



Committee and date

South Planning Committee

10 February 2015

Development Management Report

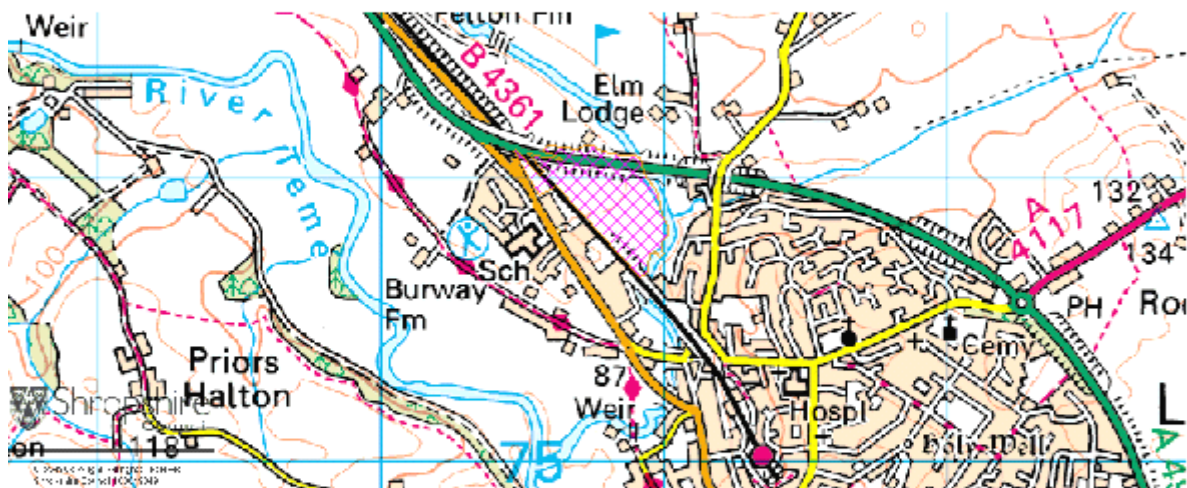
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/04455/OUT	Parish:	Bromfield
Proposal: Outline application for residential development (up to 215 dwellings); public open space; highways works; access roads and pedestrian footbridges; and a Neighbourhood Store (Class A1 Retail) not exceeding 300 sq.m internal floorspace, associated engineering and accommodation works (Resubmission)		
Site Address: Proposed Residential Development South Of A49 Ludlow Shropshire		
Applicant: Tesni Properties Ltd		
Case Officer: Julie Preston	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 350861 - 275980



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Recommendation:- Grant Permission subject to a Section 106 Agreement to secure affordable housing and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is an identical application to that refused by the South Planning Committee on 22 July 2014 reference 13/03862/OUT. The application was refused against recommendation for the following reason:

The proposed development, through the close proximity and the associated dangers of the A49, River Corve and the railway, noise from road traffic and train movements, and the potential for an increased number of train journeys in the future would detract from the living conditions and be detrimental to the amenities and safety of residents. The site has poor accessibility and is considered to be an unsuitable location for residential development contrary to Policy CS6 Sustainable Design and Development Principles of the Council's adopted Core Strategy and Paragraph 17 (point 4) of the NPPF. These adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.

The refusal is the subject of an appeal which will be heard at a Public Inquiry over three days later in the year. The appeal will be withdrawn if this application is granted permission.

1.2 The re-submitted outline planning application is for:

- ☐ Up to 215 dwellings (illustrative plans show 200 dwellings - a mix of 44 no. 2 bedroom, 100 no. 3 bedroom, 53 no. 4 bedroom dwellings and 3 no. 5 bedroom)
- ☐ Public open space (approximately 3 ha in size and forming a riverside park)
- ☐ Access roads (including a new roundabout on the A49 and an access to Bromfield Road to serve development west of the railway line).
- ☐ Highway works
- ☐ Pedestrian footbridges over the River Corve and railway line
- ☐ Neighbourhood store (Class A1 Retail) not exceeding 300 sq m.

The means of access is a matter for consideration at this stage but all other details of the scale, layout, appearance and landscaping would be the subject of a 'Reserved Matters' application. The application was the subject of a consultation exercise with the Town Council and local residents prior to submission.

1.3 The application is accompanied by a comprehensive set of reports dealing with flood risk, traffic impact, heritage assets, landscape impact, traffic noise, ecology and trees. The application has been amended in the course of negotiations with the Highways Agency to propose access to the site from a new roundabout on the A49 rather than slip roads on either side of the road. An additional plan has been submitted with this application detailing a cross section through the northern corner of the site showing

the relationship of houses to the railway line.

- 1.4 The proposal has been advertised as a major application and as a departure from the development plan. Site notices have been posted and over 70 letters sent to neighbouring properties.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located on the north western fringes of Ludlow and is contained by the A49 embankment to the north and Bromfield Road and the railway to the west. The River Corve adjoins to the eastern and southern boundaries. The site is around 12 ha in size and comprises a small enclosed paddock fronting Bromfield Road and a much larger triangular shaped parcel of grazing land to the east of the railway line, with vehicular access via an unmanned level crossing off Bromfield Road.
- 2.2 The south eastern portion of the site lies in flood zones 2 and 3 of the River Corve. There are no Public Rights of Way within the site and no other relevant constraints or designations.

3.0 **REASON FOR DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The application is a major departure from the development plan and in the opinion of the Planning Services Manager, it should be determined by the Planning Committee.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Public Protection – Specialist**

Having reviewed the Environmental Noise and Vibration Assessment prepared by noise.co.uk dated 27th August 2013 report number 14151-1 I and the update reference: 14151A-2, I have the following comments.

Vibrations have been measured and found to be below the threshold that is likely to generate any complaints. As a result I have no further comment however I would note that I would recommend that in future PPV readings are also supplied with any application.

Having considered the updated noise report it is noted that the relevant target level (30dB LAeq) can be met by the suitable glazing in line with the evidence based guidance document on noise produced by the World Health Organisation titled Guidelines on Community Noise.

Suitable ventilation is required in order to ensure that windows can be kept closed where necessary allowing glazing specifications noise reductions noted in the above named report to be realised in practice.

I recommend that conditions are placed on any permission requiring the submission of a scheme of noise mitigation and ventilation.

In regards to air quality with any residential development this service would advocate the inclusion of electric vehicle charging points to be located into proposed residential properties. This encourages sustainable transport uptake by future occupants which will help to reduce air pollution wherever those vehicles may travel.

4.1.2 **SC Conservation (Historic Environment) – No Objection**

The proposed development site sits outside of and to the north of the town and Conservation Area of Ludlow. The site is also a distance away from listed buildings.

However due to the large scale of development here and it being prominent in terms of accessing the historic town, appreciation should be taken into account of the views in to the town and to iconic features in the historic landscape, specifically the Church and the skyline of the buildings in the town. Development at access and entry points should be of high quality design and materials, picking up on the local vernacular and interesting details seen on other buildings in this area.

4.1.3 **SC Highways DC**

Principle of Development

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location. It is considered that the proposed development is located within reasonable close proximity to Ludlow Town Centre, and local amenities including the local Primary School and Leisure Centre.

However, Shropshire Council as Highway Authority would raise concerns with regard to the restricted vehicular access to the site, with the majority of the development being accessed off the Trunk Road Network and the desirability of the proposed pedestrian and cycle accesses to the site.

Proposed Vehicular Access – A49

All technical details associated with the proposed access off the A49 are subject to the approval of the Highways Agency and will not form part of these comments.

Proposed Vehicular Access – Bromfield Road

Shropshire Council as Highway Authority would raise no objection to the proposed access off Bromfield Road. However, it has been agreed with the applicant that all details should be submitted and approved prior to commencement of works on site, and subject to a Section 278 Agreement and associated Safety Audit process.

Pedestrian and Cycle Access 1 (Bromfield Road)

The proposed inclusion of the above mentioned pedestrian access is welcomed by the Highway Authority in order to promote sustainable travel from the site. In view of the proposed vehicular access to the site, it is anticipated that the proposed link over the railway will provide a useful link, making the proposed development more acceptable in Highway terms.

However, it is recommended that consideration is given to ensuring that this route is of sufficient width and is adequately light to ensure that the use of the route is maximised.

The link should be constructed and open for use prior to first occupation.

