

## Development Management Report

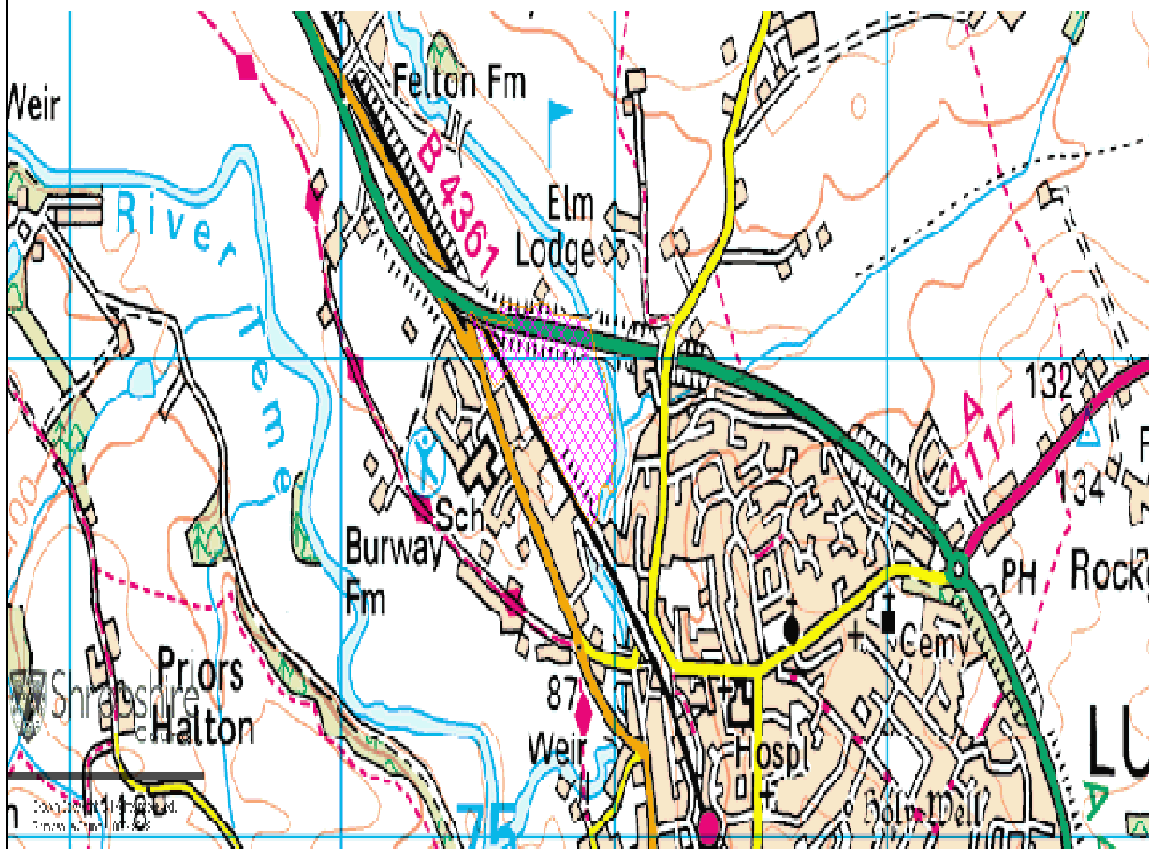
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 13/03862/OUT	<b>Parish:</b>	Ludlow Town Council
<b>Proposal:</b> 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.		
<b>Site Address:</b> Proposed Residential Development South Of A49 Ludlow Shropshire		
<b>Applicant:</b> Tesni Properties Ltd		
<b>Case Officer:</b> Julie Preston	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 350861 - 275980



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

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This is an outline planning application for:

- Up to 215 dwellings (illustrative plans show 211 dwellings - a mix of 51 no. 2 bedroom, 102 no. 3 bedroom, 54 no. 4 bedroom dwellings and 4 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.

- 1.2 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.
- 1.3 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 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.

With regard to noise I am satisfied that the data provided is sufficient. However, the report has based its recommendations for the level of mitigation on reasonable standards in bedrooms at night taken from BS8322 which equates to an internal noise equivalent to 35dB. World Health Organisation Guidelines on Community Noise 1999 states that the target level for internal noise in bedrooms is 30dB. As a result I would recommend that this is used as the target level.

