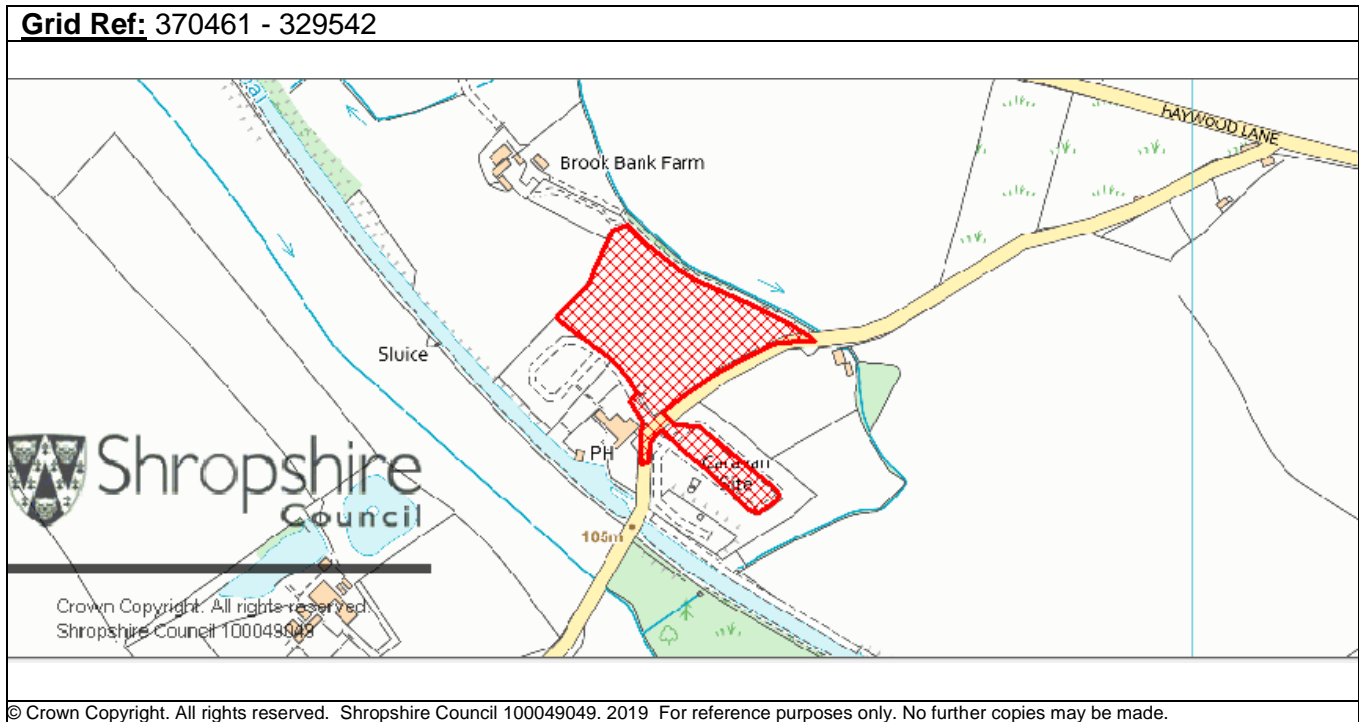


Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 20/04123/FUL	Parish:	Cheswardine
Proposal: Change of use of land for the siting of 38No. static caravans		
Site Address: Wharf Caravan Park Caravan Site Goldstone Cheswardine Shropshire		
Applicant: Inpart Leisure Limited		
Case Officer: Jane Preece	email : jane.preece@shropshire.gov.uk	



Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1, and to any modification to these conditions as considered necessary by the Planning Services Manager.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the '*Change of use of land for the siting of 38No. static caravans*' on land north of the Wharf Tavern at Goldstone, Cheswardine.
- 1.2 An existing caravan park, referred to as Wharf Tavern Caravan Park, is already run on land adjoining the Wharf Tavern; located to the north west and opposite to the south east of the Tavern. The existing caravan park accommodates up to 50 touring caravan units and the site has been run by the same family for over 40 years.
- 1.3 This current application is made in the name of Inpart Leisure Limited and proposes to extend the existing caravan park, by seeking consent to enable the siting of 38 static caravans on further land located to the north/north east of the Tavern.
- 1.4 The application is accompanied by:
- 1 Location Plan
 - 2 Existing and Proposed Site Plans
 - 3 Flood Risk Assessment – by Berrys
 - 4 Preliminary Ecological Assessment – by Turnstone Ecology
 - 5 Appraisal Highways Technical Note – by Berrys
 - 6 Supporting Statement – by Berrys
 - 7 Landscape and Visual Appraisal (revised), plus appendices – by Lingard Farrow Styles
 - 8 Landscape Mitigation Planting Plan - by Lingard Farrow Styles (ref: 3068-001)
- 1.5 In association with and to service the change of use the submitted details show the provision of an internal 'circular' access road and the creation of a central landscaped garden and pond. The proposed site layout shows the caravans uniformly spaced around the internal access road (averaging approximately 6 m apart) and each provided with a path and car parking space alongside.
- 1.5 Foul drainage is proposed to be disposed of to a package treatment plant. Surface water is to be disposed of to a sustainable drainage system and soakaways. The location of the sewage treatment plant is shown as 'indicative' only on the proposed site plan; within the southern tip of the site, adjacent the site entrance. The red line boundary of the application site also extends south-eastwards, across the road to include part the existing caravan site where the submitted LVIA indicates that drainage infrastructure is proposed. Full details of the proposed drainage arrangements/provision are not actually included within the submission.
- 1.6 Access to the site from the highway will be via the existing access serving the Tavern. Alterations to improve the access are proposed. To achieve the

improvements, in the form 2.4 x 43 m visibility splays and the provision of a 6 m radius junction connection to the road, 16 m of roadside hedge will be removed.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The Wharf Tavern is a long established pub that sits alongside the Shropshire Union Canal in a rural area known as Goldstone, within the parish of Chewardine. The village of Cheswardine lies approximately 1.5 km to the east.

2.2 On land adjoining and opposite the Tavern (to the north west and south east respectively) there is existing caravan park that can accommodate up to 50 touring caravan units. The existing caravan park is known as Wharf Caravan Park. The use of the land for commercial touring caravans for up to 50 units was deemed lawful and a lawful development certificate was issued in April 2008 (under ref: NS/07/02012/LDC).

2.3 The application site sits to the immediate north/north east of the Wharf Tavern, and (as specified on the application form) 1.75 hectares of agricultural land. It is bounded to the south west by land already in use as a caravan park, to the north west/north east by agricultural land and to the south east by the highway. Along the north eastern boundary of the site there runs a lane and that lane services three rural properties located to the north west of the site. There is a further rural property opposite the lane entrance, on the other side of the road.

2.4 The land is described as relatively flat, with a natural fall to towards the Tavern. Existing mature hedgerows and trees also surround the site.