Pedestrian and Cycle Access 2 (Fishmore View)

The proposed inclusion of the above mentioned pedestrian access is welcomed by the Highway Authority in order to promote sustainable travel from the site. It is anticipated that the proposed link across the River Corve will provide a useful link and makes the proposed development more acceptable in Highway terms. It is recommended that the construction of the proposed link is extended across the River to Fishmore View to ensure that the route is suitable for use throughout the year, not just in dry weather.

Construction details of this scheme are submitted prior to commencement of the development, any pedestrian and cycle route should be adequate light, to ensure that the route is used to its full potential. The link should be constructed and open for use prior to first occupation.

Passenger Transport Links

Section 4 of the submitted Transport Assessment identifies the existing Public Transport Services within the vicinity of the site. The Transport Assessment recommends that further consideration should be given to enhancing the Town Centre Circular Service 704.

Passenger Transport within the Ludlow area and throughout Shropshire is currently under review. It is considered that there would be sufficient benefit in considering extending the existing bus service to incorporate the proposed development, to promote sustainable travel to and from the site, and encourage residents to use local amenities within Ludlow.

However, the enhancement of any services should be considered as part of an overall review of Passenger Transport within the Ludlow area. Potential funding may be available through the Community Infrastructure Levy allocated for Strategic Improvements.

Reserve Matters Application.

In the event the submitted Planning Application is successful, and a Reserve Matters Application is submitted, details of the proposed type of housing and levels of proposed parking should be submitted.

Further details will be required with regard to the proposed Commercial and Retail units with regard to deliveries and levels of proposed parking.

Conditions

It is recommended that three conditions are attached to any permission granted and these are included in the recommendation.

4.1.4 **SC Ecologist – No Objection subject to conditions and informatives**

Protected sites and Environmental Networks

Off-site approximately 1220m downstream to the south east the River Corve flows into the River Teme SSSI. Natural England has commented that the proposed development will not damage the SSSI. The amended Site Layout Plan A537-07G now excludes the proposed road crossing of the River Corve, replacing this with a roundabout on the A49. From an ecology perspective this reducing the possible impacts on the river and on species using it, including otters and white-clawed crayfish.

In respect of Environmental Networks, the revised layout now shows a wide buffer to the River Corve with additional planting intended. There will be a loss of the existing plantation beside the A49, but Atmos (2014) recommend minimising tree removal and seeding areas with a wildflower mix to maintain connectivity.

It is recommended that at Reserved Matters stage environmental protection measures are proposed to prevent impacts on the river during construction. A condition to this effect is recommended.

Bats

The updated Ecological Assessments (November 2013 and March 2014) now assesses the roosting potential of structures and trees on site. Eight trees were considered to have moderate-high potential to support bat roosts. (T1, T16, T21 and T22). The March 2013 indicative layout indicates retention of these trees. In addition, the underside of the A49 flyover bridge could be potentially used by crevice-dwelling bat species, however it is understood that modification of the flyer is no longer necessary.

A condition on control of lighting to prevent impacts on bats will be required. Bat boxes or bat bricks could be included within development proposals to provide roosting opportunities for common bat species such as pipistrelles.

Otters and water vole

An otter survey is reported in the updated Ecological Assessments. Two old otter spraints were noted approximately 10m upstream of the A49 bridge. No field signs for water vole were found and the River Corve is sub-optimal for this species close to the application site.

Due to the removal of the original access road proposal immediately adjacent to the river, Atmos (March 2014) consider the development is unlikely to affect either species. However the impact of installing a new pedestrian bridge over the river should be assessed. It may be necessary to mitigate potential impacts on otters by restricting hours of work to avoid their active period.

White-Clawed Crayfish

Atmos (March 2014) acknowledge that white-clawed crayfish are known to use the River Corve in close proximity to the site but that the banks under the bridge where the proposed access road was to be located are unsuitable for the species. They are constructed of concrete with no crevices that white-clawed crayfish could burrow into.

Due to the removal of the original access road proposal immediately adjacent to the river, Atmos (March 2014) consider the development is unlikely to affect white-clawed crayfish. However the impact of installing a new pedestrian bridge over the river should be assessed. It may be necessary to mitigate potential impacts on white-clawed crayfish.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds. A condition and informative are recommended:

4.1.5 **SC Affordable Housing**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The size, type and tenure of the affordable homes will need to be agreed in writing with the Housing Enabling Team and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme..

4.1.6 **SC Archeology (Historic Environment)**

Background to Recommendation:

The proposed development site lies to the north of Ludlow on land adjacent to the River Corve approximately 750m before its confluence with the River Teme. There are no known heritage assets within the proposed development boundary, however, the Site of a chapel c100m north of the Electricity Sub Station (HER PRN 01773) dated to the 12 -14century, lies just outside the boundary with tithe map evidence within the development boundary supporting these findings. Additionally land north-west of the proposed development located between the Rivers Teme and Corve contains evidence of Bronze Age settlement and funerary practice.

The applicant has commissioned an archaeological desk based assessment and heritage impact assessment (ARS Ltd Report 2013/106) for the development proposal. The assessment concluded that, in terms of the setting of heritage assets, there would no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. It also identified four examples of archaeological remains within the site that are of local significance only and provide evidential value of post-medieval agricultural practice, some of which could be retained within an area of public open space.

In respect of previously undiscovered archaeology, the report identified a moderate to high potential for archaeological remains to be present within the development boundary based on its location and other archaeological sites in the surrounding area. The report suggested that further investigation by geophysical survey and trial trenching would establish if any previously undiscovered archaeological remains survive within the site.

A programme of geophysical survey has been undertaken within the site boundary that has identified some anomalies likely to be associated with agricultural practice and two additional unresolved anomalies that may have more archaeological significance but which are limited in extent.

I confirm that the archaeological desk based assessment (ARS Ltd Report 2013/106) and the subsequent geophysical survey provides a satisfactory level of information about the archaeological interest of the site to permitted post determination mitigation of the archaeological interest.

In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work, be made a condition of any planning permission for the proposed development. An appropriate condition is included in the recommendation

4.1.7 **SC Drainage - No Objection subject to a conditions and informative**

The Outline Surface Water Strategy July 2014 is acceptable in principle and Flood Risk Assessment Addendum confirms that the site is outside of Flood Zones 2 and 3 and pluvial flooding area. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Full details, calculations and layout of the proposed surface water drainage system should be submitted for approval once the final layout is confirmed.

Drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted.

4.1.8 **SC Rights Of Way – No Objection**

The proposal does not affect any recorded public rights of way.

4.1.9 **SC Planning Policy**

To avoid repetition, the comments of the Policy Team are incorporated into the text of the officer's appraisal and the conclusion of their comments is presented here.

The application is for residential development north of the town but adjacent to the existing (and emerging) development boundary. There are clearly a number of challenges presented by the site and these will have to be overcome within the application to demonstrate that a proposal here is sustainable.

Residential development in this location is not in accordance with the Development Plan (Core Strategy and South Shropshire Local Plan) or the emerging SAMDev Plan. Although the SAMDev Plan has reached the Examination stage this needs to be treated with caution along with other relevant material considerations including the presumption in favour set out in the NPPF. The Plan is prepared in the strategic context of a number of site options and consideration of overall residential requirements, but the individual merits of particular, specific proposals in particular locations put forward through planning applications must be considered on their merits at the time of decision making.

It is clearly important to establish whether the proposal would give rise to any adverse

impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development and the aim of significantly boosting housing supply (following the NPPF). It should be recognised that, as this proposal will be for an outline application, a detailed assessment of the sustainability of the site's layout and design is difficult. However, the detailed means of vehicular access is to be included within the application and the implications for future residents and existing users needs careful consideration.

4.1.10 **SC Trees – No Objection subject to conditions**

1 The plans statements and particulars submitted with this outline application indicate a willingness to retain trees and other valuable landscape and natural environment features, which is commendable; and in Principle subject to the following considerations being addressed the Shropshire Council Tree Service has no sustainable objection to the principle of development at this site.

2 HEDGEROWS

There are a number of mature hedgerows at site, the indicative plan shows elements of these being incorporated into the landscape of the development proposal this has some merit but the longevity of these native species hedgerows in domestic gardens is questionable. The incorporation of new sections of native species hedgerow abutting the retained open space would be beneficial.

3. INDIVIDUAL TREES

As identified in the tree survey report (ref. 20600/R2/Rev2) There is only a small number of significant trees on site, of these trees T1, T3 T5 & T21 are of particular importance and merit retention within any development at this site.