As a result it is noted that houses marked in red in Appendix G:-glazing mark-up of the report will have an LAeq that meets the target level however properties marked in blue on the same diagram will have an LAeq of 33.5 dB with the glazing specified. I would like the applicant to consider a higher specification glazing for bedrooms marked blue on the above diagram in order to bring the predicted noise level closer to the target level. This would be more than achieved if the same glazing for bedrooms marked in red were used (6/100/4) however there may be a more cost affective solution.

I would also point out that windows must be closed in order to achieve the noise levels stated in this report. Therefore ventilation measures must be proposed to all rooms noted in the assessment that does not compromise the predicted noise levels achieved by suitable glazing in order to allow adequate ventilation with windows closed.

I recommend that a condition is placed on any permission requiring the submission of a scheme of noise mitigation.

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)**

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. The proposed junction layout shown on Drawing J244/A49 Footpath RT/FIG 3 is not in accordance with The Traffic Signs and Regulation and General Direction 2002, the junction arrangement will require further consideration, areas of hatching marking will need to be removed to reduce driver confusion for vehicles travelling towards the A49. All details should be submitted and approved prior to commencement of works on site.

##### 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 retail unit 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**

The updated Ecological Assessment dated 22nd November 2013 includes the results of additional bat, crayfish, otter and water vole surveys undertaken in 2013. The 21st March 2014 update relates to the amended access arrangement now involving a new roundabout. 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.

The email dated 2<sup>nd</sup> May 2014 from Atmos Consulting states that “we don’t envisage any direct impacts on white clawed crayfish, otter, water vole or salmonids. Potential remains for indirect impacts through siltation of the water

course during construction, however it is assessed that the adoption of standard good practice environmental protection measures would be sufficient to prevent any indirect impacts from occurring.

Lighting will be minimised and there will be no floodlighting of the bridge. Lighting will be restricted to the low level illumination of hand rails and/or entry/exit bollards. Therefore we do not predict any significant light spill which could disturb commuting or foraging bats.”

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:

#### 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.

#### 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). In addition the underside of the A49 flyover bridge could be potentially used by crevice-dwelling bat species.

If the trees identified as having high or moderate potential to support bat roosts (T1, T16 and T21) have unavoidably to be lost then it is recommended that further survey is undertaken on them to establish whether bat roosts are present. T16 is a dead oak tree so is unlikely to be retained and should be surveyed. T21 is a veteran oak tree and preferable to retain as advised by the Tree Service.

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.

From the 1st September 2013 the current prevailing target rate for affordable housing for this area is 15%. The application currently shows 13% and a split between affordable rented and intermediate housing as 50/50. The preferred tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership 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**

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.

The pre and post development surface water calculations are acceptable. These should be confirmed when the final layout is completed.

As stated in paragraph 13.6 of the January 2014 Flood Risk Assessment, infiltration tests in accordance with BRE 365 should be carried out to determine whether the ground is suitable for soakaways.



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.

#### 4.1.8 **SC Rights Of Way**

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.

It is considered that more 'weight' should be given to the NPPF in light of the Council's five year supply position, and that limited 'weight' be given to the Council's Core Strategy/Local Plan policies concerning housing supply. Therefore whilst the proposal is a departure from the Local Plan and the emerging SAMDev Plan, this issue alone should not be used as a reason for refusal in this case. Notwithstanding the NPPF's approach when a five year land supply cannot be demonstrated, development proposals still need to be assessed on their own merits against the principles of the NPPF and Development Plan as a whole. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits. It should be recognised that as this proposal is an outline application a detailed assessment on the sustainability of the site's layout and design is difficult. However, the detailed means of vehicular access is included within the application and the implications for future residents needs careful consideration.

#### 4.1.10 **SC Trees**

These comments are essentially a reiteration of the SC Trees comments dated 31/10/14, but with a change to paragraph 4.1.3 where tree 21 is mistakenly identified as T5 in the 2013 representation. The revised plan 20600/R2/Rev2 will result in differing impact on the trees along the access route but does not address the arboricultural points raised previously, with that in mind the Tree Service will be raising a Tree Preservation Order on Trees T1, T3, T5 & T21.

