



Committee and date

**Southern Planning Committee**

**23rd August 2022**

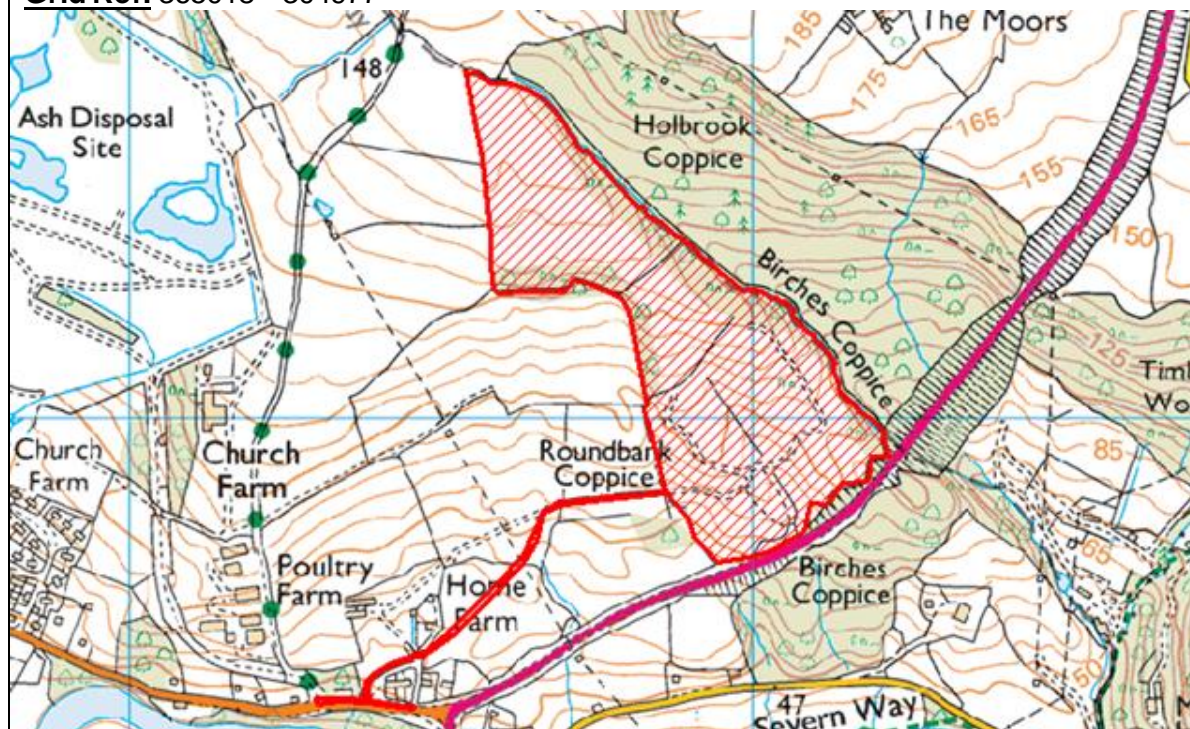
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b><u>Application Number:</u></b> 21/03090/FUL	<b><u>Parish:</u></b>	Buildwas
<b><u>Proposal:</u></b> Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
<b><u>Site Address:</u></b> Buildwas Leisure Site Buildwas Telford Shropshire		
<b><u>Applicant:</u></b> Montague Property And Marnwood Properties Ltd		
<b><u>Case Officer:</u></b> Tim Rogers	<b><u>email</u></b>	: tim.rogers@shropshire.gov.uk