2.5 The site lies in an area designated as countryside for development plan purposes.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The officer recommendation is contrary to the views of the Parish Council and the planning committee Chair/Vice Chairman in consultation with the Principal Planning Officer consider that the Parish Council has raised material planning considerations that warrant the referral of the application to the Northern Planning Committee for consideration.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SUDS** - The drainage proposals in the FRA are acceptable in principle.

Condition:

- Pre-commencement condition for scheme of surface and foul water to be submitted and approved.

Informative Notes:

1. Soakaways
2. Non permeable surfacing use
3. Method of foul water sewage disposal

4.1.2 **SC Ecology – Re-consultation comments – Recommendation:** Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Since Ecology comments made 29.12.2020 a Landscape Mitigation and Planting Plan (Lingard Farrow Styles Ltd, DWG No 3068-001) has been submitted. Landscape Mitigation and Planting Plan is satisfactory as regards habitat mitigation and planting plans. However, plan should also incorporate ecological enhancement features, such bird/bat boxes, hibernacula and pond details and fencing. In absence of amendment to the Landscape Mitigation and Planting Plan, is recommended plan is conditioned, **and** following condition included on decision notice.

All recommended conditions 1, 3, 4 and informatives mentioned within Ecology comments dated 29.12.2021 still stand.

Landscaping Plan condition – biodiversity enhancement

Pre-commencement condition - No development to take place until a biodiversity enhancement plan has been submitted illustrating recommendations in *Section 4.2* of the Preliminary Ecological Appraisal (Turnstone Ecology, August 2020).

Reason: To ensure provision of biodiversity enhancements afforded by appropriate landscape design and in accordance with MD12, CS17 and section 175 of the NPPF.

Original comments – Have read application and supporting Preliminary Ecological Appraisal by Turnstone Ecology (19th August 2020)

Recommendation: Please include conditions and informatives below on planning decision notice.

Habitat

Proposal includes thirty-eight holiday cabins, associated access and landscaping, within short sward improved grassland field of low ecological value. In order to create access to site, approx 16m of boundary hedgerow will be removed for visibility splay. To mitigate for loss of hedgerow, gaps within NE and SW boundary hedgerows will be planted with mix of native broadleaved tree species.

Proposals include creation of pond at centre of site. Pond should be designed for wildlife, including amphibians, as such fish species should not be introduced. As per Turnstone Ecology's recommendations wet meadow wildflower seeding around pond should be undertaken during pond construction and single hibernaculum should be constructed at NW edge. Pond will be fenced off using post and rail fencing with panel of stock netting to

prevent dogs from entering area.

Recommend additional measures are put in place to protect/enhance boundary features. However due to nature of development, providing recommendations within Turnstone Ecology report are followed, would not request additional information to support this application.

Drainage

Shropshire Union Canal is located 100m south of proposed. Should ensure drainage consultee are received/taken into account prior to making planning decision.

Bats

Turnstone Ecology recorded mature Oak tree southern corner of site that supports features suitable for roosting bats. Oak tree is to be retained during and post development. To enhance site for roosting bats, minimum of two bat boxes should be erected on retained Oak trees along SE boundary. Lighting plan should also be provided to ensure bats are not negatively impacted.

Nesting birds

Turnstone Ecology recorded boundary trees, hedgerow and tall ruderals as being suitable habitats for nesting birds. To enhance site for nesting birds, is recommended 20 bird boxes erected on site, 10 located on retained boundary trees and 10 located on holiday lodges located around edges of site.

Great Crested Newts and Reptiles

Are ponds over 170m from proposed suitable to support great crested newts. Due to nature of proposed, and lack of suitable terrestrial habitat on site, Turnstone Ecology not recommended further survey work, but provided method statement approach to working. These measures should include habitat modification to discourage reptiles from occurring and hedgerow should be removed in reptile active season (April – October) under ecological watching brief. During construction, any storage of piles of materials and excavated earth on site should be kept to minimum and away from boundaries to deter reptiles from using them for temporary cover.

An ecological clerk of work will be present during hedgerow removal and in unlikely event that great crested newt is found they will ensure works are stopped until licence from Natural England is in place.

Following conditions and informatives should be on planning decision notice:

Conditions

1. Working in accordance with the ecological report
2. Landscaping plan (pre-commencement)
3. Habitat management plan
4. Lighting plan

Informatives:

- Landscaping informative

- Bats and trees informative
- Great crested newts informative

4.1.3 **SC Highways** – Have viewed application and supporting information, which includes a Highway Technical Note (HTN). Based upon 38 comprising 7 double and 31 static caravan units, HTN makes number of assumptions to provide traffic generation figure of number of vehicle movements on highway network. HTN concludes development would not give rise to any substantive highway capacity or safety issues.

Site is established existing camping site attached to Wharf Tavern, which provides an on-site facility to support existing site. Should permission be granted for current application would be likely to further support site extension.

Application is seeking 38 static caravan pitches. Therefore in terms of traffic generation this relates to cars and not towed caravans. On face of it 38 static caravan pitches appears relatively high, but in reality traffic movements over course of typical day are likely to be low and spread out throughout day and outside of morning and afternoon peak periods. As stated previously, HTN has made some traffic generation assumptions and whilst would somewhat question veracity of those assumptions, do not fundamentally disagree with overall conclusions.

In conclusion therefore, do not consider a highway objection is warranted but require that access improvements are implemented in accordance with approved plans before any caravan is first occupied. Assume also that restrictions on number of months in year a caravan can be occupied. Lastly, period in which static caravans would be brought to site is important to reduce any adverse impact upon local highway network. This would therefore require Construction Method Statement (CMS) to be submitted and approved prior to commencement of development and for CMS to be implemented in accordance with approved details for duration of construction period.

4.1.4 **SC Conservation - Re-consultation comments**: Having reviewed LVIA and noted CRT comments, which concur with, would recommend all of native hedging to all boundaries are maintained and are reinforced with submission of landscaping scheme condition, which reflects this. Should be submitted for approval prior to development commencing. In addition, colour and finish of caravans and lighting provision should also be conditioned.

SC Conservation - Original comments: In considering proposal due regard to following local and national policies, guidance and legislation has been taken; CS5, CS6, CS17, MD2, MD13, the National Planning Policy Framework, Planning Practice Guidance and Sections 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990.

Application relates to change of use of land for siting of 38 no static caravans at Wharf Caravan Park, Goldstone, Cheswardine. Site lies close to Grade II listed Goldstone Bridge over Shropshire Union Canal. Canal and River Trust have made detailed comments and would generally concur with their

conclusions. More detailed assessment of landscape impacts would be useful to fully assess wider landscape impacts of scheme and detail landscaping mitigation measures where appropriate.

4.1.5 **SC Affordable Homes** - If limited in occupation, Holiday Lets are noted as an exemption in SPD Type and Affordability of Housing from need to contribute to provision of affordable housing as per Policy CS11. Therefore no contribution will be required in this instance.

4.1.6 **SC Regulatory Services** – Additional comments: Have had another look at this one. Whilst it will create small increase in traffic, would not expect it to have significant impact on amenity of nearby properties unless you had particularly badly behaved holiday makers.

Original comments: No comments.

