation the separation distance is also over 9m more than the generally adopted separation distance between two 2 storey principal elevations (21m).
  - ii. The objector's property is separated from the affordable properties by the whole 12-14m length of the affordable property gardens with a mature hedgerow beyond. There is also a 3-4m wide driveway on the other side of the hedge before the residential curtilage of the objector property.
  - iii. Permission for 3 new bungalows has already been approved to the north and south of the property in question.
  - iv. No details of tenancy for the affordable units is yet known so any concern in this respect is not justified. The layout mixes affordable alongside market dwellings and this has been accepted by the Shropshire Housing Officer. The applicant considers that any requirement to amend the distribution of affordable units is therefore unjustified.
  - v. The principles of the development have been set by the strategic allocation and the consideration of the bungalow has been taken into account through the positioning of the open space to the south and south east of the property.
  - vi. The view from a window is not a material planning consideration, particularly in this case where the principal southern aspect is not affected by the proposed

development. The view from the bungalow's side elevation and conservatory does not represent a principle aspect.

- vii. The proposed dwellings are positioned well within the application site, off the boundary, and are not considered to be of a scale that will affect residential amenity or appear over-bearing.
- viii. Views from the ground floor windows are also likely to be already impaired by the existing hedgerow and trees, except for long distance views that have the potential to be influenced by any development on the allocation site. Safeguarding these low lying viewpoints of distant hills would mean resisting development across large areas of the site. This would be unjustifiable and contrary to the site allocation to deliver 200 dwellings.
- xi. The applicant has accepted a condition to deliver a landscape buffer along this margin of the site.

6.2.7 It is considered that the proposed design is acceptable and has sought to take account of the sensitivities of properties surrounding the site. It is not considered that planning refusal on grounds of residential amenity would be justified. Notwithstanding this, the officer considers that there is scope to undertake some additional mitigation works within plots 54-61 to maximise the successful integration of the development. Appendix 1 includes a recommended condition (Condition 20) which seeks to achieve this in accordance with Core Strategy Policy CS6, SAMDev Policy MD2 and related national guidance.

### **6.3 Highways and access**

6.3.1 Highways England has withdrawn a holding objection following detailed dialogue with the applicant's highway consultants. The proposed development has been shown to have an acceptable level of impact on the trunk road network. It will be necessary for the developer to facilitate the movement of the speed limit to further away from the site access (northeast) to ensure that passing vehicles are traveling at the appropriate speed at the point of access. A financial contribution of £10,000, to facilitate this should be sought via a S106 agreement.

6.3.2 The Council's highway consultant lodged a holding objection based mainly around concerns that the area allocated by the applicant for a proposed roundabout would not be sufficient to accommodate any future traffic. The applicant has however provided subsequent information which confirms that the area is sufficient. The Highways Development Manager (South area) has indicated that the proposals are acceptable on this basis. It is emphasised that a roundabout is not proposed under the current proposals. A simple priority T-junction is sufficient to cater for anticipated traffic levels from the development.

6.3.3 The SAMDev site profile requires that the proposals will provide a means of obtaining a access to other land to the south east of the site. The land in question (between Rocks Green and The Sheet) is not currently the subject of any site allocations or planning applications but may be subject to development proposals in the future. The application provides a link from the site to this land and also sets aside the area for the roundabout which would cater for any additional traffic which such future proposals may generate. It

is recommended that the legal agreement for the current proposals secures the safeguarding of this land until such time as it is needed for the roundabout.