3.1 T1 & T3 are key roadside trees at the entrance to Ludlow, they play a present and future role as gateway trees and therefore merit every measure to ensure their sustainable retention. Tree T5 (DBH 93cm – RPA 408m/sq / radius 11.4m) is a good specimen with long-term amenity potential. It is identified on the indicative layout in a space probably appropriate for its sustainable retention. Tree 21 is a veteran tree and a historic asset worthy of retention in an appropriate space.

3.1.1 (T1 - DBH of 106cm). This mature tree has would require a minimal root protection area (RPA) of 5.19m/sq as a circle this area would initially have a radius of 12.9m. Taking the position of the tree with a main road on its west and open pasture to its east it is predictable that it has an asymmetric rooting habit that favours the more hospitable open ground to the east. The indicative layout shows parking bays close up to the base of this tree; a situation that does not reflect the advice given in the applicants tree report (Ref.20600/R2/Rev4) and does not provide a sustainable design.

Any final revised design must incorporate a modified site layout that integrates and protects this tree in a sustainable way. This will require a realistic assessment of the arboricultural Implications to provide sustainable short & long-term protection of an appropriate rooting zone around this to serve as a functional growing medium for the tree's long-term good health.

3.1.2 T3 (DBH 84cm – RPA 327cm/sq – r10.2m). The proposed development of apartments 1-7 (Bromfield Road development) has revised the layout submitted with application 13/03862/OUT giving this tree ample room. Further revision of this plot could move these houses in order to allow a sustainable no construction zone around tree T1.

3.1.3 T21 (DBH 146cm – BS 5837 RPA 770m/sq – R 15m) this tree is a magnificent specimen in the region of 300+ years old. As a remnant of a previous landscape it is not only an important natural asset but a historic asset as well with potential through good design to be a key site feature. The indicative site plan shows the tree being retained. But the space identified for its retention appears to be considerably less than the RPA as identified in the applicant's tree survey. Retention of this tree is highly desirable but in a space and situation where it is not a burden and the public are not openly invited into the hazard target area.

The tree service therefore recommend that specific arboricultural recommendations are sought and submitted for this tree, that include the trees retention in a minimum RPA of 15m radius this to be during and after development at the site. To ensure the long-term retention of this tree it needs to be incorporated into a no access landscape area on the periphery of the open space the tree service would recommend that the tree hazard target area (where people might get hurt) be surrounded by Cheshire railings with a ring of spikey shrubs growing around the railings.

4 LANDSCAPE

4.1 The indicative plan shows almost every property with a tree in the front garden. In the tree services experience sustainable planting is better served by having a few key landmark trees set in a bespoke space appropriate for their eventual full growth. Numerous small trees crammed into front gardens frequently become seen as a nuisance and are removed as soon as their crowns start to be of a size where they start to add to the areas amenity.

4.2 A full landscape plan, planting schedule and tree planting specification needs to be a condition of any approved plan. To ensure that the landscape proposal is sustainable all tree, shrub and hedge planting included within that specification shall be referenced to and carried out in accordance with good practice as set out in BS8545:2014 -Trees: from nursery to independence in the landscape: recommendations.

5 RECOMMENDATIONS

In Principle the tree service has no objection to some form of development at this site, subject to a revised site layout that sustainably addresses the issues associated with trees T1 and T21 that are highlighted above and that were raised during consultation on application 13/03862/OUT, failure to address these issues around protected trees will meet with a recommendation of refusal from the Tree Service.

6 Further to the standard landscape conditions and a revision of the site layout around trees T1 & T21, the Tree Service recommends three conditions to ensure the trees are protected.

4.1.11 Network Rail – No Objection subject to a condition and informative.

22/10/2014 - After studying the details submitted and consultation with our Level Crossing Manager, Network Rail submits a holding objection to the above proposal, pending confirmation that the pedestrian level crossing (known as Feltons) will be closed. We have concerns that there have been instances that vehicles involved in the planning stage (drilling boreholes) have crossed the line without permission from the Signaller. At no stage either pre-development or at development stage are vehicles to use the crossing.

In order for Network Rail to withdraw its holding objection to the above proposal, the level crossing (known as Feltons) will need to be closed before any development takes place. Should the level crossing not be closed then our holding objection to this application will remain.

We note in paragraph 3.2 of the planning statement states:-

“A pedestrian footbridge over the railway line will replace an existing pedestrian level crossing and if considered desirable and appropriate, a new pedestrian footbridge could be constructed to extend from the eastern part of the site, to link with the existing open space adjacent to Fishmore View”. Details of this will need to be included with this planning application.

The footbridge over the railway requires an easement and is also subject to the necessary license agreement and clearance process from Network Rail, until the easement and license agreements are in place, Network Rail will not allow any works to take place on its property.

30/10/2014 - Further to our email dated 22nd October with a holding objection to the above proposal, after further details received from Andy Williams of Advance Land & Planning Limited advising that the applicant is prepared to accept a suitably worded planning condition regarding the closure of the level crossing.

I can confirm that Network Rail will formally withdraw its holding objection provided that an appropriately worded planning condition is placed upon any planning approval that the level crossing is to be closed before any development commences; all other comments supplied in our response of 22nd October remain.
[These are included in an informative in the recommendation.]

4.1.12 Highways Agency West Midlands – No Objection subject to a condition and informative

We understand the application is a resubmission of a previous application (13/03862/OUT), which the Highways Agency has previously reviewed. At the time, the Agency did not raise any concern with the proposed development, following the satisfactory completion of a road safety audit.

The HA has reviewed the details of the resubmitted application. Based on the information it is considered that the proposals are unlikely to adversely affect the safety and free flow of the strategic road network. This position is based on the negligible changes, in highway terms, to the design of the site since the last application. Whilst we have no objection to the principle of the development, however,

please find the attached TR110 directing a condition in respect of the proposed access in order to ensure the continued efficient and safe operation of the A49 Trunk Road adjacent to the site

As was previously advised, the application involves works to the strategic road network; therefore we have included an Informative advising that a Section 278 agreement will have to be drawn up between the developer and the HA. [The condition and informative are included in the recommendation]

4.1.13 **Natural England – No Objection**

Natural England have not responded to the consultation on the present application but previously advised as follows:

Wildlife and Countryside Act (1981) as amended & Conservation of Habitats and Species Regulations (2010) as amended

Designated Sites - No objection

This application is in close proximity to the River Teme Site of Special Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected Species

Natural England has not been provided with copies of any ecological reports and are therefore unable to make substantive comments, however, we have produced protected species standing advice to help local planning authorities understand the impact of particular developments upon protected species where impacts to them or their habitats are likely to result from a proposal. In particular, we would draw your attention to the decision tree within the standing advice which provides guidance on which habitats and features are associated with specific protected species. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

You should note that the notified features of the River Teme SSSI include the presence of otters and white clawed crayfish and that as the application site includes a stream which flows into the SSSI there is a reasonable likelihood of these species being present on the development site.

Given the information which has been provided in support of the application, we advise your authority to ensure that the relevant species have been considered and confirmed as not being affected by this development before determining this application.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other

possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice¹ on priority and protected species and their consideration in the planning system.

¹ Paragraph 98 and 99 of ODPM Circular 06/2005

Natural England Standing Advice for Protected Species is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

4.1.14 Environment Agency – No Objection subject to a condition and informative

We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted.

Flood Risk: According to our 'indicative Flood Zone Map' the site covers all three

Flood Zones, with the eastern and southern portion by the River Corve in Flood Zone 3 ('high risk', 1% annual probability of fluvial flooding) and a narrow band beyond that in Flood Zone 2 ('medium risk', 0.1% annual probability of fluvial flooding). However, the majority of the site, including the proposed residential development and associated access road, are wholly within Flood Zone 1 (low risk).

Flood Risk Assessment (FRA): Although supportive of the previous submission we did raise concerns with regards to a potential second vehicular access road under the A49. As stated in the Flood Risk Assessment Addendum (ref: w1366-140327-FRA) and the Indicative Layout Plan (ref: A537-7, Rev. G) this element of the development has been removed.

Safe Development: All proposed dwellings are to be built in Flood Zone 1 and floor levels are to be set at a minimum of 86.61m Above Ordnance Datum (AOD), which will be 300mm above the 0.1% event and 930mm above the 1% plus climate change event. These are acceptable levels. There is safe, dry pedestrian access from the site via a footbridge over the railway exiting onto Bromfield Road. As stated above pedestrian and vehicular access is available from the site on to the A49 North (completely within Flood Zone 1).