4.1.7 **Canal & Rivers Trust** - Re-consultation comments (2): Trust has provided comments previously. Would reiterate previous comments concerning canal protection measures, drainage details, construction management to safeguard nearby listed bridge, recommendations in ecology report and conditions requested in connection with those matters.

Have reviewed amended Landscape Visual Impact Assessment and Landscape Mitigation Plan. Have following comments:

Visual and Heritage Impact on Canal Corridor

Proposed native hedge and trees planting, particularly to SW and SE boundaries is welcomed. Will serve to help screen development from canal and its setting. Use of native species and wildflower seeding is welcomed in landscape mitigation plan.

Reiterate our request that retention and strengthening of existing hedgerows and trees, including additional planting proposed, along these respective boundaries be secured and implemented via a landscaping condition. Also request LPA satisfies itself retained trees and planting will be safeguarded throughout construction process and for tree protection measures to be submitted and agreed via condition.

Canal Protection Measures

Previously highlighted potential during construction that accidental pollution from silty run-off or wheel washing could contaminate waterway. Continue to request pollution prevention measures outlined in Section 4.2.2 of submitted ecology survey are conditioned to safeguard canal during construction. Additionally, given stripping of topsoil and groundworks proposed, request appropriate mitigation measures are put in place to prevent any materials running off into canal during construction/landscaping. Would request these protection measures and mitigation to be addressed in a CEMP to be secured by condition.

Re-consultation comments (1): Trust would reiterate comments raised in

original consultation response concerning canal protection measures, drainage details, construction management to safeguard nearby listed bridge, recommendations in ecology report and conditions requested in connection with those matters.

Have reviewed LVIA. Have following comments to make.

Visual and Heritage Impact on Canal Corridor

Welcome additional planting to strengthen existing screening and mitigate for loss of planting on site. Requested additional native planting to SE and SW boundaries to fill gaps and strengthen screening of site from canal. LVIA recognises Shropshire Union Canal and highlights how proposed planting would mitigate for loss of grassland/planting and the resultant visual impact to surrounding character. Report considers views from canal are filtered by existing tavern and caravan park and would have minimal impact given proposed planting, which would reduce to negligible as planting establishes.

Originally requested, in event of pp being granted, retention and strengthening of existing hedgerows and trees, and additional planting, should be secured along SE and SW boundaries in interests of safeguarding setting of canal and listed bridge. Conclusions of LVIA help highlight importance of retaining and strengthening a planted visual buffer, along southern boundaries, as means of mitigating visual impact. Therefore, reiterate our request for conditions to protect existing planting with tree protection measures and for retention, strengthening and significant improvement of planting to be secured in appropriate landscaping condition.

Informatives:

1) Any surface water discharge from development to Canal will require prior consent of Canal & Rivers Trust etc.

Original comments: Substantive response is that suitable worded conditions are necessary.

Canal Protection Measures - Proposed would be set far enough from Shropshire Union Canal so as not to impact upon its structural integrity. However, accidental pollution from construction traffic/works could contaminate the waterway. Therefore request pollution prevention measures set out in submitted Ecology Survey (Section 4.2.2) are conditioned to safeguard the canal

Land drainage - Drainage of new developments can have significant impact on water quality and biodiversity. Is important to ensure no contaminant enters canal from surface or foul drainage. Request full foul and surface water drainage details.

Foul drainage - Package treatment plant and associated drainage field is proposed. Location of drainage field is not clear. Request further details to be secured via condition.

Surface water drainage - Surface water is to be discharged to soakaways. However, suitability of ground conditions has not yet been assessed. If soakaways are not feasible, then alternative is to provide storage and controlled discharge to surface water connection. Any discharge to canal will require prior consent of Canal and Rivers Trust. Informative need to this effect.

Request full drainage strategy (to include surface and foul water) is secured via **pre-commencement condition**.

Structural Integrity of Bridge 55 - Bridge is grade II listed and owned and maintained by Trust. Carriageway narrows to single lane over bridge. Bridge has humped profile. Is risk large construction traffic and static caravans may be grounded over/or cause damage to bridge. Also recommend bridge is not used by vehicles in excess of 18T mgw or any track laying vehicles.

Request measures put in place in form of Construction Management Plan, which routes traffic to alternative north approach to safeguard/protect bridge (heritage asset) from damage. Ask Construction Management Plan is secured by condition.

Visual and heritage impact on canal corridor - Canal is partially screened by mature hedge planting and trees. Additional planting is proposed and welcomed. Request additional native planting along SE and SW boundaries to fill gaps. Request landscaping is secured by condition.

Ecological assessment - Acknowledge findings of Ecological appraisal. Request recommendations of survey be implemented and secured by condition.

Informatives - Request informative regarding surface water discharge be attached to any pp granted.

4.1.8 **SC Landscape** - Re-consultation comments (2) - Executive summary

1.1 Have reviewed landscape and visual appraisal (LVA) prepared in support of application.

1.2 Methodology for LVA is appropriate for nature of proposed development and scale of likely effects. Has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. Assessment of effects has been carried out in accordance with methodology. Can be relied on to make a sound planning judgement.

1.3 LVA finds predicted landscape and visual effects range from slight beneficial (1) and slight adverse (2) to negligible (8) at 3-5 years after completion. No effects are predicted to be significant. Mitigation measures proposed are appropriate in context of predicted adverse effects.

1.4 Proposals comply with Local Plan policies relating to landscape and visual matters.

1.5 All recommendations made in our previous reviews of application have been satisfactorily addressed.

Re-consultation comments (1) - Executive summary

1.1 Reviewed landscape and visual appraisal (LVA) prepared in support of application.

1.2 LVA finds predicted landscape and visual effects range from slight beneficial and slight adverse to negligible at 3-5 years after completion. Have some concerns level of some visual effects has been under stated. Are unable to verify predicted levels of effect at 3-5 years in absence of information on proposed mitigation.

1.3 Proposals comply in part with Local Plan policies relating to landscape and visual matters. However, consider full compliance may be achieved with submission of appropriate landscape mitigation.

1.4 Have made 2 recommendations relating to assessment of visual effects and preparation of a landscape strategy.

Recommendation: Therefore recommend prior to determination of application:

- 9 magnitude of visual effect and resultant nature of effect and significance be reviewed for viewpoints 4 and 5
- 10 additional information in form of Landscape Strategy be provided in order to validate judgements of levels of effect and significance post-mitigation

Original comments - Application represents sizeable extension of existing operation at Wharf Caravan Park and being for static caravans will have permanence that is not present in touring facility which forms part of current operation. As such, expected to give rise to landscape and visual effects through change of use from pasture to provision of 38 static caravans and associated infrastructure.

Supporting Statement submitted notes '*the proposal does not have an unacceptable adverse visual impact upon the canal environment*'; '*the proposal will not detract from the character and appearance of the area*', and; '*no unacceptable adverse impacts have been identified as arising from the proposed development which could outweigh the benefits of the proposal*'. No reliable assessment of landscape and visual effects has been undertaken to reach these conclusions.