The Town & Country planning Act places a statutory duty on Local Authorities to treat trees on or adjacent to planning applications as a material consideration, the National Planning Policy Framework and Shropshire Local Development Framework Core Strategy amongst other considerations set out the aspiration that sustainable development should seek to protect, restore, conserve and enhancing the natural environment.

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 A49 ACCESS

The loss of existing landscape from the A49 embankments is integral to this proposal in order to create access. Section 3.18 of the tree survey report indicate the potential for replacement planting with amenity space identified on the indicative site layout for the A49 west bound junction, there is no indication of planting in or around the east bound junction and subsequent drive. A full application would need to give comprehensive detail on how landscape planting would enhance rather than just compensate for lost amenity.

## 4 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.

4.1 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.

4.1.1 (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 would not be acceptable in a full application. An area of reserved landscape ground 3-4 parking bays width with any other bays on the periphery of RPA following a not dig construction process with a porous final surface might be acceptable if well designed.

4.1.2 T3 (DBH 84cm – RPA 327cm/sq – r10.2m). The proposed development of apartments 1-6 (Bromfield Road development) brings domestic properties very close to this tree. The tree has considerable potential to grow outwards and upwards, interpretation of the indicative layout suggests that there would be long-

term proximity issues with this layout, possibly four rather than six properties would work here.

4.1.3 T21 (DBH 146cm – BS 5837 RPA 770m/sq – R 15m) this tree is a magnificent specimen in the region of 200 to 300 years old, and as a remnant of a previous landscape it is not only an important natural asset but a historic asset as well and has potential through good design to be a key site feature. The indicative site plan shows the tree being retained. Whilst magnificent, this tree has a number of features (cavities cracks and dead wood) that whilst of ecological value also have the potential to propagate concerns regarding tree safety once the site was occupied. Retention of this tree is highly desirable but in a space and situation where it is not a burden and the public is 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 protected during development at the site. To ensure the long-term retention of this tree it needs to be incorporated in to a no access 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.

## 5 LANDSCAPE

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.

## 6 RECOMMENDATIONS

In Principle the tree service has no objection to development at this site, but consider that the small number of tree related issue should be taken into consideration to inform a better fully sustainable final site layout.

7 Further to the standard landscape conditions, the Tree Service recommends three conditions to ensure the trees are protected.

### 4.1.11 **Network Rail**

Whilst there is no objection in principle to this proposal subject to the closure of the level crossing, and the installation of the proposed footbridge. With regards to the footbridge an Easement will be required and also subject to the necessary licence agreement and clearance process from Network Rail, this may not be conclusive.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. [These are included in an informative in the recommendation.]

#### 4.1.12 **Highways Agency West Midlands**

The Highways Agency has engaged in extensive discussions with the developers regarding the proposed site access, particularly with reference to the A49. The Highways Agency is satisfied that the proposed access arrangement passes the various tests described in 'Circular 02/2013: The strategic road network and the delivery of sustainable development' and consequently the Highways Agency has no objection to the development.

A roundabout is to be provided on the A49 and consequently a Section 278 agreement is required between the Highways Agency and the developers. Additionally, the Highways Agency wishes to direct that the access proposals are completed prior to development of the site, specifically for the section of the site accessible from the A49.

Please therefore find a TR110, condition and informative to this effect. The Secretary of State for Transport directs a condition and informative to be attached to any planning permission which may be granted [These are included in the recommendation]

#### 4.1.13 **Natural England**

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 advice<sup>1</sup> on priority and protected species and their consideration in the planning system.

<sup>1</sup> 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 (Midlands Region)

Based on the additional information submitted we do not object to the proposed development and would offer the following comments for your consideration. For clarity we are in receipt of the following documents:

- Indicative Cross-section of Proposed Access Under A49 Bridge Plan, Ref. WCE01-006, Rev. P3, dated 20.11.14.
- Hydraulic Modelling Report Addendum, by Waterco Consultants, Ref. w3087-140120-HMR\_Addendum.
- Revised Flood Risk Assessment, dated January 2014, Ref. w1366-140120-FRA.