Surface Water: Your Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), will comment on the surface water management.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

4.1.15 **Severn Trent Water – No Objection subject to a condition**

The Water Company received a Development Enquiry for the Bromfield Road site from Waterco Ltd in March 2013 for a development of 200 to 250 dwellings and at that time they were advised as follows:-

Foul water would be best discharged to the 675/900mm dia trunk sewer just off Bromfield Road near Corve Street to save crossing the River Corve, but a development of this size could have not only a significant impact on the existing gravity sewerage system, as there is a Combined Sewer Overflow (CSO) to the River

Corve just downstream of Coronation Way, but also the local Sewage Pumping Station (SPS) at Fishmore View if chosen as an outfall point, therefore modelling of the sewerage network is recommended.

The first option for surface water is to utilise soakaways, but if soakaways prove to be unsuitable the second option would be a discharge to the River Corve.

Modelling work was not initiated by the Developer for this site and therefore the impact upon the sewerage network is currently unknown. As modelling of the sewerage network has not been requested for the Bromfield Road site and the Modelling Report for Foldgate Lane requires further consideration, coupled with the fact that Ludlow STWorks is overloaded, Severn Trent MAY request the Planning Authority to apply a 'Grampian Style' planning condition to both of these developments to give the Water Company time to investigate whether improvements to the foul system are necessary, for the individual or combined developments and if they are, reasonable time for the Company to provide the reinforcements.

If after the initial modelling and investigatory work is completed reinforcements are either minor or not needed the 'Grampian Style' planning condition could be released.

As it is not always known what the final extent of development is likely to be in a small town or village, modelling for the cumulative impact of developments is best carried out when more firm development proposals are known.

As I'm sure you are aware Severn Trent Water Ltd. will endeavour to meet Developers requirements for sewerage, in line with our regulatory obligations, but investment will only be committed once a planning decision has been given, in order to avoid abortive expenditure at the expense of other areas where development proposals are more definite.

4.16 **Ludlow Town Council - Object**

Object to the proposal because Shropshire Councils decision reasons are still valid. LTC supported Shropshire Councils decision to refuse the application.

5.0 **Pubic Comments**

- 5.1.1 Seven letters of objection have been received from local residents and one 'neutral' letter. The points of concern are set out below and include comments made in response to the earlier application when 19 letters of objection were received.

Location and poor access to town

I am concerned about the proposal to include a footbridge from the development on to the land adjoining Fishmore View. This is not on any logical route into the town centre. It will be dangerously near to the often fast-flowing River Corve, and will attract children to a potentially hazardous place.

There will be serious potential problems regarding entry and exit from the development onto already heavily used Bromfield Road.

As the section of by-pass designated to accommodate the changed lay-out is straight – and particularly fast moving – the proposed changes will either increase the risk of further accidents or, with speed restrictions, slow traffic down and create further

congestion.

People (including children) would be very likely to take a short cut to the new estate across the farm land at Coronation Road and then underneath the railway bridge which passes directly by our house (although we are on the other side of the river Corve). The only other access is by bridge across the railway line at the other end of the Bromfield Road, or via a footbridge close to the children's playground at Fishmore View. The proximity of a neighbourhood store and entrances to the school. Leisure centre and housing would be dangerous to pedestrians.

Councillors turned down the previous scheme because a site between a river that floods, the A49 and a railway was an unsuitable location for housing and would result in a very poor standard of living environment.

Danger and security issues relating to the footbridge to Fishmore View

There are already frequent problems with parts of the open space adjoining Fishmore View being used for underage drinking and drug use, and general anti-social behaviour, and I feel that the provision of this bridge, whilst serving no clear purpose from the point of view of communications, will encourage more gatherings of this kind.

There are safety issues for young children in the proposed "park", which will run down steeply to the river.

Many residents of the road are concerned about possible security implications resulting from the provision of this bridge and associated footpath.

Flooding

I think the effects of flooding by the River Corve on the proposed development area have been considerably underestimated. The flood line in the plans are extremely inaccurate and flooding occurs in a far wider area than shown

Flooding occurs on the opposite side of the river from the development between the River Corve and Summerfield housing estate and in the lower part of Fishmore Play area, the entrance to Summerfields Brook Cottage and up to Fishmore Road. The design has not been constructed within the context of the area and the effects on the wider area and history of flooding have not been taken into account.

The run off water from rain of a development of this size will be considerable and because the A49 and its embankment to the north means that run off water will only travel to the east and south towards the Corve causing water to accumulate more quickly in the river and flood planes making a huge increase in the volume of flood water which already accumulates here.

Fishmore Brook runs into this area and already floods on a regular basis. The flood plain in this area has been diminished considerably through the embankment along which Fishmore Road runs up to the Fishmore Road Bridge. It acts as a dam in times of flooding and water accumulates flooding the lower part of the Fishmore play area, the entrance to the Summerfield estate making the road impassible and is extremely dangerous. The Mayfields development also has been built in recent years and the ground level raised considerably which has lessened the natural food plain.

The construction of the footbridge and its embankment from the proposed development over the Corve to the Fishmore play area will create a barrier on the flood plain and a "pinch point" for flood water will be created causing water to back up and higher flood levels will be created. The A49 embankment to the north will trap the flood water causing water levels to rise rapidly spreading eastward over the flood plain next to Summerfield, the lower Fishmore Play Area and beyond. We have already seen the dreadful effects when water is blocked during the 2007 flood in Ludlow when Corve Bridge became blocked.

No contour lines have been used on the maps which makes it look as though the ground level is the same throughout the area. There is a huge difference in ground levels on the east side of the river.

Following the disastrous 2007 flooding the new bridge was built in Coronation Avenue and a considerable amount of work carried out to the water course and flood escape route under the road and through Boiling Well Meadow.

In the 10 years that I have lived at in Summerfields there have been 2 serious floods which have seriously damaged the house of a neighbour and have encroached on my garden.

The flooding is caused by the backup of water from the river Teme which in turn backs up to cause the river Corve and Fishmore Brook to burst their banks.

The additional surface run-off from the proposed 200+ properties in this development will worsen this scenario unless the developer is caused to provide run-off catchment holding ponds or similar to hold excess water until the rivers have cleared and then to release it.

When anyone wishes to buy here and a search is done, we are literally condemned because of our proximity to the river. So if the houses are built and they are on a much lower plain, insurance and saleability will be much worse.

I think that we should be listened to, we have lived here and experienced the flooding. If a buffer is built, it will push the water onto the next estate which has already experienced flooding and the land drain goes underneath their houses.

The river floods here several times each year (we have lived here for 22 years) and at these times it would be extremely dangerous for anyone taking this route. The river comes up very quickly and rages under the bridge, making it impossible and treacherous should anyone attempt to get through this way. We would of course also be concerned about any alterations made to the land which could make the river come higher up on our side when in flood. Also of concern is that a shortcut could also be taken along the railway line itself.

Not in accordance with the Development Plan

The proposal lies outside the areas suggested for housing in the SAMDev plan.

Impact on local services

With St Laurence's primary school and the County Junior school at full capacity and the doctors surgeries at full stretch and the abandonment of the new hospital project and the fact that a development for 95 homes in Fishmore Road has already been passed I wonder if the towns infra structure will be sufficient to cope with so many families.

Ludlow is a medieval market town and not structured to cope with continual expansion. If the hospital was unfit for purpose 13 years ago and is only guaranteed to be usable for a 2 – 5 years how will residents medical needs be catered for? Doctors complain their surgeries are inadequate and students have to travel up to 30 miles to find suitable courses to study. Coder Road refuse site is due to close. Car parking and park and ride is not up to standard. Will schools be able to cope?

The sewerage system on Bromfield Road has problems. Periodically at the junction of Felton Close and Bromfield Road the sewage comes up through the cover and on one occasion this occurred for five hours. It is wrong to add any more development to a system that is obviously full to capacity.

The Planning Authority must ensure that the developer adopts and pays for a long term solution to the whole question of sewage disposal.

Impact on ecology

Otters inhabit the waters in this area and are a protected species There are several holts along the river in the banks and in nearby fields. Any construction work will destroy their habitat.

It seems such a shame to build on this plot which is home to a variety of wildlife including, we understand, otters which are protected. We trust that no trees will be disturbed along the river banks.

Proximity to railway

Network Rail often have to work on the line and safety advice is in place while work is carried out.

5.1.2 A letter of support has been received from the The Wrekin Housing Trust stating:

The Wrekin Housing Trust has been in discussion with Tesni Properties Ltd regarding the need for additional affordable housing in Ludlow and the potential that this scheme has to deliver a proportion of homes that we can acquire and allocate to people from the Council's Housing Register (Shropshire HomePoint).