Prior to determination therefore recommend an assessment of landscape and visual effects be undertaken by competent landscape architect. Requirement for assessment of landscape and visual effects for development is set out in Core Strategy policies CS5; CS6; CS17; SamDev policy MD12 and mitigation will need to be prepared in accord with policy MD11.

4.2 Public Comments

4.2.1 **Cheswardine Parish Council - Re-consultation comments (2)**: The Parish Council is extremely supportive of encouraging tourism and business expansion. However it continues to have reservations about scale, length of occupancy of the units and the use of the Red Barn junction. Council members noted Mark Wootton's response which was made on the assumption that it would not a 12 month occupancy - has Highways been informed that the Agent has confirmed a 12 month occupancy and if so, has this impacted on their response?

The Red Barn junction has been raised as a concern by Cheswardine Parish Council for years. Councillors maintain their concerns about increasing caravan traffic using this junction. The Parish Council objected to #38 units in its original response. It maintains its view that this is overdevelopment of the site.

Could you please confirm if the proposed 12 month occupancy is for a single occupant per unit or by different occupants over the 12 month period? If it is the former are the occupants required to hold a permanent address elsewhere?

The Parish Council objects to this application on the same material grounds ie overdevelopment - It would like to see a reduction in the number of units applied for; The Parish Council would like a shorter occupancy in line with other caravan sites ie 10 months of the year; Concerns over the use increase of traffic using the Red Barn junction which it considers to be dangerous.

Re-consultation comments (1): The Parish Council reconfirmed its overall support of the Wharf Tavern and its endeavours to increase its contribution to the local economy through expansion, however with regard to the proposals outlined in this application, and the subsequent re-consultation, the Members have maintained their original objections to the scheme.

Councillors believe that the visual impact of the proposal is very significant, being in theory visible from a wide local area (shown in green p7 "Appendices").

Whilst supportive of some development, for this additional reason it is felt that a reduction in the size and scale of the development would be (overall) advantageous to the area.

The negative visual impact of the roofs of the 38 static caravans as shown in the impact study, significantly alters the view across this rural valley and as such permanently changes it's nature, adversely affecting the visual character of the area. This application contravenes CS6, failing to protect or enhance the natural environment, permanently changing the local character features and is inappropriate in scale, design and pattern. Whilst the Council appreciates the application will enhance tourism, the size of the proposed development is overdevelopment of the plot

Original comments: Object. The Parish Council is very supportive of the Wharf Tavern and would like to encourage its new business ventures/expansion as it recognises its much valued contribution to the local economy and tourism. However, the Parish Council does not feel that it can

support this application in its current format. The Members raised concerns over the size and scale of the proposal taking into consideration numbers of pitches already available; Access to the site via the Red Barns junction is a major concern - Councillors view this junction as hazardous and could present issues for those unfamiliar with the turning; Lastly, the Councillors queried the occupancy time for the statics - 12 months residency might suggest they could become permanent dwellings rather than for short term holiday lets. The Councillors would like confirmation as to whether the statics would be owned and let by the Wharf or whether they would be privately owned. Shorter occupancy times were considered to be more appropriate ie 10/11 months occupancy only.

4.2.2 **Public representations** – Representations of objection have been received from six members of the public. The main points of objection raised relate to:

- Visual effect on quiet rural area
- Not in keeping with local area
- Unsightly and eyesore
- Why can greenfield sites be developed for such an eyesore
- Would be horrendous blot on landscape
- Will spoil area and setting of pub and atmosphere/charm
- What is the style of caravans – will look like seaside resort. Wooden chalets or log cabins would be more in keeping
- Planting trees and flowers and putting in a pond will not make any difference and will not disguise caravans
- Will mean influx of 100+ people per week
- 38 caravans will mean more than 38 cars
- No public transport available
- Significant traffic increase
- Extra traffic on busy, narrow country lanes
- Local roads unable to cope with all extra traffic and unsuitable for large vehicles
- Access. Really concerned about access. Road is narrow, single track with limited passing places, no footpath and blind spots
- Consideration should be given to road safety, ie road improvement, footpaths and passing places for sizeable traffic increase.
- Canal bridge to south is blind and narrow.
- Junction onto Hayward lane to north is dangerous.
- Noise pollution and disturbance – from dogs, cars and people. Also from traffic.
- Pollution from traffic
- Will upset quite and peaceful countryside
- Disturbance to wildlife and environment
- Pub is already busy without having caravans there
- In addition to all existing development there already bringing in people how much more do they want? Is the existing business not big enough?
- What benefits would this give to anyone other than applicants
- Increase in litter
- Issue of large volume of sewerage, dirty water and smell
- Proposal is excessive in terms of size. Will overwhelm hamlet

- Development too large, 38 additional caravans is a small hamlet. Should be downsized significantly
- Current caravan site and pub is attractive. Will lose its appeal if development on this scale is allowed
- Holiday home occupancy. No permanent living accommodation should be allowed if application is considered - holiday let restrictions of occupancy only being allowed for 3 consecutive weeks with no return within 3 weeks or similar.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Siting, scale and design
- Visual, landscape, natural and historic environment impacts
- Drainage
- Highways
- Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6.1.1 The application has been screened by the Local Planning Authority having regard to the above Regulations. The proposed development does not fall within any of the categories in Schedule 1 of the Regulations, for which EIA would be mandatory. However, the proposals exceed the relevant area threshold for the appropriate category in Schedule 2 of the Regulations (Section 12(e)) – in that the proposal is for a permanent caravan that exceeds 1 hectare in area. The need for an Environment Impact Assessment (EIA) has therefore been considered. A Screening Opinion has been carried out and issued to the effect the proposed development does not require an EIA.

6.2 Policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) requires planning policies to take a positive approach to sustainable development in rural areas, including support for the provision and expansion of tourist facilities in appropriate locations.

6.2.2 Under the current adopted development plan for the area, there are a number of planning policies in place that support the economic diversification of existing rural businesses and sustainable rural tourism development in principle (policies CS5, CS13, CS16 and MD11 all refer), subject to satisfying general development management criteria and environmental expectations.

6.2.3 Policy CS5 seeks to control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality and improve the sustainability of rural areas by bringing local economic and community benefits. It further allows for the appropriate expansion of an existing established business and for sustainable tourism, leisure and

recreation proposals, which require a countryside location.