- 6.3.4 The Council's highway consultant also raised the matter of pedestrian provision. In this respect the SAMDev site profile states that the proposals should secure a 'contribution to pedestrian/cycle access over A49, and to foot/cycle path to Eco Park'. The officer has reviewed this requirement in dialogue with the Council's policy team. In terms of the pedestrian link the proposals would deliver a new footpath along the site's south frontage with the A49. This would link to an existing footpath and pelican crossing on the south-east side of the Rocks Green roundabout which would provide access to the centre of Ludlow via Henley Road.
- 6.3.5 The Council's highway consultant has suggested that it may be preferable for the proposals to assist in delivering a pedestrian footbridge where an existing right of way crosses the A49 towards the middle of the southern end of the site. It is the case that such a crossing might provide a more direct means of pedestrian access to town centre 'as the crow flies'. However, the current scheme would be unable to finance the significant cost of a footbridge on its own. This is not required by the SAMDev site profile and was not required by Inspector at the SAMDev Inquiry. The applicant contends that the requirement to deliver a link 'over' the A49 is met by the proposed footpath link to the roundabout.
- 6.3.6 The officer considers that the currently proposed footpath link would facilitate an appropriate safe and secure form of access to the town centre and the area south east north of the by-pass generally, including the Ludlow Junior School. It would also facilitate safe pedestrian access to the new supermarket site which has been permitted to the east of Rocks Green roundabout. The proposed footpath would take pedestrians wishing to access the town centre slightly further to the east than the right of way which crosses the A49 where a pedestrian bridge is suggested by the Council's highway consultant. However, the pedestrian facilities on Henley Road west are much better, and safer than the continuation of the public footpath to the west of the A49 which would require substantial upgrades. It is considered unreasonable in these circumstances to require the applicant to make a financial contribution towards a pedestrian footbridge across the A49 when a more acceptable alternative exists, is proposed and would deliver improved linkage to some facilities including the proposed supermarket site at Rocks Green. It is considered that the proposals can be accepted in highway terms subject to the recommended conditions.

## **6.4 Visual impact and landscaping**

- 6.4.1 The application is accompanied by a landscape and visual impact appraisal. This concludes that the proposed development would result in landscape effects but these would be limited by long term mitigation. The short term construction effects would be most intrusive upon existing landscape character and landscape features. These would however diminish over time as the development matures. Some of the identified visual receptors would be experiencing major adverse visual effects but these would also be moderated effects over time as the proposed green infrastructure matures.
- 6.4.2 The site is not located within the AONB and there are no listed properties in the vicinity though the Nelson Inn is a non-designated heritage asset. The applicant has made a

number of amendments to the design of the scheme to assist in integrating the development with the existing properties at Rocks Green. Detailed design issues including surface treatments are capable of being secured by condition at the reserved matters stage. It is concluded that the proposals can be accepted in visual amenity terms having regard to the proposed landscaping and layout and the allocated status of the site.

## 6.5 Other considerations

- 6.5.1 Flooding/Drainage – The site proposes a foul water pumping station along the southern boundary of the site with a 15m cordon sanitaire and a wet well to allow for additional 27m<sup>3</sup> storage for emergency use. The site also accommodates an attenuation pond to cater for flows up to the 100 year return period plus 40% for climate change. A proposed flow control chamber is also to be situated in the most south eastern corner of the site and proposed storm water outfall is designed to flow to the existing ditch course. The drainage information submitted in support of the application has been assessed by the Councils submitted flood risk and water management team and they have raised no objection to the proposal on the basis that they are satisfied that a satisfactory drainage solution can be provided subject to recommended conditions.
- 6.5.2 Residential amenity: – A construction management plan condition has been recommended in order to control and minimise disturbance during the construction phase. Once completed, the development would have no greater implications for noise generation or nuisance than any other residential use.
- 6.5.3 Ecology: The application is accompanied by a phase 1 ecological survey. No evidence of badgers was recorded. No nests were observed in the trees or hedges around site though the quality of this habitat was noted. The report recommends the provision of woodcrete bird boxes around the site. Two ponds within the site were dry at the time of survey and scored very low on the Habitat Suitability Index. The report concludes that no further survey is necessary for great crested newts. In terms of bats recommendations to retain some specific trees, to maximise the retention of existing hedgerows and to provide bat boxes in some buildings are made. The report recommends that the landscaping around the new buildings includes some hedging and tree planting to enhance the area for biodiversity with use of locally sourced native species.
- 6.5.4 The report concludes that trees within the site and its boundaries should be retained and protected at all times throughout this development. If these are kept, it is considered that this development can proceed as planned without damage to, or loss of habitat for bat species. Some of the hedgerows which may require removal for access purposes will potentially provide nesting bird habitat in the correct season. The method statements provided in this report will be followed, and works will be done at a suitable time of year. This will result in there being no ecological constraints to the development.
- 6.5.5 The site boundaries consist of mature hedgerows and these are being maintained to ensure that no harm is made to existing habitats. The proposed landscaping and areas of Public Open Space will add to the biodiversity of the site. The council's ecology section has withdrawn a previous holding objection following discussions with the applicant's ecologist confirming agreement on a number of conditions which are included in appendix 1. It is concluded that the proposals can be accepted in ecological terms.

