

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 17/05555/COU	<u>Parish:</u>	Whittington
<u>Proposal:</u> Change of use from agricultural land to storage of 34 touring caravans and motor homes		
<u>Site Address:</u> Caravan Storage Land North Of The Elms Park Green Close Whittington Shropshire		
<u>Applicant:</u> Mr Percival Jennings		
<u>Case Officer:</u> Oliver Thomas	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 331430 - 331056



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

REPORT

1.0 THE PROPOSAL

- 1.1** This application is seeking full planning permission for the expansion of an existing outdoor storage facility of touring caravans and motor homes, to provide additional accommodation for 34 units (B8 Storage). The proposal sees the provision of additional hard and soft landscaping provisions whilst retaining the existing access point.
- 1.2** The proposal, as applied for, originally read for an additional 40 spaces; however, following negotiation, this was considered slightly excessive in relation to the site and was subsequently reduced to the current number of 34, totalling the number of units to 84 caravans.
- 1.3** Planning permission for the storage of 50 caravan units was originally approved under change of use consent, planning ref: 13/03020/COU.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site forms a parcel of un-kept rough grassland to the north of The Elms, a residential semi-detached property. The wider site is being used for a number of purposes currently; however the majority of the application site has been left overgrown and rough grassland with a dilapidated single storey wooden (and part brick) shed immediately north. Immediately to the south lies a large solar –PV array, polytunnel, of which there are neighbouring dwellings on the opposing side. The site is accessed off a no-through road, Park Green Close, which gains access off the A495 and serves only a handful of properties whilst providing a lay-by for passing vehicles.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Parish Council have raised objections to the proposal which cannot be overcome through negotiation or planning conditions, contrary to the views of the case officer. As such, and in accordance with the Scheme of Delegation, consultation with the Local Ward Member occurred, in which they concurred with the Parish Council's comments and requested for a committee determination.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Regulatory Services – No objections.

Having considered the proposal there is no objection to the proposal and having considered regulatory services related topics have no conditions to recommend.

4.1.2 SC Shropshire Fire and Rescue – No objection

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications.

4.1.3 SC Highways Authority – No objections – 26/01/2018

A recently submitted letter appears to clarify the site for 40 caravans and motorhomes and provides the respective dimensions. It is considered that any reference to mobile homes may be erroneous as this does not appear to be the intention of the applicant.

Further details required – 02/01/2018

The addition of storage of mobile homes is noted and is considered to require further clarification. The term mobile home suggests that larger more permanent units would be brought onto the site by HGV rather than being towed as would be the case with touring caravans.

The site access is from the existing service road rather than directly onto the A495 and is unlikely to give rise to Highway safety concerns; however the site access connection with the service road may need to be reviewed in terms of the potential HGV use if mobile homes are to be brought onto site for storage or use.

4.1.4 SC Drainage (SuDS) – No objections subject to informative.**4.1.5 SC Ecology – No objection subject to conditions – 04/06/2018**

An Extended Phase 1 Habitat Survey was carried out on this site in March 2018 by Susan Worfield.

There is considered little potential for bat roosts in the building, and since they are not scheduled for demolition or repair/conversion, the impact assessment for any transient bats is small.

The buildings, debris and adjacent trees provide potential for nesting birds.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Additional information required – 22/02/2018

An Ecological Assessment and a Badger survey are required to support this application.

4.1.6 Independent Landscape Consultant – No objections subject to conditions.

In conclusion, the Landscape and Visual Appraisal notes that the proposed development can be successfully accommodated without undue consequences on

landscape character and will result in less than significant adverse visual effects and we are comfortable with the conclusions reached. As such, the only recommendation we would make is for the conditioning of landscape details should the application be approved.

4.1.7 Whittington Parish Council – Object

Whittington PC do not support this application at all, this is becoming a commercial business and members believe this should not be allowed to be extended to accommodate more caravans/mobile homes.

4.1.8 Cllr Steve Charmley (Local Ward Member for Whittington) – Committee determination request.

The current storage facility appears to be poorly run, and the applicant is clearly advertising it is a campsite with a roadside 'A' board, which leads local residents to believe that there is more to this than simply storage.