- 6.2.4 Policy CS13 seeks to support enterprise and to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis is placed on *'Supporting the development and growth of Shropshire's key business sectors'* which includes tourism. Whilst policy CS13 is supportive of economic development generally, for rural areas the policy clarifies that development proposals in the countryside must accord with Policy CS5.
- 6.2.5 Policy CS16 supports a positive approach to tourism and leisure development, which benefits the local economy, resident communities and visitors alike; enhances the existing on offer and is sensitive to the intrinsic qualities of the natural and built environment. Emphasis is further placed on promoting connections between visitors and Shropshire's natural, cultural and historic environment and that *'promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the ... canals'*. In relation to visitor accommodation, the policy also states that, in rural areas, proposals must be of an appropriate scale and character for their surroundings, and close to, or within, settlements, or an established and viable tourism business.
- 6.2.6 Policy MD11 expands on policy CS16, stating that:
'1. Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other relevant development plan policies.'
'2. All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.'
- 6.2.7 With particular reference to visitor accommodation in rural areas policy MD11 goes on to state:
'6. Further to the requirements in Policy CS16, proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.'
7. Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should be landscaped and designed to a high quality.'
- 6.2.8 Policy MD11 also clarifies at point 8 that accommodation which would not conform to the legal definition of a caravan will be resisted, in order to reduce the potential for new-build market housing in the countryside and at point 11 that to retain the benefit to the visitor economy *'...conditions will be applied to new planning permissions for visitor accommodation to ensure the accommodation is not used for residential occupation.'*
- 6.2.9 As described earlier, the site is located within the countryside but is proposed in connection with an existing tourism business - that of an existing touring caravan and camping site (for up to 50 units) located adjacent the Shropshire

Union Canal; a long established public house (the Wharf Tavern); a self-catering holiday let and linear boat mooring.

- 6.2.10 The current proposal is for 38 static caravans for holiday accommodation located on land adjacent to the existing business, required to further diversify the existing on offer run by the applicants, '*increasing its viability and resilience*'. The application is accompanied by a detailed supporting statement and supporting evidence, as listed in section 1.4 above, all of which sets out how the proposals will enhance and extend the existing business at the site in compliance with adopted planning policy requirements.
- 6.2.11 In terms of policy direction, the proposal involves expanding the existing visitor accommodation at the site in association with an established tourism business. In this regard the proposal is in conformity with the general aims of development plan policy to support the economic growth of local tourism business within the county. Whilst there is some local concern about the type of accommodation proposed, ie static caravans, this type of accommodation is supported by policy. It is acknowledged that an additional 38 static caravans will increase the number of holiday units in this location substantially. However, the location is considered appropriate given that it directly adjoins the existing business and is further adjacent to the Shropshire Union Canal, which is recognised as a complimentary cultural and historic asset. The site is also relatively close the services and facilities provided in the nearby settlement of Cheswardine and 5 miles from the nearest market town of Market Drayton. Further, taking into consideration the site context and setting, together with appropriate screening (as discussed later in this report) it is not considered the proposed development would cumulatively impact upon the canal or the local or wider area adversely. As reported in section 4.1 above there is no objection from consultees in this regard. The principle of development is considered acceptable, subject to all other planning requirements being satisfied.
- 6.3 **Siting, scale and design**
- 6.3.1 The national guidance contained in the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that all development protects and enhances the built environment and is appropriate in siting, layout, scale and design, taking into account the local context and character.
- 6.3.2 The land is currently agricultural land and is sited directly adjacent to the existing business. Within the site there is to be an internal access road and central pond area. The proposed caravans are to be positioned around the internal road and central pond. The caravans are shown to be uniformly spaced, with each having their own parking areas. The siting of the land and the layout within the site is generally considered acceptable. The site benefits from some screening from existing hedges and trees and additional landscape mitigation planting is proposed.
- 6.3.3 In relation to scale and design, the application is for the change of use of the land, so the specific details of the caravans do not form part of the application.

However, under policy MD11, as referred to previously above, there is a requirement for holiday visitor accommodation units in rural areas to conform to the legal definition of a caravan. A condition can be imposed to ensure this is the case. This also influences design. Caravans by their very nature do have an impact on visual amenity. Hence the additional policy recognition and requirement under policy MD11 for developments '*...to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate*' To reiterate the site benefits from some existing screening and landscape mitigation planting is proposed. Furthermore, as recommended by the Council's Conservation Officer, a planning condition can be imposed to secure the prior approval of the exterior colour and finish of the caravans.

6.3.4 Taking into consideration the type of development proposed and the comments and policy requirements discussed above, it is considered the siting and layout of the proposal is acceptable and that otherwise the development, as supported by landscape mitigation planting proposals, can be successfully mitigated into the surrounding landscape and built environment to an acceptable manner. As such the proposal considered to comply with Policies CS5, CS6, CS17, MD2, MD11, MD12, MD13 and other relevant local plan policies and national guidance as regards siting, scale and design.

6.4 **Visual, landscape, natural and historic environment impacts**

6.4.1 A key issue surrounding the use of the land as a static caravan site is the potential impact of the proposal on that of the surrounding landscape and the natural and built environment. The NPPF, Core Strategy Policies CS6 and CS17, together with SAMDev policies MD12 and MD12 state that all development should protect the natural and historic environment whilst enhancing environmental assets.

6.4.2 Wharf Caravan Park is located in the countryside and to the north east of the Shropshire Union Canal and listed canal bridge. The application proposal involves the expansion of the existing caravan park, utilising land that is currently an area of open grassland surrounded by mature hedges and trees.

6.4.3 As such the proposal raises visual, landscape and natural environment issues and is supported by the following reports and documents in this regard:

- A Preliminary Ecological – by Turnstone
- An amended Landscape and Visual Appraisal, plus appendices
- A Landscape Mitigation Planting Plan

6.4.4 Historic environment issues are considered to be limited in relation to the canal and listed canal bridge.

6.4.5 The above referenced reports and documents have been consulted upon and considered by the Councils Landscape Consultant, the Council's Planning Ecologist, the Council's Conservation Officer and the Canal & Rivers Trust and their relevant consultation comments are summarised in section 4.1 above.

6.5 Ecology and biodiversity

- 6.5.1 The submitted Preliminary Ecological Assessment (PEA) described the site as a short sward improved grassland field of low ecological value bordered by post and wire fence lines, hedgerows and scattered trees. Outside the site it identified the line of mature broadleaved trees located to the NE, the minor road located to the SE; the Wharf Tavern and existing caravan park bordering the site to the SE and SW; the agricultural fields located to the NW and the woodland strip beyond to the NE; the Shropshire Union Canal located approximately 100m to the south and an area of broadleaved woodland located beyond the canal approximately 175m south of site and that the wider landscape is dominated by agricultural fields, dwellings and scattered woodlands. Five ponds within 250 m of the site were also identified.
- 6.5.2 Having regard to the above, the site was assessed under the PEA in relation to badgers, bats, dormouse, nesting birds, great crested newts and reptiles etc. No evidence was found of protected species being present, either within or immediately adjacent the site. Nonetheless, it was found that some surrounding habitat, in the form of mature trees and the boundary hedgerows, was suitable to potentially support species such as badger, bats, nesting birds, great crested newts, European hedgehogs and reptiles.
- 6.5.3 An approximate 16m section of the south-eastern boundary hedgerow will be removed to create the visibility splay in association with the proposed access improvements. Therefore, in recognition that this could directly or indirectly affect species such as bats, birds and great crested newts, the PEA states that, *'appropriate project design and mitigation will need to be adhered to ensure there will be no negative impacts on them as a result of the proposals.'* The PEA goes on to state that *'... in order to mitigate for the loss of 16m section of hedgerow gaps within the north-eastern and southwestern boundary hedgerows will be planted up with a mix of native broadleaved tree species ... Gaps within the unaffected section of the south-eastern field boundary should also be infilled to create a dense and continuous hedgerow. ... Any additional tree planting around the site should comprise native species ... and a minimum of three scattered English Oak trees along the boundary hedgerows will be allowed to grow up to form mature trees. ... All new and planted-up hedgerows and trees will be monitored for a minimum 5 years to check establishment and if die-back or failure to establish occurs then re-planting will be required. ... The proposed areas of groundworks will need to be confined to areas that will not impact on the root systems of the existing and retained hedgerow and boundary trees. An appropriate buffer (as detailed in BS5837:2012) will need to be established. ...'*
- 6.5.4 Otherwise, given the low ecological value of the grassland the subject of the application the PEA summarises that there is *'no specific habitat mitigation is required to negate this loss. However, it is recommended that where possible undeveloped areas around the margins of site are seeded during the autumn with a wildflower seed mix.'* Furthermore, it is acknowledged that the proposed pond to be created centrally with site will provide a significant increase in biodiversity and the PEA sets out what the creation of the pond should involve to achieve this. In addition, ecological enhancements, such as bat box, bird