We can confirm that there is a significant and unmet need for affordable housing in the town. The Trust therefore supports this Outline proposal and would encourage early formulation of a viable detailed scheme, which both addresses the technical site constraints and delivers the required percentage of affordable homes as determined through Council policy.

6.0 THE MAIN ISSUES

- Principle of development
- Location and sustainability
- Impact on landscape and heritage assets
- Highway safety and accessibility
- Flooding and drainage
- Ecology and trees
- Residential amenity – noise impact on neighbours
- Impact on local services
- Affordable housing and CIL

7.0 OFFICER APPRAISAL

7.1 Principle of development

7.1.1 Development Plan:

CS3: Market Towns and Key Centres sets out the policy for the development of the identified towns and key centres. Ludlow is a market town and is seen as the focus for the development of services and facilities for the wider hinterland with balanced housing and employment growth. The application site is outside the town's development boundary as identified in Policy S1: Housing Development of the South Shropshire Local Plan. CS5: Countryside and Green Belt seeks to strictly control new development in the countryside requiring development to maintain and enhance the countryside's character and vitality, and improve the sustainability of rural areas.

CS6: Sustainable Design and Development Principles seeks to ensure the delivery of high quality sustainable development that takes account of its setting, context and local character. CS6 also seeks to safeguard residential and local amenity. CS7: Communications and Transport seeks to ensure sustainable communication and transport solutions by improving accessibility and managing the need to travel. CS17: Environmental Networks ensures that all development protects and enhances the high quality of the natural, built and historic environment and that development does not have a significant adverse impact on Shropshire's environmental assets.

National Planning Policy Framework:

The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

Emerging policy:

Shropshire Council submitted the SAMDev Plan for Examination on 1 August. Although the programmed hearing sessions closed on 18 December there are some outstanding matters that may require additional limited hearing time. Even if further sessions are not required the Examination does not formally close until the Council has received the Inspector's Report.

As set out in paragraph 216 of the NPPF, the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Plan is clearly at an advanced stage in the terms of para 216, but there are unresolved objections to some aspects of it, so the SAMDev Plan policies can be given some weight, but limited weight (depending on the policies being referred to) pending the outcome of the Examination.

Of particular relevance are Policies S10: Ludlow area and MD3: Managing housing development. S10 sets out the emerging approach to the future development in the town supplementing adopted Policy CS3. The residential growth requirement for Ludlow is for around 875 dwellings from 2006 to 2026. Since 2006 around 511 dwellings have been completed or have planning permission leaving a residual requirement from now up to 2026 of around 364 dwellings. The Submission version of the Plan includes draft allocation proposals at Rocks Green (around 200 dwellings) and a mixed use site east of the Eco Park (for around 80 dwellings). MD3 sets out the overarching approach to consideration of housing development proposals. It should be noted that there are outstanding objections that will be resolved through the outcome of the Examination following consideration by the appointed Inspector.

Housing supply:

At November 2014, using data up to 31st March 2014, Shropshire Council considers that it can demonstrate a 5 year supply of housing land. The Five Year Housing Land Supply Statement prepared for the SAMDev Plan Examination shows 5.43 years' supply for Shropshire, which includes the 20% buffer for 'persistent under delivery' and catching up for past delivery shortfall within five years (around 2000 houses). It is already clear from the SAMDev Plan Examination Inspector's Interim Note (<http://shropshire.gov.uk/media/1283086/Inspectors-Interim-Note-1-Strategy.pdf> dated 2 December 2014) that the Core Strategy housing requirements are considered to apply to the SAMDev Plan and to the calculation of the 5 years supply i.e. the question of the 'objectively assessed need' for housing does not need to be reconsidered at this time.

Assessment of proposal:

The application site is outside, but directly adjacent to, the development boundary of Ludlow as defined in the adopted South Shropshire Local Plan (S1: Housing Development). This policy forms part of the Development Plan until replaced by policies in the SAMDev Plan and remains the starting point for consideration of housing proposals and some weight can be attached to it. The site therefore falls under Policy CS5: Countryside and Green Belt which restricts the development of new market dwellings allowing only new build affordable or agricultural dwellings that meet an identified local need. This policy framework, along with the fact the site is not included as a draft allocation within the emerging SAMDev Plan, does not establish the principle of open market residential development in this location. The site is beyond the defined development boundary of Ludlow, and therefore residential development here would represent a departure from the Local Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is necessary to consider whether material considerations, such as the NPPF's presumption in favour of sustainable development and need to significantly boost housing supply (which apply in any event), in this instance warrant a departure from

the Local Plan.

Ludlow is identified as one of the market towns and other key centres in Policy CS3 of the Core Strategy. The Core Strategy states that “balanced housing and employment development” within development boundaries and on allocated sites will help key centres “maintain and enhance their roles in providing facilities and services to their rural hinterlands, and [in] providing a foci for economic development and regeneration”. CS3 identifies that Ludlow will provide a focus for development in Southern Shropshire, whilst respecting its historic character and includes an indicative level of residential development of 500 to 1000 houses over the Plan period (2006-26). Submitted SAMDev policy S10 provides greater detail to the strategy for Ludlow and proposes a housing guideline of around 875 dwellings in the Plan period and allocates a number of sites for development. The application site is one of a number of sites considered during preparation of the SAMDev Plan but is not identified as a draft allocation for future development within the submission version. The applicants have only fairly recently resolved the access arrangements reflecting some uncertainty over suitability of access during preparation of the plan. Alternative options were chosen instead reflecting a potential long term direction for growth in the town.

The proposed development has the scope to significantly boost housing supply in Ludlow but, in doing so, would also mean development in excess of the town’s emerging SAMDev Plan housing guideline figure. However, as noted earlier, the housing requirement itself forms part of the emerging SAMDev Plan and has to be treated with caution. Submitted SAMDev Policy MD3 indicates that the cumulative impacts of development can be a relevant policy consideration, however, in the context of the limited weight that can be attached to this policy pending the outcome of the Examination, it is considered that MD3 should not be given significant weight in this instance. In this context, the benefits arising from the development, and the impacts of the development, must be considered within the context of the presumption in favour of sustainable development (these considerations are also part of emerging MD3).

Due to the location, a clear concern with the site is the creation of appropriate access arrangements. The applicants have demonstrated a solution to gaining access from the A49 that has evolved from that initially presented in the original application (this access is subject to agreement from the Highways Agency due to being from a ‘trunk road’). Although the entrance/exit from the A49 now provides a roundabout, rather than the convoluted left in/left out arrangement originally presented, this still presents concerns for vehicular traffic in relation to the connections to the town’s local road network for future residents. To drive into the town, future residents will have to either go via the A49 to the north to reach the junction with B4361 to turn right across the A49 southwards on to Bromfield Road or, alternatively, they will head east along the A49 and go into town along Henley Road via the roundabout at Rocks Green. This effectively doubles the length of journey using the private car into the town compared to walking. The proposed non-vehicular bridge over the railway onto Bromfield Road is therefore a fundamental part of the scheme to enable pedestrian/cycle access to the site which is not achievable via the A49. The proposal also includes a potential bridge over the River Corve connecting to Fishmore View.

There are also other matters which need to be considered when determining the application. The site assessment that has informed production of the emerging SAMDev Plan recognises that there are some merits to the site. Although the Landscape Sensitivity and Capacity Study did not cover this site, the SAMDev assessment drew on the Shropshire Landscape Character information which identified 'low' landscape value. The applicant should demonstrate that any impacts on the landscape can be mitigated (notwithstanding the detailed design is a reserved matters).

The overall site area contains a significant amount of land within Flood Zones 2 and 3. The proposed residential development lies outside these areas of highest flood risk. The original proposal included access arrangements that required a road under the bridge over the River Corve carrying the A49 and it is noted that the proposed access arrangements remove the requirement to access the site via this route. Consideration will need to be given to open space provision. The scheme includes a large amount of public open space along the River corridor (because of the flood risk in this area). Other than the 'riverside park' the public open space on the indicative layout is centrally located but appears fairly small. Consideration will be need to be given to the internal layout at reserved matters should the application be granted permission.

The proposal also includes a retail unit west of the rail line. Policy CS15 allows for provision of "neighbourhood based local shopping and other community facilities" that "help to consolidate and improve existing provision" or "serve significant new developments". The development of 215 houses in Ludlow would represent significant development and this location may potentially be appropriate for a small neighbourhood store to serve the proposed development and also existing residents in the area. As the store is not over 300 sqm it is considered that it complies with Policy CS15 with regards support for 'neighbourhood based local shopping

Conclusion

The application is for residential development north of the town but adjacent to the existing (and emerging) development boundary. There are clearly a number of challenges presented by the site and these will have to be overcome within the application to demonstrate that a proposal here is sustainable.