In addition to this the current access point is less than ideal although I accept that it is via a cul-de-sac and well away from the road.

The neighbouring property will be significantly affected by increased traffic flow into and from the site.

Therefore I ask for this to be considered by committee on the following grounds;

- Traffic and parking issues,
- Impact on the character of the area, and
- Noise, dust and general impact on neighbouring properties.

4.2 - Public Comments

4.2.1 5 letters of objection, from 2 members of the public were received, with their material considerations being summarised as follows;

- Proximity to residential properties will adversely impact on amenities enjoyed by their occupants;
- Application site is unable to accommodate large caravans, with lack of manoeuvrability space;
- Frequency of vehicular movements will be exasperated and adversely impact on local highway network;
- Proposal will result in considered adverse visual impacts;
- Increasing storage space will increase visitors and create unacceptable levels of noise disturbance;
- Site will be visible from the street scene and negatively impact upon
- Vehicles entering/exiting at unsociable hours.

4.2.2 One public representation, neither objecting to or supporting the application was received, with its material considerations being summarised as follows;

- Concern over unlawful caravan pitches;
- Concern over the total number of caravans stored on site;

- What measures of foul waste and recycling are being provisioned?;
- Park Green Close has been able to accommodate the existing stored caravans, so long as traffic management maintains then no adverse highway safety conditions will occur;
- Any change should be made with the least disturbance to neighbouring properties.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways and access issues
Impact on residential amenities
Ecology and biodiversity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site forms an extension to an existing caravan and motorhome storage facility, directly to the north and capable of storing 50 units, as conditioned under planning ref: 13/03020/COU. The enlarged storage facility is to use the existing access to the site, off the classified Park Green Close, a no-through road that serves only a handful of properties. The application site to the south of the loose-knit settlement of Park Hall, an identified Community Cluster within the SAMDev Plan.

6.1.2 With this application forming an extension of an existing storage, the proposal is considered as an expansion of an existing enterprise in a rural location, as such is supported through the Local Development Framework on the basis of providing the necessary rural re-balance, subject to the expansion being related in kind, appropriate and proportionate for the existing operations, the site and its surroundings. Based on this, the principle of development can be both established and supported, by means of making the most efficient use of a currently overgrown grassed area, which is serving little purpose other than having visual detriment to the site.

6.1.3 The Parish Council have raised concern over the commercial intensification of this site; however, there is no denying that the site is already a commercial enterprise on the basis of the existing change of use permission. Furthermore, the site holds a Caravan and Motorhome Club (CMC) 'Certified Location' certification, which allows the siting of 5 caravans without needing planning permission in accordance with The Caravan Sites and Control of Development Act 1960, resultantly this planning application is not seeking to control or limit this aspect of operations occurring on site, as regulation is provided through the CMC independently.

6.2 Siting, scale and design of structure

6.2.1 The proposal is seeking to extend an existing caravan and motorhome storage facility, to the south and on an area of rough grassland and occupying an area of 27.7m x 28.7m, along the western boundary in a rhomboid configuration due to the site layout. The site is currently ill-maintained, with a large proportion of the site being overgrown; however, the site is occupied by existing development, consisting of a

dilapidated single storey wooden shed to the north and intersecting the existing storage area and the proposed, a 10m x 22m array of solar PV panels to the south-east (planning ref: 13/04734/FUL) and a polytunnel 15m x 8m slightly further south and alongside the solar PV array.

- 6.2.2** Similarly to the existing storage area, the proposed expansion area will be cleared of vegetation and laid in hardstanding, although individual parking spaces will not be marked out, the extent of the hardstanding will be clearly visible through the wider site remaining in its semi-agricultural state and the use of marker points on each corners and the inclusion of soft landscaping features. The enlarged area will be accessed through the existing storage area, with an existing track through the site, with spaces arranged in a north-east to south-west alignment and capable of storing small to medium sized caravans and motorhomes.