For completeness we previously commented on the above application on 7 November 2013 (our letter reference SV/2013/107353/01-L01).

As stated within our previous response, based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Site Location Plan) is partially located within Flood Zone 3 of the River Corve, which is classified as Main River.

We note that the majority of the site including the proposed residential development and Site Access Road No.1, are located within Flood Zone 1 and is considered to have a 'low probability' of fluvial flooding.

Based on the information provided in the Hydraulic Modelling Report Addendum, we note that further model runs have been undertaken, including different flood scenarios (Table 1 of the Addendum details).

The conclusion of the model re-runs, confirm that minimal effects on flood levels are likely within the locality of the site (<10mm), based on the proposed development; including the removal of the previously proposed culverts. The model re-runs suggest that the culverts do not appear to significantly contribute to the overall conveyance of flows during a 1000 year or 100 year plus climate change river flood event. We therefore see no reason to object to the removal of the culverts previously proposed.

We recommend a planning condition and informative. [Included in the recommendation]

#### 4.1.15 Ludlow Town Council

Objects to the outline application in the current form. The issues of potential flooding, over-burdening of the existing infrastructure and road safety need to be assessed further. The current reports are inconclusive and therefore unsatisfactory.

#### 5.0 Public Comments

5.1.1 The local member, Cllr Andy Boddington has written objecting to the application and in addition, nineteen letters of objection have been received from local residents. The points of concern are set out below.

5.1.2 **Cllr Andy Boddington**

**Objection** - This proposal creates an isolated development on the edge of town. It will be the first Ludlow development with vehicle access only from the A49 bypass. This access arrangement will encourage residents to drive away from Ludlow rather use town centre facilities.

Noise levels near the bypass will be high and the public protection specialist recommends higher standard glazing. But the residents will still be subject to high noise levels in their gardens, as well as air pollution.

Pedestrian and cycle access to the site is poor. The footbridge over the railway gives access to the leisure centre but otherwise no useful locations. The footbridge over the Corve gives access to a play area, but it is not a useful route into town. There are no details I can see of how pedestrians and cyclists will be routed across the play area.

The Corve footbridge seems to be on stilts and has a lengthy approach to the Corve.

I am concerned it might urbanise this stretch of river and the remaining meadow. Notwithstanding the ecological reports, I am worried that creating this route will have a negative impact on the otters in the Corve.

The transport plan is out of date, especially with regard to bus transport. It is also overly optimistic on the number of trips by cycle and on foot, given that housing in Ludlow tends to attract elderly residents. I do not believe it meets the requirements of NPPF 17.

The potential for increased flooding is major issue. The development has been moved back from the floodplain. But much more could be done to alleviate run off which will be around two and a half times the current level. Porous parking surfaces and grey water harvesting should a planning obligation. I do not see any arrangement for swales or similar mechanisms that will slow run off and contribute to the ecology of the Corve riverside. Even with this, I remain concerned that this development will lead to increased flooding downstream on the Corve.

I do not believe that this development is sustainable within the terms of the NPPF.

5.1.3 Nineteen local residents have written making the following points:

**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.

#### **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.

The banking up of land to accommodate the road under the A49 next to the river



corve will cause.

a, Excess run off water from the road.

b, will funnel the water under the bridge under greater pressure.

c, Water build up north of the A49 will cause higher pressure on the A49 embankment and could weaken the structure.

d, will cause higher flooding north of the A49.

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 Brige 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.

As the environment agency have not been consulted it is important to consider the effects that the footbridge and its embankment could cause on the flow and course of the river, below this point when in flood.

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.

### **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.

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

The Wrekin Housing Trust has been in discussion with WCE 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.

## 5.0 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
- Impact on local services
- Affordable housing and CIL

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

#### 6.1.1 Development Plan:

Core Strategy policy 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 development boundary as identified in Policy S1: Housing Development of the South Shropshire Local Plan. Policy 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.