**Grid Ref:** 365018 - 304977



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout (revised since May Committee), of 106 static caravans and 48 lodges along with supporting infrastructure (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). For further clarification the proposal no longer includes any pitches for touring caravans. The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 This application was previously considered by the committee at their meeting on the 8th February 2022 and again on the 31<sup>st</sup> May 2022. The reports to those meetings are appended to this update and provide more information regarding the detail of the application.
- 1.3 At the meeting on the 31<sup>st</sup> May 2022 determination of the application was deferred as members expressed some concern about the use of the proposed access and its implications for highway safety. The deferment was to enable the applicant to undertake and supply a Road Safety Audit (RSA) in relation to the highway issues raised.
- 1.4 Since the last meeting the applicants have amended the application (with appropriate plans) and have submitted a RSA together with a supplementary technical note which comprises a further addendum to the transport statement. A revised landscape and visual impact assessment has also been submitted to take account of the fact that the touring caravan element has been removed from the proposal. In addition, as it came to light since the last meeting that the Council own land to the east of the access off the highway, the applicants have served notice on the Council as the owner of land which may be affected by the development.
- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site comprises agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.
- 2.2 The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a

culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.3 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).
- 2.4 The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

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

- 3.1 The application has previously been considered by committee and deferred at previous meetings. The Parish Council view is contrary to the Officer recommendation. The Interim Planning and Development Services Manager, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application is of a warrants determination by Committee.

### **4.0 Community Representations**

**Consultee Comment** - Please refer to Section 4 of the appended report.

- 4.1.1 **Buildwas Parish Council** - Object - See appended reports for previous comments.

**13/06/2022** - The parish council wishes to reiterate their objections to this application on the grounds of increased traffic to this site and the increased traffic that will result on the already dangerous B4380. We are concerned that the width of track and road that reads up to the site is not sufficient and would increase the possibility of vehicles being damaged and making this unsafe for pedestrians to pass in areas, furthermore there would be no suitable turning points in the road and

the gradient of road is dangerous. There remain questions to be asked about surface safety of the road.

The proposed roundabout nearby would also be adversely effected by the increased traffic that would result if this application were to be approved.

More information is required on the type of bike hire and shuttle bus that is proposed, no adequate information has been made available on these subjects.

**4.1.2 SC Developing Highways - No Objection - See appended reports for earlier comments.**

**11/08/2022** - Further to the recent correspondence regarding the above and the submission of the attached Technical note SA36090\_TN3. I can confirm that Shropshire Council as Highways Authority have reviewed the attached technical note and continue to raise no objection to the granting of consent. It is noted that in response to concerns raised by Members of committee, the application has been amended to remove the previously proposed 32no. touring caravan pitches. This is considered overall benefit to highway safety, as the overall size of the vehicles entering and existing the site will reduce. The construction and delivery of the proposed lodges and caravans will need to be managed, through a Construction Management Statement.

Members attention should be drawn to Section 1.3 of the attached technical note that confirm that the existing access off the A4169 does not form part of the proposed development as it is not suitable for the intended use. For ease of reference an extract from the report is as follows;

*Further to the request for an RSA on the access proposals, the planning committee raised questions over the suitability of the existing access to the main site area from the A4169 from Buildwas Bank. This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signal controlled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority.*

In accordance with the recommendation of South Planning Committee the applicant has commissioned a Stage 1 Road Safety Audit to fully consider the access proposals put forward as part of this application. The safety Audit identified a number of problems/issues a designers response has been provided as part of the attached technical note. A number of the issues raised related to the proposed roundabout on Buildwas Bank, which does not form part of this

application. The design of the roundabout is subject to ongoing discussions with Harworths and their consultants, and has been subject to a separate Road Safety Audit. In relation to the issue raised regarding the speed limit transition. There is a potential overlap between the two schemes, however prior to commencement of any works on site, consideration will be given to the appropriate location of the 40mph speed limit depending on the timing of both developments. In relation to the concerns raised the convergence of the shared private access to Home Farm (development site) and the driveway leading to properties 72 to 82, The Anchorage, and Green Acre (eight dwellings in total). There is potential for conflict between vehicles emerging, however it is agreed that the risk of conflict is low, as vehicle speeds will be low and it is unlikely (but possible) vehicles will be exiting the private accesses at the same time. it may be necessary to formalise the priority, in this case priority would be given to the higher flow, which is likely to be from Home Farm. It is recommended that the layout is monitored and within 3 months of opening a Stage 3 Road Safety Audit is undertaken and the layout assessed to establish if any intervention is required.