box and bug hotel provision, are also recommended to ensure the proposals result in a positive ecological gain which is in accordance with the NPPF and policies CS17 and MD12.

- 6.5.5 The PEA also includes a section on measures that are to be put in place to ensure there are no significant negative impacts on the Shropshire Union Canal as a waterbody from the development. This is discussed in more detail in the section entitled The Canal and Historic Environment below.
- 6.5.6 The Council's Ecologist has considered the findings and recommendations made within the PEA, together with the habitat mitigation and planting proposals now shown on the submitted Landscape Mitigation and Plan. Having considered these particular documents, the Council's Ecology is content that, subject to the imposition of recommended conditions of approval to secure i) that works accord with the ecological report; ii) the implementation of the landscape mitigation plan; iii) ecological enhancement features, such as bird/bat boxes, hibernacula and pond details and fencing; iv) a habitat management plan and v) a lighting plan then the proposal is considered capable of compliance with the NPPF adopted development plan policies CS17 and MD12 in relation to wildlife protection and ecological enhancements.
- 6.6 **Visual, landscape and landscaping**
- 6.6.1 In response to concerns raised about landscape impact, additional landscape information has been submitted in the form of a revised Landscape and Visual Appraisal (LVIA, Revision A) and an associated proposed Landscape Mitigation Planting Plan.
- 6.6.2 The Landscape Mitigation Planting Plan is confirmed to have been prepared in response to comments made by the Council's Landscape Consultant and informed the Preliminary Ecological Appraisal (PEA) by Turnstone Ecology: *'The PEA makes reference to the loss of 16m of the south-eastern boundary hedgerow to allow the creation of a visibility splay. The Landscape Mitigation Planting Plan includes the planting of 160m of native hedgerow of 5 different species and the planting of 79 native trees of 7 different species. The proposals also include areas of wildflower seeding.'*
- 6.6.3 In conclusion the revised LVIA tables some negligible and slight adverse landscape or visual effects and one moderate adverse visual receptor effect (users of land adjacent to site). However, the slight adverse effects are stated to reduce to negligible after 3-5 years as the planting establishes and the moderate adverse effect likewise to reduce to slight adverse. None of effects are categorised as significant.
- 6.6.4 Overall, the LVIA (as supported by the landscape mitigation planting plan) concludes that no significant landscape or visual effects and that no notable cumulative effects have been identified. The proposed development is therefore considered acceptable in terms of its likely landscape and visual effects.
- 6.6.5 The revised LVIA and accompanying Landscape Mitigation Planting Plan has

been subjected to re-consultation. As a result, the updated landscape information is now to the satisfaction of those consultees particularly concerned with the potential landscape impacts in this case, ie the Council's Landscape Consultant, the Council's Conservation Officer and the Canal and Rivers Trust – all subject to recommended planning conditions of approval to ensure that the landscape matters are managed and delivered. The updated information is also to the satisfaction of the Council's Ecologist in so far as ecology is concerned – again subject to recommended planning conditions of approval. The list of recommended planning conditions is included in the appendix below.

- 6.6.6 Having regard to the revised LVIA, the provision of landscape mitigation planting proposals and the control/management in the form of recommended planning conditions of approval, officers are satisfied that the proposal is capable of compliance with adopted planning policies concerned with protecting the natural environment and ensuring the local landscape is not significantly adversely affected. Accordingly, with appropriate conditions of approval in place the development is judged to accord with adopted development plan policies MD2, MD11, MD12, MD13, CS6 and CS17 or SAMDev Policy MD12.
- 6.7 **The Canal and the Historic Environment**
- 6.7.1 Particularly concerning the canal and the historic environment the Council's Conservation Officer and the Canal and Rivers Trust (CRT) have been consulted.
- 6.7.2 The Conservation refers to the detailed comments made by the CRT and concurs with those comments. The Conservation Officer therefore raises no objections in relation to the historic environment and recommends the landscaping measures are secured by condition in addition to recommending a further condition to secure the prior approval of the colour of the caravans.
- 6.7.3 As noted by the Conservation Officer, the CRT have made detailed comments. Again, the CRT raises no objections to the application but is concerned to ensure that certain planning conditions of approval are put in place in order to safeguard the canal and its environs.
- 6.7.4 In relation to safeguarding the listed canal bridge, a pre-commencement condition requiring a construction method/management plan with routing details is requested to be agreed to ensure that traffic is managed and to avoid damage to the bridge.
- 6.7.5 To safeguard and manage the visual, landscape and ecology impacts of the development in relation to the canal it is requested that all the measures set out in both the PEA and the landscape mitigation planting plan are secured and actioned through the imposition of appropriate planning conditions of approval and that tree protection measures are submitted and agreed via condition.
- 6.7.6 With particular regard to the canal as a waterbody, as part of the PEA

mitigation details, pollution control measures and safe working methods are stated as to be put in place to ensure that there is no significant negative impact on the canal or the species that the waterbody may support from the development. The CRT is broadly happy that these pollution control measures will avoid accidental pollution of the waterway and therefore continues to request that the pollution prevention measures (as outlined in section 4.2.2 of submitted PEA) are conditioned to safeguard the canal during construction. Additionally, given the stripping of topsoil and groundworks proposed, the CRT request appropriate mitigation measures are put in place to prevent any materials running off into canal during construction/landscaping. The CRT request these measures are addressed in a CEMP to be secured by condition.

6.7.8 Further, given that no fully detailed drainage strategy has been provided at this stage, the CRT request that the approval of a foul and surface water drainage scheme is the subject of a pre-commencement condition.

6.7.9 In summary, no objection is raised from a historic environment perspective or in relation to canal safeguarding, albeit that to fully safeguard the canal, the listed canal bridge and the canal's environs various conditions of approval are recommended, including some pre-commencement conditions as discussed above. Nonetheless, with the recommended planning conditions in place, it is considered that the proposed development could proceed in a satisfactory manner and that the relevant safeguarding measures, mitigation and enhancements required are secured in compliance with relevant planning policy.