Policy 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. Policy CS7: Communications and Transport seeks to ensure sustainable communication and transport solutions by improving accessibility and managing the need to travel. Policy 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 National Planning Policy Framework (NPPF) published in March 2012 sets out the national planning policies for England. It includes a series of core planning principles with the 'presumption in favour of sustainable development' (para. 14) a central theme. The NPPF seeks 'to boost significantly the supply of housing' (para. 47). The NPPF is a material consideration in the determination of planning applications.

### **Emerging policy:**

The Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) March 2014 identify the emerging approach to the future development in the market towns and key centres. The residential growth figure for Ludlow outlined in the SAMDev report is for around 875 dwellings from 2006 to 2026. Since 2006 around 517 dwellings have been completed or have planning permission leaving a residual target from now up to 2026 of around 358 dwellings. The Pre-Submission Plan included proposed sites at Rocks Green (around 200 dwellings) and a mixed use site east of the Eco Park (for around 80 dwellings). The current application site is not identified as a preferred option for future development within the SAMDev Pre-Submission Plan. Although the assessment undertaken to inform the SAMDev shows that the site is within the bypass and does have some merits the site was principally discounted on the grounds of the access being constrained by the A49, railway and River Corve.

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 Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached but, pending publication examination and adoption, this needs to be considered with care alongside the other material considerations.

### **Housing supply:**

The NPPF paragraph 49 states that where a LPA cannot demonstrate a five year supply of deliverable housing sites relevant Local Plan policies for the supply of housing should not be considered up-to-date. The position regarding housing supply is clearly fluid with the latest information published in September 2013. This latest assessment includes those emerging 'preferred' SAMDev sites assessed by the Council as meeting the criteria set out in paragraph 47 of the NPPF for being deliverable within the next five years. On the basis of this latest assessment, it is considered Shropshire had a supply of 4.95 years including a 20% buffer. It is therefore appropriate to consider that relevant local plan policies regarding the supply of housing land are not up-to-date and should be given limited weight in decision making and less weight than the NPPF's 'presumption in favour of sustainable development'.

**Assessment of proposal:**

The application site is to the north of Ludlow adjoining the A49 to the northern boundary, railway line to west (with Bromfield Road further west) and the River Corve to the east. The proposal is for outline permission for up to 215 residential units, commercial and retail buildings off Bromfield Road and includes detailed access arrangements for vehicular access directly off the A49, and pedestrian footbridges over the railway and River Corve.

Ludlow is identified as one of the 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.

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). 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 ‘preferred’ option within the emerging SAMDev Plan, clearly 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. However, given it has been established that limited weight should be given to this policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

It is considered the following policies of the adopted Core Strategy are of particular relevance in the context of assessing this proposal’s contribution to sustainable development: Policy CS6: Sustainable Design and Development Principles establishes the broad principles to be applied to help ensure development is sustainable. Policy CS7: Communications and Transport states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services.

The applicants have demonstrated a technically achievable solution to gaining access from the A49 but it is convoluted. 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.

Although technically feasible the sustainability of the vehicular access will have to be carefully considered when determining the application with regards to Policies

CS6 and CS7. 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 but specific consideration needs to be given to the access route that includes going under the A49 and is adjacent to the River Corve. Consideration will need to be given to open space. 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 potential retail buildings. 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. Potentially the retail use proposed west of the railway would require a retail impact test (if over 300sqm of floorspace) and sequential site assessment to determine whether there is an impact on the town centre. More details of this would be useful to determine whether it is 'neighbourhood based' to meet every day needs.

It is considered that more 'weight' should be given to the NPPF in light of the Council's five year supply position, and that limited 'weight' be given to the Council's Core Strategy/Local Plan policies concerning housing supply. Therefore whilst the proposal is a departure from the Local Plan and the emerging SAMDev Plan, this issue alone should not be used as a reason for refusal in this case. Notwithstanding the NPPF's approach when a five year land supply cannot be demonstrated, development proposals still need to be assessed on their own merits against the principles of the NPPF and Development Plan as a whole. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.

## 6.2 Location and sustainability

- 6.2.1 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.
- 6.2.2 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.

### 6.3 **Impact on landscape and heritage assets**

- 6.3.1 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.
- 6.3.2 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.

- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 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.