6.3 Visual impact and landscaping

- 6.3.1** The wider site lies in an area where there is no single landscape characterisation; to the south is a linear form of housing, comprising a small cluster of properties; to the north and east are sports and playing fields/pitches; whilst to the west is Whittington Business Park, on the opposing side of the immediately adjoining woodland/coppice area. However, the landscape typology for this area is considered to be primarily agricultural, based on the physical and visual separation from the nearby settlement cores – Whittington and Park Hall. The Shropshire Landscape Typology (2006) categorises the immediate and wider areas as forming the principal settled farmlands landscape type, similar to the majority of Oswestry's hinterlands.

- 6.3.2** With it recognised that the storage of caravans, expanding the existing caravan storage area has the potential to cause considerable visual harm, a Landscape and Visual Appraisal (Brights & Associates, July 2018) accompanies the application, following initial concerns from the case officer and the adverse impact on those neighbouring residential properties. There are several visual receptors that have potential to be impacted from this development, namely the upper floor windows from those dwellings immediately south-east, south and south-west; however, the visual receptors and the visual impacts may be greater in the winter months, due to the lack of foliage.

- 6.3.3** With the site being in current use for caravan storage, occupied by existing varied development types and an ill-maintained overgrown section, it is considered that the site itself has a degree of visual impact on those identified receptors. As such, this proposal can enable slight visual enhancements to the site, providing betterment to those receptors – especially at ground floor level. The proposed landscaping scheme shows the introduction of a close boarded timber fence along the western boundary at a height of 2 metre, whilst a mixed native hedgerow will be planted along the southern and eastern boundary. The soft landscaping will achieve a great deal of visual screening from those neighbouring properties and their ground floor living and private amenity spaces. Albeit, the upper floor windows will still have visuals to the site, although this is not considered to amount to unacceptable visual harm, as the far-reaching visuals from this site will extend beyond the caravan storage onto the playing fields and wooded area, whilst having no adverse impact on residential amenities.

- 6.3.4** The submitted LVA concludes that in the short-term, some adverse visuals may

occur. However, the proposal will have an overall comparable visual context to the current views, additionally the mitigation measures (soft landscaping) will provide greater screening resulting in a small improvement and an overall neutral effect when considering the wider context. The case officer is inclined to agree with this determination, subject to conditions securing the implementation, retention and maintenance of landscape mitigation measures.

6.4 Highways and access issues

6.4.1 The enlarged caravan storage is to use the existing access and circulation routes within the site, with site access provided off a service road (Park Green Close), rather than the A495. Resultantly, the proposal is unlikely to give rise to any highway concerns. On-site there is an existing driveway, extending northwards adjacent to The Elms, which leads first to the caravan pitches (Certified Location) and then veering west into the existing storage area which is currently enclosed in a close boarded timber fence and laid in road planings/scalping's– of which is expected to be used for the enlarged hardstanding or a similar rough aggregate.

6.5 Impact on residential amenities

6.5.1 Several concerns have been raised, by members of the public and the local ward member, in regards to the potential for residential nuisances through dust, noise and lack of privacy and security. Comments received in regards to the anti-social hours of entering/exiting vehicles does raise considerable concern; however it is also noted that condition 7 attached to ref: 13/03020/COU, clearly restricts the hours of operation from 08:00 until 18:00 Monday to Sunday. If this condition is being breached then it would be expected for complaints to have been received; however, there are no such complaints lodged with the council's planning enforcement team. Furthermore, the restriction of hours will be re-imposed and any breach of this should be reported to the enforcement team for appropriate investigation. Those opening hours are still considered appropriate on the basis of being during the working-hour day, albeit Sunday is not considered a working day, but the arrival/leaving of caravans during these hours in itself is not considered to amount to any adverse impact, particularly so as the affected properties are all sited within 20m of the A495, a considerably well used section of highway connecting Ellesmere with Oswestry.

6.5.2 The potential for nuisance caused from dust would be solely dependent on the type of hardstanding laid, furthermore the case officer visited the site and didn't particularly share the same concerns as the existing site is laid in rough aggregate that didn't amount to any significant levels of rising dust. It is expected that the enlarged site would be laid in similar; however this can be conditioned for later approval if felt necessary.