- 6.5.6 Affordable Housing: The proposals will deliver 8 on site affordable homes in the first phase with additional affordable properties being delivered subsequently in phases 2 and 3 as part of the reserved matters details. The affordable homes will be delivered under a Section 106 Agreement. The overall contribution will accord with the requirements of the Council's Supplementary Planning Document on Type and Affordability of Housing. (Core Strategy Policy CS11)
- 6.5.7 Sustainability: The development is considered to meet all 3 strands of sustainable development identified in the NPPF. It will provide social benefits through the provision of new housing in a sustainable and allocated location adjoining the market town of Ludlow. It will provide economic benefits through purchase of local goods and services to facilitate the development and through the economic contribution of future occupants to the town's economy.
- 6.5.8 It is considered that the proposals will also be sustainable in environmental terms. The access is considered acceptable by highway officers and there are no outstanding objections by planning consultees. Any residual issues are capable of being addressed by use of appropriate planning conditions.
- 6.5.9 Application area: There is a slight discrepancy on the eastern boundary of the application site with the area of the SAMDev allocation. The eastern boundary in the allocation is curved whereas it is straight in the current application. In view of this the current application was re-advertised as a technical departure. However, the overall area of the site does not differ materially from that of the SAMDev allocation and the areas identified for housing in the layout master plan remain essentially within the area of the SAMDev allocation with the exception of one plot at the north-eastern end of Phase 1. The area discrepancy at the southern end of the site is due to the inclusion of a proposed landscaped drainage balancing pond. If members are minded to accept the officer recommendation then it will be necessary to wait until the 21 day notice period expires (on 17<sup>th</sup> March) before any decision can be issued. If material new issues are raised in response to the departure notification then the application will be reported back to a subsequent committee.

## **7.0 CONCLUSION**

- 7.1 The application site is allocated in the SAMDev for the development of 200 houses. The site is within easy reach of the market town of Ludlow, the primary road network and existing and emerging facilities east of the by-pass. It is therefore in a generally sustainable location. Highway matters have been satisfactorily resolved and there are now no outstanding objections from planning consultees.
- 7.4 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for an affordable housing contribution, safeguarding of the future roundabout land and a financial contribution to secure re-location of the existing 40mph speed limit.

## **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

### 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.

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:

- 16/04408/SCR Proposed residential development. EAN 24th October 2016
- 16/04409/SCO Proposed residential development PCO
- PREAPP/17/00003 Proposed Residential Development. AIP
- 17/05189/FUL Hybrid application (part full, part outline) for residential development of up to 200 dwellings and associated infrastructure, drainage, open space, landscaping with access from the A4117 at Rocks Green (full application to involve 68 dwellings and outline application to involve up to a further 132 dwellings) PDE

**11. ADDITIONAL INFORMATION**

List of Background Papers: Planning application form for application reference 17/05189/FUL 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

#### STANDARD CONDITION

1. Approval of the details of the appearance, layout and scale of the development and the landscaping of the area of the site covered by the outline element of the application ('Phases 2 and 3') (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins in connection with the outline scheme and the development shall be carried out as approved.

Reason: The application is a hybrid application which comprises part full application and part outline application under the provisions of Article 4 of the Development Management Procedure Order 2010. No particulars have been submitted with respect to the matters reserved in the outline part of this permission.

- 2a. The 'full' planning permission component of the development ('Phase 1') must be begun before the expiration of three years from the date of this permission.
- b. Application for approval of reserved matters with respect to the outline element of the development ('Phases 2 and 3') shall be made to the local planning authority before the expiration of three years from the date of this permission.
- c. The outline element of the development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development shall be implemented in strict accordance with the approved details accompanying the application form dated 20/10/17 (as supplemented for the outline element of the permission by the reserved matters details), namely:

- Covering Letter;
- Summary Statement;
- Statement of Community Involvement;
- Affordable Housing Proforma;
- CIL Liability;
- Design & Access Statement;
- Planning Statement;
- Drainage Strategy Plan Part 1 1:500 (at A0);
- Drainage Strategy Plan Part 2 1:1500 (at A0);
- Phase 1 Environmental Appraisal Report;
- Transport Assessment Report;
- Transport Assessment Figures Part 1;
- Transport Assessment Figures Part 2;
- Transport Assessment Appendices;