#### 6.4 **Highway safety and accessibility**

- 6.4.1 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 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.
- 6.4.2 A small portion of the site lies to the west of the railway and will have an access to Bromfield Road. The illustrative layout shows thirteen dwellings and a neighbourhood shop served by the access. 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.

6.4.3 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.

## 6.5 Flooding and drainage

6.5.1 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 have been submitted. The illustrative layout has been designed to demonstrate that 215 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.

6.5.2 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. This will be taken account in the surface water drainage design by implementing attenuation storage (oversized pipes and storage tank(s)) and flow control. The Council's 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.

6.5.3 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.

Severn Trent Water (STW) has been consulted on the latest position and their comments are awaited. If improvements are needed these will be funded by the developer and further details are required at the Reserved Matters stage by a condition.

## 6.6 Ecology and trees

6.6.1 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.

6.6.2 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.

6.6.3 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.

6.7 Residential amenity

6.7.1 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.

6.7.2 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.

6.7.3 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.

6.7.4 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.

## 6.8 Impact on local services

6.8.1 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. No problems are anticipated by the Council's Learning and Skills team. 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.

6.8.2 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.

## 6.9 Affordable housing and CIL

6.9.1 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.

## 7.0 CONCLUSION

7.1.1 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'.

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. The site is not allocated for development in the current Pre- Submission Draft SAMDev policy document. However, with the current lack of a 5 year housing supply, decisions on housing applications must be taken on the basis of whether a development would be sustainable in terms of the NPPF, rather than extant or emerging housing policies. A refusal of this application on the grounds that it is contrary to the Development Plan is most unlikely to be sustained on appeal as the Council would not have followed the guidance set out in paragraph 49 of the NPPF.

7.1.2 Whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The development of this land would not 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 scheme would make a contribution towards affordable housing through the Section 106 Agreement. Detailed technical aspects of the scheme would be fully assessed in relation to the development scheme submitted at the reserved matters stage. The site is in a sustainable location in relation to Ludlow and there are no adverse impacts of sufficient weight to outweigh the benefits.

7.1.3 The principle of residential development on this site would accord with the environmental, social and economic dimensions of sustainable development set out in the NPPF and the balance weighs in favour of granting planning permission. subject to appropriate conditions and a legal agreement to deliver the affordable housing contribution

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

### 10.0 Background Information

#### 10.1 Relevant Policies

##### **Central Government Guidance:**

##### **National Planning Policy Framework**

Part 1: Building a strong, competitive economy

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

National Planning Practice Guidance

##### **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**

S1 Housing Development  
SD3 Settlement Strategy

SPD on the Type and Affordability of Housing  
Open Space Interim Planning Guidance

10.2 **Relevant Planning History**

There is no planning history

11.0 **Additional Information**

11.1 List of Background Papers

Planning file: 13/03862/OUT

11.2 Members

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member

Cllr Andy Boddington

11.3 Appendices

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 details shown on the plans accompanying this application, other than in respect of the access off the A49. (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 ensure a satisfactory access to the site before development commences.

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. 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**

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

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

19. 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.

20. 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

21. 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

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

22. 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.

### **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 use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

3. On the Pluvial Flood Map, the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building.

Reason: To minimise the risk of surface water flooding.

4. If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

5. contoured plan of the finished road level should be provided to ensure that the correct parameters have been used for the gully spacing at that they are located correctly. The proposed gullies should be able to transfer the exceedance flows between the 1 in 5 year and 1 in 100 year + 30% climate change storm events into the proposed surface water drainage system efficiently, or provide a plan indicating where exceedance flows will be stored prior to entering the proposed surface water drainage system and confirm that these exceedance flows will not flood any adjacent property.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the proposed surface water drainage system is not being used.

6. Informative: 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

7. Informative ' 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.

Works to the strategic road network will require a S278 agreement between the applicant and the Highways Agency. Please contact David Steventon (david.steventon@highways.gsi.gov.uk or 0121 678 8723) of the S278 team who will take this agreement forward.

7. 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'.

8. Network Rail Advice

Fencing

If not already in place, 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.

#### 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](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

### 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](http://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:

S1 Housing Development

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)