6.8 **Drainage**

6.8.1 The NPPF and Core Strategy Policy CS18 states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality. Given the proximity of the proposed site to the Shropshire Union Canal, there is a further requirement to ensure that any drainage associated with the development proposal does not unacceptably impact upon the canal.

6.8.2 A flood risk assessment accompanies the application and confirms that the site is at low risk from on-site and off-site flooding. The document states that foul drainage is proposed to be disposed of via a private sewage treatment plant and drainage field. Surface water is to be disposed of via a sustainable drainage (SUDS) hierarchy. Notwithstanding this, full details of the proposed foul and surface water arrangements are not provided with the submission.

6.8.3 Consultation has been undertaken with the Council's Flood Risk and Water Management Team and the Canal & Rivers Trust upon the application.

6.8.4 The comments of the CRT as are as discussed in the preceding section, whereby, given that no fully detailed drainage scheme accompanies this submission, a pre-commencement drainage condition is requested by CRT.

6.8.5 Similarly, the Council's Drainage team have considered the application and supporting documents and, whilst raising no objection in principle, recommend

that a pre-commencement drainage condition is imposed in order to secure satisfactory drainage arrangements prior to any development commencing. The agent has agreed to the imposition of such a condition.

6.8.6 With the recommended pre-commencement drainage condition in place to reserve approval of the foul and surface water drainage arrangements the proposal is considered to satisfy planning policy in relation to drainage matters.

6.9 Highways

6.9.1 Core Strategy policy CS6 indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.9.2 As an established use attracting customers to the pub, caravan park and canal, the site is already in use as a tourist/visitor destination. The approach to the site is via a network of rural roads. Access to the site from the adjoining road will be from the existing access serving the Tavern and existing caravan site.

6.9.3 To service the proposed development, the existing access will be modified to improve visibility and this is shown on the submitted block plan as proposed. The application is further supported by Highways Technical Note (HTN) that concludes the proposed development would not give rise to any substantive highway capacity or safety issues.

6.9.4 Despite the above, the application has raised highway concerns as a particular point of contention locally. Objections have been raised by local residents and the Parish Council on highway grounds. There is concern in relation to the nature of the rural roads, including the 'red barn' junction onto Hayward Lane to the north and the narrow, humped canal bridge to the south, to safely accommodate the type and increase in traffic associated with the proposed development.

6.9.5 Consultation has been undertaken upon the application with the Council's Highway advisor on the application, including referring Highways to the local objections received. Notwithstanding these objections, Highways state that, as the application is seeking 38 static caravan pitches then '*... in terms of traffic generation this relates to cars and not towed caravans.*' Furthermore, that whilst '*...38 static caravan pitches appears relatively high ... in reality traffic movements over course of typical day are likely to be low and spread out throughout day and outside of morning and afternoon peak periods.*' Fundamentally, therefore Highways do not disagree with the overall conclusions of the HTN (that the proposed development would not give rise to any substantive highway capacity or safety issues).

6.9.6 In conclusion therefore, Highways do not consider a highway objection is warranted but two conditions are considered required. One to require that the access improvements are implemented in accordance with approved plans before any caravan is first occupied. The second, to control the period which

static caravans are brought to site to reduce any adverse impact upon the local highway network. This requirement would be covered in the form of pre-commencement Construction Method Statement (CMS) to be submitted and approved prior to commencement of development and for CMS to be implemented in accordance with approved details for duration of construction period. The agent has confirmed acceptance of the proposed highway pre-commencement condition. The requirement for a CMS would also tie in with the recommendation of the CRT in relation to this matter.

6.9.7 With the Highways comments, an assumption is also made that restrictions will be placed on number of months in year a caravan can be occupied. The Parish Council have interpreted this assumption to not to mean a 12 month occupancy, when the agent has since confirmed a 12 month occupancy.

6.9.8 To clarify, in relation to occupancy the agent confirmed that: *'... the applicants sell the caravans on the site and the subsequent caravan owners then rent their pitches from the applicants (a standard form of operation for such a site). The park is open 12 months of the year, ensuring that the economic benefits associated with the development (such as the provision of jobs and increased custom of existing services and facilities) are not just seasonal but experienced throughout the year. With regard to the concerns expressed about the permanent residential use of the caravans, I assume that this issue can be addressed by a suitably worded condition on any subsequent consent.'*

6.9.9 In response to the Highways comment that assumes that there will be "restrictions on the number of months in the year a caravan can be occupied" the agent has reiterated that: *'... the park is open 12 months of the year, ensuring that the economic benefits of the development are not just seasonal but extended throughout the year. It is therefore assumed that a condition similar to the one stated below (and placed on similar developments in Shropshire) will therefore ensure that the caravans are not occupied permanently:*

a) The static caravans shall be occupied for holiday purposes only;

b) The static caravans shall not be occupied as a person's sole, or main place of residence;

c) The operators of the site shall maintain a register of the names of all the owners and occupiers of the static caravans hereby approved and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential accommodation as it would be contrary to Local Plan Housing Policy.'

6.9.10 Officers have discussed the Highways comments and this arising occupancy issue directly with Mark Wootton. As Highway Manager he has confirmed that he would be satisfied with a planning condition restricting occupancy to holiday occupation only; his key concern from the highway perspective relates to the ability to occupy the caravans for full time residential which an occupancy restriction similar to the above would prevent.

6.9.11 Subject to the imposition of recommended conditions of approval discussed above, then no objection is raised by the Highways on highway grounds. Whilst the type of use would mean additional traffic within the area, it is not considered that the cumulative impacts on the highway network would give rise to any substantive highway capacity or safety issues to warrant refusal under chapter 9 of the NPPF and local development plan policy. Within chapter 9 at paragraph 109, the NPPF makes it clear that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

6.10 **Impact on residential amenity**

6.10.1 Adopted local planning policies refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have any unacceptable consequences for neighbours and/or residential amenity.

6.10.2 Whilst objections from local residents have been received on amenity grounds, particular in relation to noise, consultation has been undertaken with the Council's Public Protection Officer (PPO). It is the professional view of the PPO that the proposed development will not give rise to any unacceptable adverse impact upon the residential amenity of local residents and such as to warrant refusal.