Residential development in this location is not in accordance with the Development Plan (Core Strategy and South Shropshire Local Plan) or the emerging SAMDev Plan. Although the SAMDev Plan has reached the Examination stage this needs to be treated with caution along with other relevant material considerations including the presumption in favour set out in the NPPF. The Plan is prepared in the strategic context of a number of site options and consideration of overall residential requirements, but the individual merits of particular, specific proposals in particular locations put forward through planning applications must be considered on their merits at the time of decision making.

It is clearly important to establish whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development and the aim of significantly boosting housing supply (following the NPPF). It should be

recognised that, as this proposal will be for an outline application, a detailed assessment of the sustainability of the site's layout and design is difficult. However, the detailed means of vehicular access is to be included within the application and the implications for future residents and existing users needs careful consideration.

8.2 Location and sustainability

8.2.1 The site is located approximately 1.2Km to the north west of Ludlow which has the range of community services and facilities that you would expect to find in a market town. It is the last large, undeveloped area of land contained within the by-pass. The railway line to the west prevents vehicular access to Bromfield Road for all but a small portion of the site and a new roundabout to the A49 is proposed. New ramped bridges are proposed over the railway and River Corve for pedestrians and cyclists to provide access to the town from Bromfield Road and Fishmore View via Fishmore Road. Bus services operate along Bromfield Road and services could be extended to include the site if the development goes ahead. The housing density, excluding the Public Open Space, is around 32 dwellings per hectare which is neither excessive nor a profligate use of the land available.

9.2.2 The site is in a sustainable location with good access to local services, leisure facilities and schools. Development of the site is considered to meet the sustainability objectives of Policies CS1, CS3 and CS6 of the Core Strategy.

9.3 Impact on landscape and heritage assets

9.3.1 The application is accompanied by a comprehensive Landscape and Visual Appraisal which systematically analyses the impact of the development on the landscape setting of the town and the visual effects from twelve key viewpoints around the area.

9.3.2 The site is low lying in relation to the rest of the town and is well screened by trees along the A49 embankment and the south bank of the River Corve. The nature of the surrounding topography, roads, railway line and landscape features, all serve to ensure that the site is well contained and generally well screened from wider views. It relates well to the built form of the town and does not extend into open countryside. The study concludes:

This report highlights that development would create a very low level of both visual and landscape impact, and negligible levels of visual impact from any viewpoint in open countryside.

The proposed site offers an opportunity to provide a significantly-sized development with unusually low levels of either landscape or visual impact. The site has a low landscape sensitivity. Whilst development would result in a large magnitude of change the most sensitive area, towards the River Corve, is well protected and actually offers an opportunity for significant landscape and ecological enhancements within an overall landscape scheme. Beyond the site boundary, following a short-term slight impact on the landscape character of a small area to the north of the site, landscape mitigation proposals will ensure the long-term landscape impact of the proposed roundabout will be negligible. Other opportunities exist, within front gardens the sizeable open space buffer and boundary planting, to further mitigate any landscape impact through the introduction of native planting in keeping with the landscape character of the area.

In terms of visual impact, compared to other sites within the Ludlow Housing Sites Assessment, this site would cause the least impact by far. Whilst it is beyond Ludlow's existing development boundary, it is clearly within the confines of the town. It sits low against the town, is

contained by the by-pass and is extremely effectively screened by both local landform and vegetation. Practically no views from open countryside exist within a 5km range and if they do, are fleeting and the site associates extremely well with the existing built form of the town. From the most sensitive viewpoints, the site is not visible.

Officers agree with these conclusions and consider the impact on the landscape character of the area to be acceptable.

- 9.3.3 The applicant has commissioned an archaeological desk based assessment and heritage impact assessment for the development proposal. The assessment concluded that, in terms of the setting of heritage assets, there would no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. It also identified four examples of archaeological remains within the site that are of local significance only and provide evidential value of post-medieval agricultural practice, some of which could be retained within an area of public open space.
- 9.3.4 In respect of previously undiscovered archaeology, the report identified a moderate to high potential for archaeological remains to be present within the development boundary based on its location and other archaeological sites in the surrounding area. A programme of geophysical survey has been undertaken within the site boundary that has identified some anomalies likely to be associated with agricultural practice and two additional unresolved anomalies that may have more archaeological significance but which are limited in extent.
- 9.3.5 The Historic Environment Officers are satisfied that the impact on heritage assets has been properly assessed and there are no fundamental objections to development of the site subject to a condition requiring a further programme of archaeological work to be undertaken prior to development commencing. The proposals are considered to be in line with the requirements of Policy CS17 of the Core Strategy.
- 9.4 **Highway safety and accessibility**
- 9.4.1 Access to the site has been a major issue and is probably the reason why the site has not been developed at an earlier date. Vehicular access from Bromfield Road to the main part of the site is precluded by the railway line to the west. To demonstrate that a safe vehicular access can be achieved from the A49 to the east, the applicant has commissioned a detailed Transport Assessment, including forecasts and modelling, Travel Plan and engineering details. A new full sized roundabout is proposed midway along the frontage of the site along the A49. It will have a single spur off the embankment into the site. The Highway Agency has been involved in discussions over access direct from the A49 and has accepted that the provision of a new roundabout on the A49 is both feasible and acceptable in terms of highway safety.
- 9.4.2 Access is not a reserved matter and through the TR110 response, the HA have directed that a condition be placed on any forthcoming permission to ensure that access arrangements are in place before building commences on site. This condition is included in the recommendation.
- 9.4.3 A small portion of the site lies to the west of the railway and will have an access to Bromfield Road. The revised illustrative layout shows seven instead of thirteen

dwellings on this side of the railway and a neighbourhood shop served by the access. In consultation with the Highways Officer, drawings have been submitted showing the existing arrangement and proposed access from Bromfield Road in the vicinity of the neighbourhood shop. The present unmanned level crossing providing access to the field across the railway would be closed. A bridge for pedestrian and cyclist access over the railway will be constructed to provide a convenient link to the leisure centre and schools. A bridge over the River Corve is also proposed to link the development with open space adjacent to Fishmore View. This bridge has to span a significant increase in height from the site to the southern bank of the Corve but will be a useful cycle link between the estate and the town.

- 9.4.4 The bridge over the River Corve is not popular with local residents but from a highways and planning perspective the proposed footway/cycle link forms a significant element of the development proposals and provides a useful link between the proposed development site and local amenities. It is an alternative route to the town centre and a pleasant route from houses on the eastern side of the town to the leisure centre and Ludlow High School.
- 9.4.5 The applicant is willing to remove the bridge from the proposal and would amend the proposals accordingly on request. But the development site is already restricted in terms of pedestrian and cycle links. The bridge increases the sustainability of the proposal and Officers would be very concerned if this link was removed from the scheme.
- 9.4.6 Ultimately if the scheme was amended to delete the bridge, it is not considered that an argument that the bridge is essential on highway safety or sustainability grounds could be sustained on appeal. Notwithstanding the concerns of local residents that people would park in Fishmore View to walk dogs, the bridge increases the sustainability of the site and would be a valuable community asset serving a large number of people. The opportunity to provide the link would be lost. This is a case where the public benefit should prevail.
- 9.4.3 The Highways Officer has no objection to the proposals subject to conditions and the access arrangements are considered to meet the requirements of Policy CS6 of the Core Strategy.

9.5 **Flooding and drainage**

- 9.5.1 Flooding is a major concern of local residents following the flood events of recent years. The application site is primarily located in Flood Zone 1 but the southern portion of the site, adjacent to the river, falls in Flood Zones 2 and 3 of the River Corve and as a consequence a comprehensive Flood Risk Assessment (FRA) and hydraulic modelling based on the latest available data has been provided which includes hydraulic modelling of flood scenarios. The illustrative layout has been designed to demonstrate that houses and the vehicular access can be accommodated outside the high risk area. The public open space occupies the area most at risk of flooding. The Environment Agency has assessed the FRA and has no objection to the proposal.
- 9.5.2 The proposed development increases the impermeable area of the site by

approximately 40%. This increase in impermeable area results in an increase in peak rate and volume of the run-off for the site. The agent has provided a strategic drainage scheme to illustrate how surface water will be dealt with on site. Essentially rainwater run off will be no greater than at present and water holding facilities in the form of a tank and large pipes together with flow control will ensure that water runs off at the same rate as at present. Conditions are proposed to ensure that details are submitted with the reserved matters application. It is important to note that both the Council's Flood Risk Management Team and engineers at the Environment Agency have vetted the figures and do not object to the proposals. The Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage.