- Access Design Plan Fig 5.1 13-00232 1:1000;
- Housing Density Plan S36C-6e17101916270 ;
- Arboricultural Report;
- Noise Report;
- Archaeological Impact and Geophysical Assessment;
- Geotechnical Report;
- Tree Survey;
- Rocks Green Landscape & Visual Impact Assessment;
- Flood Risk Assessment Report;
- Access Swept Path Analysis Plan 5.2 13-00232 1:250;
- Site Location Plan: CL012 Site Location Plan 1227\_P\_SA\_06 1:10000 (at A3);
- Site Location Plan: CL012 Site Location Plan 1227\_P\_SA\_07 1:2500 (at A3);
- Aerial Local Plan: CL012 Aerial Location 1227\_P\_SA\_04 1:10000 (at A3);
- Detailed Application Plan: CLR012 Application Plan 1227\_P\_SA\_07\_01 1:2500 (A3)
- Topographical Survey roc10567.01-A0 PLOT (1:500);
- Topographical Survey roc10567.02-A0 PLOT (2) (1:500);
- Topographical Survey roc10653.01-A1 PLOT (1:500);
- Constraints Plan: CLR012 Constraints Plan 1227\_P\_SA\_05 rev C 1:2500 (at A3);
- Overall Masterplan: 1227\_P\_SA\_09 rev D 1:1000 (at A1);
- Detailed Stage Housing Plan: 1227\_P\_SA\_10 rev B 1:500 (at A1);
- Budget and Density Plan: 1227\_P\_SA\_11 rev A 1:500 (at A1);
- Sketch Masterplan: 1227\_P\_SA\_08 rev A 1:2000 (at A3);
- Street Elevation: 1227\_P\_DET\_02;
- Site Sections: 1227\_P\_DET\_01 1:100 (at A1);
- Schedule of Accommodation:

Dwellings and Elevations of proposed Dwellings:

- 4B-05-p01 - tamar hse type;
- cal - 4B-03-ele01 - calder hse type elevations;
- cal - 4B-03-pln01 - calder hse type plans;
- rob - 3B-04-p01 - Roeburn plans;
- sher - 4B-02-p01 - sherbourne hse type;
- sher - 4B-02-p02 - sherbourne hse type;
- stre - 4B-01-p01 - stretford plans and eles;
- tetb - 03-11-p01 - Tetbury plans;
- twe - 2B-01-p01 - tweedale plans;
- win - 03-14-p01 - Winster plans;
- with - 3B-09-p01 - witham plan;
- woo - 4B-04-ele01 - woodbridge elevations;
- woo - 4B-04-pln01 - woodbridge plans.

Reason: To define the permission.

**CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

Surface treatments for Phase 1 (Full application)

4. No development approved by this permission shall commence until details of the roofing materials to be used in construction and hard landscaping of the development including roofing, external walls, fenestration, paving and fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

Levels for Phase 1 (Full application)

5. No development approved by this permission shall commence in each phase of the permitted development until details of the floor level of the proposed housing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

Noise for Phase 1 (Full application)

6. All properties facing and adjacent to existing roads shall have glazing fitted to habitable rooms capable of reducing noise by 30dBA between the external and internal facade. All other glazing on site shall be capable of achieving 25dBA noise reduction between the external and internal facade. Trickle vents that achieve the same degree of noise reduction as the glazing shall be included to all glazing units facing existing roads to ensure that ventilation is possible without compromising the internal noise environment.

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

7. Prior to commencement details of the barriers to garden boundaries capable of ensuring garden spaces can achieve 50dBA where possible and no more than 55dBA as a maximum shall be submitted to the local planning authority for approval in writing. No affordable housing shall have garden area exposed to more than 50dBA. A noise assessment shall be carried out post construction but prior to occupation of any property which borders an existing noise source and a report submitted to the local planning authority for approval in writing.

Reason: to ensure that the health and wellbeing of future residents is protected and that those less equipped to take positive steps for their health are afforded suitable protection to avoid health inequalities.