### **15/08/2022**

Further to previous comments, as discussed, in view of the issues raised within the Stage 1 Road Safety Audit, it is recommended that the convergence of the shared private access is monitored. However, following further consideration, it is felt that this does not need to be subject to a planning condition unless Members consider it necessary. The works will be subject to a Section 278 legal agreement. A Stage 2 Road Safety Audit will be undertaken as part of the detailed design and the wording of the legal agreement requires the developer to undertake a Stage 3 Safety Audit once the works have been completed. Any issues raised by either Road Safety Audits needs to be addressed by the developer or agreed with Shropshire Council.

### Conditions:

#### Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

#### Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

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

#### Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

- 4.2 Public Comments –** No additional comments - See appended reports for previous comments.

## **5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of the area

Impact on heritage assets

Highway safety and transport

Ecology

Drainage

Residential amenity

Contamination

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 In respect of the principle of the proposed development officers position remains unchanged from that set out in Section 6.1 of the appended report i.e.no objection in principle subject to satisfactory details in respect of material considerations.

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

- 6.2.1 As set out in Section 6.2 of the appended report it is considered that the proposal is capable of meeting the requirements of adopted policies. Where necessary this can be ensured by the imposition of appropriate conditions.

### **6.3 Impact on visual amenity and the rural character of the area**

- 6.3.1 The potential implications of the proposed development and the assessment of the applicant's submissions in this regard are set out in detail at Section 6.3 of Appendix 2 (original report) . It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on ant grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

### **6.4 Impact on Heritage Assets**

Please see Section 6.4 of Appendix 2 (original report). The Council's Historic Environment (Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

## **6.5 Highway Safety and Transport**

- 6.5.1 The original officer assessment of the proposals is set out in Section 6.5 of Appendix 2
- 6.5.2 Following the original deferment of the application by the committee (8<sup>th</sup> Feb 2022) the applicant submitted further information in respect of the access to the proposed development. This comprised an addendum to their transport statement and three additional/amended plans. Following the second deferment in May (31<sup>st</sup>) the applicant has undertaken a RSA as requested and has provided a response to that which has included further revisions to the proposals including, importantly, the removal of the touring caravan element of the scheme.
- 6.5.3 Following the last deferment the applicants commissioned a RSA as requested in the committee decision. The commission included the following brief:-  
'The council have asked us to audit the proposed private access improvements for a leisure park at Home Farm, Buildwas, TF8 7BU. A Stage 1 RSA is required by the LHA to assess the proposed scheme and also to consider the placement of a roundabout at the junction located to the east of the access (as required by an existing extant planning consent for the Ironbridge Power Station redevelopment), in relation to the use of the access for the proposed leisure park development. Please see the attached plans giving an overview of this. The access is located here: <https://goo.gl/maps/1Sq5af16dirCsawZ8> Note that during the most recent planning committee debate which resulted in deferment of the application, members of the committee specifically requested that the RSA team consider the impacts of touring caravan traffic in relation to the site access and the proposed adjacent roundabout junction'
- 6.5.4 The RSA commissioned by the applicants did identify a number of problems/concerns about the access arrangements for the proposed development which were considered and responded to in a further technical note dated the 6<sup>th</sup> July 2022. In addition that document also considered the query raised by members about the possible use of the existing access from the A4169 at Buildwas Bank either in isolation or as part of a one way system. It stated the following:-  
*'This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signalcontrolled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority'*
- 6.5.5 A number of the issues identified within the RSA are identified by the applicants as being out of their control and are matters which should be addressed in the final design of the roundabout associated with the power-station redevelopment. With

regard to the issue of the mouth of the proposed access itself and the convergence with an adjoining access serving residential properties, they point out that the removal of touring caravans from the proposal is a significant benefit which sits alongside the proposed widening works. Their response states:-