9.5.3 Foul drainage will be taken to the main sewer. The submitted Planning Statement states that development may have a significant impact on the existing gravity sewerage system which already has capacity issues. Therefore developer funded hydraulic modelling of the sewer system has been requested in order to establish whether (a) the development is expected to have no detrimental impact or (b) that in order to accommodate the additional flows, capacity improvements will be required. Following investigations, a pumping station is proposed with discharge to one of 3 routes - over the footbridge to Corve View; over the footbridge to Bromfield Road or under the A49 for a stretch to make a connection south of the site. Severn Trent Water (STW) has been consulted on the latest position and their comments are reproduced in paragraph 4.1.15. If improvements are needed these will be funded by the developer and further details are required at the Reserved Matters stage by a condition.

9.6 Ecology and trees

9.6.1 The site is not subject to statutory or non-statutory designations and the pasture land is generally of low ecological value. However, the river bank and mature trees are of ecological interest and important for biodiversity. An ecological assessment of the site has been carried out including a Phase 1 Habitat Survey and additional bat, crayfish, otter and water vole surveys. The County Ecologist is satisfied that the proposal will not have a detrimental impact on the natural environment provided conditions are imposed requiring a method statement for the construction of the bridge over the river and the provision of bat and bird boxes. There will be opportunities to enhance the biodiversity of the site through additional planting along the river bank in the area of public open space.

9.6.2 The majority of trees on the site are in groups or areas of young woodland around the margins of the site and will not be affected by the development. However, there are four significant oak trees within the site that require protection and conditions are suggested to ensure they are retained and protected if development goes ahead. These are landmark trees at the northern gateway to Ludlow and their presence has high amenity value. To this end, a Tree Preservation Order has been made to reinforce their importance and protection.

9.6.3 Officers are satisfied that the proposal will protect and enhance the natural resources of the site in accordance with Policy CS 17 of the Core Strategy.

9.7 Residential amenity

- 9.7.1 The eastern side of Bromfield Road contains mature properties situated in large gardens and a small group of houses at Felton Close with industrial premises and a farm yard towards the bottom of the road. The rear gardens of these properties back onto the railway line and some have views over the site from upper floor windows. Across the river on higher ground is Fishmore View; comprising a cul-de-sac of modern houses. There is a children's recreation area off Fishmore View that contains a play area and informal open space.
- 9.7.2 No issues of overlooking will arise between the existing and proposed houses. However, residents of Fishmore View are concerned that access through their estate to the Public Open Space proposed over the bridge and along the river will encourage groups to gather and result in anti-social behaviour. This may or may not occur but it can be minimised by 'designing out crime' and this will be considered when Reserved Matters are submitted. More serious issues would be tackled through community policing. The benefits of access across the river for the wider community out-weighs the risks of misuse of the area.
- 9.7.3 The proposed houses will be subject to some noise and vibration from the A49. An Environmental Noise Assessment has been conducted and this concludes that suitable mitigation measures can be specified in order to achieve the 'reasonable' standard set out in BS8233 for internal noise levels in living rooms and bedrooms. The measurements of vibration dosage values (VDV) provides evidence to suggest that environmental vibration levels are not likely to give rise to an adverse living environment for future residents. The Council's Public Protection Officers have considered the studies and have no objection to the proposal subject to the submission of further details when the Reserved Matters application is submitted.
- 9.7.4 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the Reserved Matters stage when details of the layout, scale and appearance of the development are available that the residential amenities of the development can be assessed. At this stage there is no cause for concern about the impact of noise from the A49 on proposed residents or the impact of the proposal on the living environment of nearby houses.

9.8 Impact on local services

- 9.8.1 Local residents have raised concerns about the capacity of local schools and health services to cope with the additional demand arising from a further 215 houses being built. The Education and Health Authorities are involved at a strategic level in local planning and develop their services in accordance with projected increases in population. Health services are currently the subject of a public consultation exercise in Ludlow following the decision not to proceed with the new hospital. In both cases it is the duty of the services involved to respond to increased demand in line with Government requirements.
- 9.8.2 The proposals include the construction of retail unit of up to 300 sq m in size with an access from Bromfield Road. The provision of local services is encouraged by policy

CS8 of the Core Strategy.

9.9 Affordable housing and CIL

9.9.1 Core Strategy policies CS9 and CS11 require new residential developments to make a contribution to affordable housing and infrastructure costs. The proposal will deliver affordable housing at the prevailing rate (currently 15%) to comply with policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the contribution will be secured through a section 106 Agreement, with the amount being determined at the Reserved Matters stage in the event that outline planning permission is granted. In addition, a Community Infrastructure Levy will be chargeable based on the resulting floorspace of market houses (currently £40 per sq m). These are substantial benefits arising from the development.

10.0 CONCLUSION

10.1.1 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states (para. 14) that 'where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted'.

10.1.2 The proposal would involve the development of up to 215 houses and a neighbourhood shop on the north west side of Ludlow on a site within the by-pass. Residential development in this location is not in accordance with the Development Plan (Core Strategy and South Shropshire Local Plan) or the emerging SAMDev Plan. Although the SAMDev Plan has reached the Examination stage it has to be treated with caution as there are unresolved objections and the five year supply of housing land is disputed. In line with the presumption in favour of sustainable development set out in the NPPF, SAMDev policy MD3 acknowledges that subject to meeting specific criteria, sustainable housing development should be granted permission in addition to sites allocated in SAMDev.

10.1.3 The test to apply is whether the benefits outweigh the adverse impacts of the proposal. These issues should be considered in the context of the three dimensions of sustainable development set out in the NPPF.

10.1.4 Environmental Benefits and Impacts

The site lies within the built form of Ludlow and is contained within the by-pass. Due to its low lying nature, the development of this land would not significantly detract from the wider landscape setting of Ludlow or the immediate locality. Neighbour amenity would be safeguarded and there are no ecological, archaeological or drainage reasons that would justify a refusal of outline planning permission.

The Highway Agency and the Council's Highways Officer have considered the Transport Assessment and confirmed that the design of the roundabout on the A49 and junction on Bromfield Road will be safe for residents and road users. The Public Protection Officer is satisfied that background noise from the road and railway is

within acceptable limits and will not result in a poor residential environment. There are many examples of houses in similar proximity to the A49 and railway throughout the town.

In terms of impacts, grade 3 agricultural land development will be developed and the urban area of the town extended.

It is concluded that the proposals are capable of complying with Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy and there are no overriding environmental impacts.

10.1.5 Economic Benefits and Impacts

All housing schemes have benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money in the wider area on local goods and services, thereby supporting the vitality of the local community. In accordance with Policies CS9 and CS11 of the Core Strategy, the proposals provide affordable housing and CIL funding at a rate of £40 per m². The New Homes Bonus paid to local authorities and ongoing community charge revenue would also provide economic benefits.

There would not be any obvious adverse economic impacts and overall the economic effects of the proposals would be positive.

10.1.6 Social Benefits and Impacts

In the context of the NPPF the provision of market housing should be given substantial weight as it is the Government's policy to significantly boost the supply of housing to meet the identified needs of the population. The site will make a significant contribution to the supply of housing land available in the town over and above the proposed SAMDev allocations.

Residents of Fishmore perceive problems from anti social behaviour associated with providing a bridge from the site to Fishmore View. The bridge is an important element in the sustainability of the site and Officers strongly recommend its retention as part of the scheme. It will provide a safe and convenient link to the schools and leisure centre from housing on the east side of the town.

10.1.7 The site is in a sustainable location in relation to the town of Ludlow. The principle of residential development would accord with the environmental, social and economic dimensions of sustainable development set out in the NPPF. The balance weighs heavily in favour of granting planning permission subject to appropriate conditions and a legal agreement to deliver the affordable housing. Detailed technical aspects of the scheme would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

10.1.8 Officers appreciate the concerns of members to provide a good quality of living environment for future residents. However, members are urged to re-consider their earlier decision on this development. The site is close to the A49, the River Corve and the railway but their dangers can be dealt with by appropriate fencing and landscaping to prevent access. There are many existing dwellings in similar locations in the town. It would be very difficult to demonstrate to a Planning Inspector that the

noise and safety considerations, location and accessibility are such that a refusal of planning permission is justified.