Archaeology (Full and Outline – Phases 1-3)

8. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Drainage and sewerage for Phase 1 (Full application)

- 9a. Notwithstanding the details submitted in support of the application a scheme or schemes providing further details of the proposed surface water attenuation drainage system for each phase of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of groundworks in each successive phase.
- b. The submitted schemes shall be implemented in accordance with the approved details and shall include the following details:
- i. Calculations confirming the ability to attenuate drainage to greenfield runoff rates;
  - ii. An appropriate allowance for urban creep (replacement of permeable surfaces with impermeable over time in urban areas) over the lifetime of the proposed development;
  - iii. Information on the proposed maintenance regime for any sustainable drainage system including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime;
  - iv. Calculations supporting the proposed spacing of highway gulleys within the site based on a storm intensity of 50mm/hr with flow widths of:
    - 0.5m on all carriageways with footways, or;
    - 0.75m on all carriageways adjacent to a flush soft verge, or;
    - 1.0m on carriageways which have a hard-shoulder.

Gully spacing shall be no less than 20m on balanced carriageways except in vulnerable areas for 1 in 100 year storm events.

- v. Submission of a contoured plan or plans of the finished road levels showing the proposed management of any exceedance flows up to the 1 in 100 years plus climate change storm event.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design taking account of any future extensions of impermeable surfaces.

10. The development hereby permitted should not commence until plans for the disposal of foul water flows along with details of any agreements with the local water authority have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

Construction Management Plan for Phase 1 (Full application)

11. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and 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 and facilities for public viewing, where appropriate;
  - v. wheel cleaning facilities;
  - vi. measures to control dust and mud during construction;
  - viii. a Traffic Management Plan.

Reason: To protect the amenities of the area during the construction phase and to ensure the safe and free flow of traffic on the public highways in accordance with Section 10 (2) of the Highways Act 1980.

Footpath diversion for Phase 1 (Full application):

12. No development shall proceed until a scheme confirming the effect of the proposals on Footpath 7 has been submitted to and approved in writing by the Local Planning Authority and any necessary diversion or temporary stopping up orders have been obtained.

Reason. To ensure that public rights of way are not adversely affected by the proposed development and that appropriate alternative routes are secured in advance of any development which may affect the existing definitive routes.

Landscaping and tree protection (for Full and Outline application):

13. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. The landscaping details shall include the following details:
- i. Planting plans, creation of wildlife habitats and features and ecological enhancements;
  - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - iv. Native species used are to be of local provenance (Shropshire or surrounding counties);
  - v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - vi. Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with level changes;
  - vii. Details of proposed planting schedules, methods and aftercare provision, including provision for two 'extra heavy standard' trees which shall be procured and planted in accordance with BS8545:2014;

- viii. Provision for planting of standard trees / shrubs along the site's boundary with the existing settlement at Rocks Green as part of the planting mix;
- ix. Provision of wildflower planting for the public open space, including alongside walking routes and within the north-western corner of the site where a wildflower meadow area will be delivered;
- x. Implementation timetables.

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

- 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 upon written notification from the local planning authority 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, amenity and biodiversity in accordance with the approved designs and the Councils' policies on sustainable development.

- 14a. No ground clearance, demolition, or construction work shall commence within each of the 3 phases of the development until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be implemented for the duration of the construction works.
- b. No works shall 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 safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

- 15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment of this statute, where properties have large mature trees incorporated or into or with rooting zones in their gardens then no sheds, extensions, outbuildings or other structures requiring excavation or footings, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that over the long-term the development does not have a detrimental impact on the character and amenity the area through uncontrolled development resulting in the loss of retained trees or landscaping.

Ecology (for Full and Outline application):

- 16a. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - iii. Requirements and proposals for any site lighting required during the construction phase;
  - iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - v. Identification of Persons responsible for:
    - a) Compliance with legal consents relating to nature conservation;
    - b) Compliance with planning conditions relating to nature conservation;
    - c) Installation of physical protection measures during construction;
    - d) Implementation of sensitive working practices during construction;
    - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - f) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- b. An ecological clerk of works ('ECoW') shall be present on site to oversee the following works;
- i. Badgers:- Completion of a pre-commencement / construction check, tool box talk and site monitoring with a report to be provided to the council relating to each phase of the development.
  - ii. Bats and trees:- The trees will be managed and identified by the ECoW, so that any sections needing removal will be soft felled with a climbing Arboriculturalist (qualified to BS 8596) required to carry out the works and confirmed through a submission to the Council.
  - iii. Planting and attenuation ponds:- A Environmental Management plan will be produced in association with the Masterplan for the site. The ECoW will then oversee the planting and maintenance of POS, green buffers and tree planting. The Management plan will also include the attenuation areas and SUDS facility;
  - v. Identification of appropriate locations for ecological mitigation within the permitted site through the provision of bat and bird boxes.
- c. All construction activities shall be implemented strictly in accordance with the approved Construction Environmental Management Plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

18. A scheme providing for ongoing monitoring of the site for wildlife during the construction phase for Phases 1, 2 and 3 taking into account the surveys carried out the Ecological Clerk of Works shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: To allow for ongoing monitoring and protection / mitigation for biodiversity within the site in accordance with the Council's policies for sustainability having regard to the phased nature of the development.

19. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). 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). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

#### Plots 54-61

20. Prior to the commencement of the development a scheme providing further detail on measures to protect the amenity of existing residential properties at Rocks Green to the east of plots 54-61 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall make provision for the following measures:
- i. Realignment of plots 56-57 not less than 2m further to the east;
  - ii. Consideration for the scope to realign plots 54, 55 and 58-61 further to the east;
  - iii. Provision of a 2m acoustic fence along the western boundary of plots 56-57;
  - iv. Provision of a landscape planting area with a minimum width of 2-3m within the site boundary to the west of plots 54-61;
  - v. Planting of not less than twelve 2-3m high standard shrubs of appropriate species within the landscape planting area;
  - vi. Provision to ensure that the ground (slab) level of plots 56-57 is not raised relative to current ground levels and preferably is at least 30cm below current ground levels.
  - vii. Consideration of the scope to employ hipped roofs on the north and south sides of each semi-detached pair of properties in plots 54-61 with hips commencing not less than half way up the height of the roofs;
  - viii. Consideration of the use of obscure glazing for the lower half of the upstairs windows on the rear elevations of plots 54-61.

Reason: In the interests of residential amenity and to facilitate acceptable assimilation of the development with the existing properties at Rocks Green.

#### Informative Notes

##### Ecology:

- i. Great Crested Newt: Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great

*Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*

- ii. Trenches and 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 closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped. The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*
- iii. Nesting Birds: The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iv. Bats: All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Two trees on the site have potential for roosting bats to be present. If removal of these two trees, or tree surgery works, becomes necessary then it must be undertaken following the advice of an experienced, licensed bat ecologist and following a suite of bat emergence surveys. If a bat should be discovered on the site at any point during the development then work must halt and Natural England should be contacted for advice.*

Drainage:

- iv. As part of the SuDS, the applicant should consider employing measures such as the following to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner:*
  - Water Butts*
  - Rainwater harvesting system*
  - Permeable surfacing on any new access, driveway, parking area/ paved area*
  - Attenuation*
  - Greywater recycling system*
  - Green roofs*
- v. 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:*

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

*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.*

- vi. Highway gully spacing: Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacing's are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing. Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.*
- vii. Exceedance flows: Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site. Therefore the proposed management of exceedance flows generated by this return period must also be considered and catered for.*
- viii. Urban creep: 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. This is to ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces. The allowances set out below must be applied to the impermeable area within the property curtilage:*

<u><i>Residential Dwellings per hectare</i></u>	<u><i>Change allowance % of impermeable area</i></u>
<i>Less than 25</i>	<i>10</i>
<i>30</i>	<i>8</i>
<i>35</i>	<i>6</i>
<i>45</i>	<i>4</i>
<i>More than 50</i>	<i>2</i>
<i>Flats &amp; apartments</i>	<i>0</i>

Right of Way Diversion:

- ix. *Footpath 7 is affected by the development at its northern end. If it is not possible to keep, the footpath open and available at all times then the applicant will have to apply for a temporary closure of this route and the applicant will need to apply to the Mapping and Enforcement Team for such a closure.*

Highways:

- x. *Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.*
- xi. *Disabled needs: The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways. Public rights of way affected A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.*
- xii. *Waste Collection: The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety. <https://new.shropshire.gov.uk/planning/faqs/>*
- xiii. *Landscaping: Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure (>3 m), appropriate root protection systems will need to be submitted and approved prior to construction. In order to mitigate against any future root damage to roads, footways and the utility services beneath. Also any other landscaping/planting adjacent to the future highway will require appropriate maintenance and service arrangements, in perpetuity. In order to maintain any required visibility splays and to keep leaf litter clear of footways and drains, etc., in the interests of highway safety.*
- xiv. *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/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/>*

*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.*

- xv. *Section 278 Agreement (off site highway works): No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into: <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>*
- xvi. *Section 38 Agreement details (internal roads) 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>*