6.6 Ecology and biodiversity issues

6.6.1 With the proposed works affecting an undeveloped section of grassland, in close proximity to a medium sized wooded area the application is accompanied with a Phase 1 Ecology Survey (Worsfold & Bowen, March 2018). This report confirms that no important species were found on site, the proposal should have minimal impact on birds as no hedges or tress are to be affected, there were no ponds within 450m of the site and there is little potential for bat roosts in the neighbouring wood. However, the report provides a recommended working method and this should be adhered to throughout the proposed works. These conclusions and recommendations are generally shared with the local planning authority, with the

Ecologist requesting conditions to be imposed to further enhance the site for biodiversity and connectivity.

7.0 CONCLUSION

The proposal to extend an existing caravan storage facility by an additional 34 spaces is, on balance, considered acceptable. The proposal would see the natural expansion and retention of an existing rural enterprise, on a site that is able to accommodate the proposed storage type and is proportionate to the site and its surroundings. With it fully acknowledged that those immediately adjoining residents will have visuals onto the site, the proposal has taken efforts to minimise and reduce this through the inclusion of a soft landscaping scheme to an acceptable level. Furthermore, the site is in existing use, with large parts of the application site and not particularly visually enhancing, whereas a well maintained boundary treatment will provide a slight betterment. The application site, in the most part will be hidden from the street scene, with satisfactory access and manoeuvrability on-site. Residential amenities will be impacted through the increase in vehicular movements, although with restricted operational hours this is not considered to be of detriment, additional amenities can be protected through imposing conditions for landscaping, lighting and any hardstanding. As such and despite these impacts, the proposal is considered to comply with the Local Development Framework; it is therefore recommended that permission be GRANTED subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD4 - Managing Employment Development
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

OS/07/15122/FUL Erection of polytunnel GRANT 7th September 2007

13/03020/COU Change of use of land from agricultural to storage of caravans (non residential)

GRANT 23rd October 2013

13/04734/FUL Erection of ground mounted solar PV panels GRANT 13th February 2014

17/05555/COU Change of use from agricultural land to storage of 34 touring caravans and motor homes PDE

17/05555/COU Change of use from agricultural land to storage of 34 touring caravans and motor homes PDE

Appeal

OS/07/00016/COND Erection of polytunnel ALLOW 21st February 2008

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Steve Charmley

Appendices

APPENDIX 1 - Conditions

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

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to any works commencing details of the proposed surfacing material shall be submitted to, and approved in writing by, the Local Planning Authority. The approved materials shall be used in the implementation of the development and thereafter maintained.

Reason: To safeguard the amenities of the area and to prevent necessary dust disturbance to neighbouring properties.

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

4. Prior to the hereby approved storage area being brought into use, the landscaping measures as shown on approved drawing: WH1132-D1 Rev A shall be fully carried out. Any trees, shrubs, hedges or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the external appearance of the development is satisfactory and preserve the visual amenities of the surrounding area.

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

5. The development hereby permitted shall only be open for access between the hours of 08:00 and 18:00, Monday to Sunday.

Reason: To protect residential amenity and highway safety.

6. The permission hereby granted relates only to the area identified on the approved plans and no more than 34 caravans shall be stored at the site at any one time.

Reason: To minimise the visual impact of the development in this rural location.

7. No external lighting shall be erected in association with the caravan storage unless details have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the area.

8. The site shall be used solely for the storage of touring caravans and motor homes (without occupation) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or for any other use within Use Class B8 , or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenity of the area.

Informatives

1. When installing artificial lighting the applicant is reminded that if light is perceived as a nuisance by residents in the area that complaints may be investigated and work may be required in order to remove any nuisance. In order to reduce the likelihood of complaints the following guidance is proposed:

- sky glow is not appropriate in most circumstances. As a result it is recommended that no lights through light up above horizontal and ideally should be angled well below this angle
- glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings
- light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties.
- where lighting is not required all of the time, e.g. security lighting, it is recommended that sensors are used with an appropriate cut off time.
- the lowest Wattage lighting should be used in order to reduce glare and light spill.

All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.

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.

Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee (currently £97) is payable to the Local Planning Authority for each request to discharge pre-start conditions. Requests are to

be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission. Any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

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