11.0 **Risk Assessment and Opportunities Appraisal**

11.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

11.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

11.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

12.0 **Financial Implications**

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

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

13.0 **Background Information**

13.1 **Relevant Policies**

Central Government Guidance:

National Planning Policy Framework

Part 1: Building a strong, competitive economy

Part 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

Shropshire Core Strategy:

CS1 Strategic Approach

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Saved South Shropshire Local Plan Policies

SD3 Settlement Strategy

SPD on the Type and Affordability of Housing

Open Space Interim Planning Guidance

13.2 Relevant Planning History

13/03862/OUT Outline application for residential development (up to 215 dwellings); public open space; highways works; access roads and pedestrian footbridges; and a Neighbourhood Store (Class A1 Retail) not exceeding 300 sq.m internal floorspace, associated engineering and accommodation works. REFUSE 30th July 2014

Appeal

15/02192/REF Outline application for residential development (up to 215 dwellings); public open space; highways works; access roads and pedestrian footbridges; and a Neighbourhood Store (Class A1 Retail) not exceeding 300 sq.m internal floorspace, associated engineering and accommodation works. INPROG

14.0 **Additional Information**

14.1 List of Background Papers

Planning file: 14/04455/OUT

<http://planningpa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NCTQPGTD07U00>

14.2 Cabinet Member (Portfolio Holder)

Cllr M. Price

14.3 Local Member

Cllr Andy Boddington

Appendix 1 – Conditions

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

1. Details of the scale, layout, appearance and landscaping of the development; (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. Nothing in this permission shall be construed as giving approval to the housing layout shown on the plans accompanying this application as such details indicated on the plans accompanying the application are for illustration purposes only.

Reason: To define the permission and to retain planning control over the details of the development

5. No construction works associated with the development, on land on the northern side of the railway line requiring access from the A49 (hatched red in drawing J244 Figure 1), shall commence until the access proposals have been completed to the satisfaction of the local planning authority in consultation with the Highways Agency, as shown in drawing T17113-120, or in accordance with any design changes approved by the planning authority in consultation with the Highways Agency.

Reason: Directed by the Secretary of State for Transport to enable the A49 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in

writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. No development shall take place until the level crossing, known as Feltons, adjoining the site is permanently closed to vehicles and pedestrians in accordance with details that shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety.

8. With the exception of work to provide the roundabout on the A49, construction works shall not take place outside the following times:
 - Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13.00hrs
 - Nor at any time on Sundays, Bank or Public Holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

10. No development shall take place until details of 'Pedestrian and Cycle Access 1 - the bridge over the railway line' and 'Pedestrian and Cycle Access 2 - the bridge over the River Corve' including the layout, design and construction have been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed before the first house is occupied or in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To ensure that suitably designed bridges are provided for pedestrians and cyclists at the earliest opportunity.

11. No development shall take place until details of the means of access to Bromfield Road, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before any of the houses or retail unit to the west of the railway line are commenced.

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

12. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

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

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

14. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a series of trial trenches that targets anomalies identified in the geophysical survey and tests a proportion of the non-responsive areas to determine the presence or absence of un-recorded archaeological deposits. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. Findings from the evaluation may determine that additional archaeological mitigation would be necessary and a further programme of archaeological work would then need to be undertaken to fulfil the condition.

Reason: The area is of archaeological potential and it is important that any archaeological features and finds are properly recorded.

15. No development shall take place until a scheme for the insulation of the houses in respect of noise and vibration has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the house and shall thereafter be retained.

Reason: To protect the amenities of occupiers of nearby properties from excessive noise from the A49.

16. No ground clearance, demolition, or construction work shall commence 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 to BS5837:2012. The approved scheme shall be retained on site for the duration of the construction works.

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.

17. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

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

18. All amendments' and modifications to the approved plans and particulars; or plans and particulars issued for the delivery of reserved matters; or establishment of services or special engineering measures that will require encroachment into the tree protection zone(s) identified in the approved tree protection plan will be supported by a supplementary arboricultural impact assessment and method statement; and the proposed amendments' / works will not be enacted upon without the written approval of the Planning Authorities.

Reasons: To ensure that works supplementary or in variance to the approved plans and particulars cause no damage to retained trees and/or hedgerows on site during the development.

19. No development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;

- ii) Compliance with planning conditions relating to nature conservation;
- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

20. No demolition or construction works will commence on site until the applicant or their agent has notified the Local Planning Authority of the full establishment of the tree protection measures and received written confirmation from the Planning Authority that the measures have been established / implemented satisfactorily.

Reasons: In order that the Planning Authority has an opportunity to ensure that the Tree Protection has been adequately established in accordance with the Tree Protection Plan.

21. No development shall take place until details of a phased drainage scheme, that has been informed by an assessment of the hydrological and hydrogeological context of the development in relation to the disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity within the public sewerage system to accommodate the development, has been submitted to and approved in writing by the local planning authority.

No dwelling hereby permitted shall be first occupied until the drainage scheme approved by the local planning authority has been implemented and the works completed in accordance with the approved details and until confirmation of such, in respect of the foul sewerage system improvements have been obtained from Severn Trent Water Limited and a copy of that confirmation has been provided in writing to the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

23. Prior to the first occupation of the dwellings details of ten woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

24. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of nesting opportunities for wild birds

25. Prior to occupation of any dwelling, details of ventilation to rooms requiring protection from noise as detailed in report reference 14151A-2 submitted with this application shall be submitted for approval in writing by the Local Planning Authority. Approved plans and details shall be implemented on site in full.

Reason: To protect the health and well-being of future residents.

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

26. Other than the details shown on the approved plans, there shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 85.71m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of the River Corve (Main River) inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

27. The Travel Plan Measures (ref: DTPC report no. J244/FTP dated September 2013) shall be implemented within one month of the first occupation of any part of the residential development. The Travel Plan measures shall relate to the entirety of the development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with section 4 of the NPPF.

Informatives

1. The land referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing.
2. Electric Charging Points

The Council encourages the installation of electric vehicle charging points in new housing development. As they are relatively inexpensive, all dwellings with off road parking and/or garages on a development of this size should be provided with this facility. In this way the development can increase its sustainable credentials. Electric vehicle charging points typically require a 16 amp power supply and are relatively inexpensive to put into a garage or onto a driveway when a dwelling is built however can be a considerable cost if trying to retro fit a building in future.

3. 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).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4. 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 bird's 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.

5. Drainage Advice

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where 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.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The sites topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable. The Management Train Approach should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

Please provide information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Consent is required from the service provider to connect into the foul main sewer.

6. Highways Agency Informative

All roads in connection with the proposed roundabout, including the spur to access the site, are considered to be part of the access arrangements.

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highway Agency therefore requires you to enter into a suitable legal S278 agreement to cover the design check, construction and supervision of works. Contact should be made to the Highways Agency's Section 278 Service Delivery Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk

The applicant should be made aware that any works undertaken to the Highways Agency network are carried out under the Network Occupancy Management policy, in

accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety.

7. Network Rail Advice

Fencing

The Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Site Layout

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Foundations

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on any cutting and no deep continuous excavations parallel to the boundary without prior approval.

Plant and Materials

There is a risk the use of plant and materials which in the event of failure could fall on to Network Rail's land. These operations will require Network Rail supervision.

Drainage

All surface water drainage should be directed away from the company's land to the public mains system. Soakaways are not acceptable where the following apply :

- o Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure

Excavations/earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the

railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Ground Disturbance

The works will involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Access Points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

Environmental Issues

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

De-watering

No de-watering on site without Network Rail's consent.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety Barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

In order to mitigate the risks detailed above, the Developer should contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

8. Environment Agency Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Corve, designated as 'Main River'. The applicant should contact James Turner in the Partnerships and Strategic Overview team to discuss the Flood Defence Consent further (01743 283 507).

9. Public Open Space

The proposed layout for the site should include the provision of public open space in accordance with the Council's Open Space Interim Planning Guidance (IPG) which is available on the Shropshire Council web site at www.shropshire.gov.uk.

10. Statement of Positive and Proactive Working

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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

Central Government Guidance:

National Planning Policy Framework

Part 1: Building a strong, competitive economy

Part 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

South Shropshire Local Plan Saved Policies:

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS3 The Market Towns and other Key Centres

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS13 Economic Development, Enterprise and Employment

CS15 Town and Rural Centres

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing
Open Space Interim Planning Guidance (IPG)

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