6.10.3 Further to the above, the agent has commented that: *'It is in the applicant's interests to ensure that the operation of the site does not result in any unacceptable amenity issues as this would detrimentally impact the reputation of the site, its attractiveness for future holidaymakers and therefore its viability. In this regard the site has booking conditions (available on its web-site) which detail how noise is kept at a level which does not disturb others. As a result, the existing caravan park, moorings and public house at the site (which, prior to the pandemic, was a successful and thriving operation) has not received any noise complaints. Given the above, it seems clear that the development proposed in this application will not give rise to any unacceptable noise impact.'*

6.11 **Planning Balance**

6.11.1 Wharf Caravan Park is long established as a site for touring caravan pitches. To extend the site is something that is broadly supported by planning policy in principle, subject to satisfying certain environmental expectations. The scale of the proposed extension and the number of static units proposed is considered and acknowledged as being somewhat substantial in relation to what currently exists. In response to objections regarding the number of units and comments of over development, a reduction in the scale of the development has been invited. However, no reduction has been forthcoming. Nonetheless, through the submission of supporting documents and assessments, alongside with mitigation proposals and measures that can be secured through the use of planning conditions, it is considered that the case has been demonstrated that the proposal can be adequately accommodated without significant harm to the

local environment. The potential impact of the proposal on the landscape, ecology, biodiversity, Shropshire Union Canal, drainage, highway and the amenity of local residents have all been duly considered and the conclusion arrived at, having regard to the professional views of the consultees received in the related disciplines and weighed against the local objections received, that the proposal can proceed to approval, subject to the imposition of appropriate planning conditions as recommended. With such planning conditions in place it is further considered the proposal accords with the development plan. Aside from the environmental matters, the development will provide some economic and social benefit to the local area, both during the construction phase and in the operation and maintaining of the site thereafter which also weigh in favour of the proposal in relation to sustainability objectives in overall planning balance.

7.0 **CONCLUSION**

7.1 The scheme seeks to expand an established business and caravan park with static caravan provision. The scale of the proposed extension is acknowledged as somewhat large but it is considered that it has been demonstrated the scheme is capable of being developed without significant detriment to the local environment, all subject to compliance with recommended planning conditions of approval. Further, it is acknowledged that the development will enhance an existing business, which is something local policy generally seeks support, and that in so doing it will deliver some social and economic benefits to the local area. As such this contributes to rural sustainability objectives. Whilst there remains some concern at a local level, particularly regarding overdevelopment and the ability of the local highway network to safely accommodate the development, these objections are not sustained by consultee responses. Overall and on balance therefore, officers consider that the proposal, as supported by additional information and plans, can be supported and with recommended planning conditions of approval in place will accord with the main objectives of relevant development plan policies and the NPPF. Therefore, it is recommended that planning permission is granted, subject to the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS8, CS9, CS11, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD7A, MD7B, MD11, MD12, MD13 and S11; the Council's SPD on the Type and Affordability of Housing; the National Planning Policy Framework; Planning Practice Guidance and Sections 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they

disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
 Economic Development, Enterprise and Employment
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
 Countryside
 MD7B - General Management of Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S11 - Market Drayton
 National Planning Policy Framework
 CS1 - Strategic Approach
 CS8 - Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 MD1 - Scale and Distribution of Development
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

NS/03/00879/OUT Detached dwelling and private access drive in conjunction with existing
 licensed premises REFUSE 23rd October 2003
 NS/04/00980/OUT Erection of one detached dwelling and private access drive in conjunction
 with licensed business REFUSE 10th November 2004
 NS/05/02425/OUT Erection of detached bungalow in connection with existing business
 REFUSE 11th May 2006
 NS/07/00568/LDC Application of lawful development certificate for a commercial touring
 caravan site for up to 50 units REFUSE 10th May 2007
 NS/07/01619/FUL Proposed erection of replacement dwelling CONAPP 5th October 2007
 NS/08/00110/FUL Proposed erection of replacement dwelling (amendments to previously
 approved scheme, 07/01619/FUL) CONAPP 25th February 2008
 10/03144/FUL Renewal of extant Planning Permission Ref. 07/01619 for the erection of
 replacement dwelling GRANT 24th September 2010
 NS/80/00933/FUL Erection of an extension to form additional staff accommodation GRANT
 16th December 1980
 13/03511/FUL Renewal of extant Planning Permission Ref. 10/03144/FUL for the erection of
 replacement dwelling GRANT 21st February 2014
 16/03140/FUL Erection of single storey extension to kitchen GRANT 30th August 2016
 16/04643/FUL Erection of a single storey extension GRANT 24th November 2016

NS/95/00240/FUL ERECTION OF AN EXTENSION TO SIDE ELEVATION OF
EXISTING PUBLIC HOUSE CONAPP 5th April 1995

NS/07/02012/LDC Application of Lawful Development Certificate for use of land for commercial
touring caravan site for up to 50 units APPRVD 1st April 2008

Appeal

NS/06/00016/REF Erection of detached bungalow in connection with existing business
DISWOC 23rd October 2006

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) Councillor Ed Potter
Local Member Cllr Rob Gittins
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, to include the site layout.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and so safeguard the countryside setting and visual amenity of the locality.

3. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Preliminary Ecological Appraisal prepared by Turnstone Ecology (19th August 2020).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a detailed scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site. to avoid flooding. to avoid potential pollution and to ensure that foul and surface water is disposed of in a safe and appropriate manner to safeguard the canal.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a biodiversity enhancement plan has been submitted illustrating recommendations in Section 4.2 of the Preliminary Ecological Appraisal (Turnstone Ecology, August 2020) and include:

- a) Pond design (to include shelving margins), schedules of plants, noting species (including scientific names) and location of fencing associated with the proposed pond.
- b) The makes, models and locations of ecological enhancements including the hibernacula, 2 bat and 20 bird boxes
- c) Native species used are to be of local provenance (Shropshire or surrounding counties);

The plan shall be carried out as approved. All ecological features shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of biodiversity enhancements afforded by appropriate landscape design and in accordance with MD12, CS17 and section 175 of the NPPF.

6. Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area, including the listed canal bridge.

7. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter 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, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in relation to the stripping of topsoil and groundworks proposed.

The plan shall be carried out as approved.

Reason: To ensure appropriate measures are put in place to prevent any materials running off into the canal during construction/landscaping phase.

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

9. The pollution prevention measures set out in Section 4.2.2 of the submitted 'Preliminary Ecological Survey' shall be undertaken as specified therein during the construction phase and post construction thereafter.

Reason: To safeguard the canal from potential pollution during the construction phase and thereafter.

10. All landscape mitigation and planting works shall be carried out in accordance with the approved drawing number 3068-001. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

11. A habitat management plan shall be submitted for the approval of the Local Planning Authority within the first year following the commencement of use of the site. The plan shall include:

- a) Description and evaluation of the features to be managed (pond, hibernacula, boundary features etc.);
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

12. The proposed access improvements shown on the approved drawing SA36994_PL_05 Rev A shall be fully implemented before any static caravan is first occupied/brought into use, which ever is the sooner, and retained and maintained thereafter in perpetuity.

Reasons: In the interests of highway safety.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species and to safeguard the visual amenities of the rural locality.

14. Prior to the siting of any of the static caravans on the site, details of their exterior colour and finish shall be submitted to and agreed in writing with the LPA. The colour and finish shall be carried out and maintained in accord with the approved details and not changed without the prior written agreement of the Local Planning Authority.

Reason: To ensure the external appearance is satisfactory and In the interests of visual amenity.

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

15. The static caravans hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy.

16. Any static caravans constructed and brought onto the site shall accord with the legal definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960 and amended by the Caravan Sites Act 1968.

Reason: To define the consent and avoid the establishment of permanent new residential units in the open countryside in accordance with adopted development plan policy.