*'Given that the development proposes to widen the access point, this will go some way to mitigate the problem by providing further space within the junction. Also, the developer has now decided to remove the proposed touring caravan pitches from the leisure site proposals, so the majority of vehicle movements for the development will be by light vehicles only. This therefore reduces the risk of conflict occurring here. We therefore conclude that the overall risk posed by this problem is low'*

- 6.5.6 With regard to an identified issue with insufficient right turn lane segregation the response from the applicants is as follows:-

*'Additional hatched markings will be provided at the detailed design stage to separate the right turn lane box for the development site from the subsequent right turn lane ahead for Buildwas Lane (former ash dump site access). We consider the actual level of safety risk posed by this problem is negligible and this is more of a design issue.'*

- 6.5.7 The further submissions on behalf of the applicants have been assessed by the Councils Developing Highways team whose comments are provided at para 4.1.2 above. Whilst it is acknowledged that the use of the access and the junction with the B4380 is a real and significant concern for local residents and the Parish Council, the conclusion that has been reached is that, although there will inevitably be some impact, the proposed use of the access (with the improvements to be provided and the removal of the touring caravan element of the scheme) will be acceptable in its own right, and that the implications for users of the public highway and adjoining private drive will not so severe that a refusal of planning permission is justified.

## **6.6 Ecology**

- 6.6.1 No Change - The considerations with regard to ecological impacts are set out in Section 6.6 of the appended report. The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

## **6.7 Drainage**

- 6.7.1 No change - Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a flood risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.



## **6.8 Residential Amenity**

- 6.8.1 The considerations in respect of the potential impacts on residential amenity of adjoining occupiers are set out in Section 6.8 of Appendix 2. Whilst it is acknowledged that the further alterations to the access as now proposed by the applicants will have some potential for increased visibility between users of the access and adjoining properties, it must also be recognised that this will be periodic for very short periods in terms of individual users of the access such that there will be no sustained or unacceptable impact on residential amenity.

## **6.9 Contamination**

- 6.9.1 No change - The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 of Appendix 2>

## **7.0 CONCLUSION**

- 7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high-quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes and matures. The removal of the touring caravan element of the proposal will be a benefit in visual terms as the colour/appearance all of the accommodation can be controlled
- 7.2 A refusal of the proposals contained in this application on the grounds that it would cause unacceptable visual harm to the landscape or to the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high-quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement (as amended by recent addendums) uses nationally recognised standards and modelling and has established that there would be no access junction or road network capacity problems resulting from the proposed development. It is considered that a safe and suitable access to the site can be

achieved for all users and any significant impacts from the development on the transport network, or on highway safety, and can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. In officer's opinion there would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality. Remediation for ground contamination/gases can be addressed through the recommended planning condition.

7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

## **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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

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  
 MD7B - General Management of Development in the Countryside  
 MD11 - Tourism Facilities and Visitor Accommodation  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 National Planning Policy Framework

RELEVANT PLANNING HISTORY: \_

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motorcycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

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 Claire Wild

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.

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the static holiday caravans/ lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained by the owners/operators of the holiday caravan site of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. No development shall take place, including any works of demolition, until a Construction Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

9. Before any static holiday caravan/lodge is first occupied the foul and surface water drainage arrangements to the cluster of caravan/ lodges in which it would be located shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

10. Prior to the erection of any external lighting on the site associated with the development hereby approved, 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. 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 and any future update to that document. 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.

11. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

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

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be



moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

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

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

## **Informatives**

1. In arriving at this decision Shropshire 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 38.

2.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or

oacarry out any works within the publicly maintained highway (street), or

oauthorise the laying of private apparatus within the confines of the public highway (street)

including any a new utility connection, or

oundertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

ootherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street Works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

3. Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

4. All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day.

to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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