



Committee and date

South Planning Committee

24 October 2017

Development Management Report

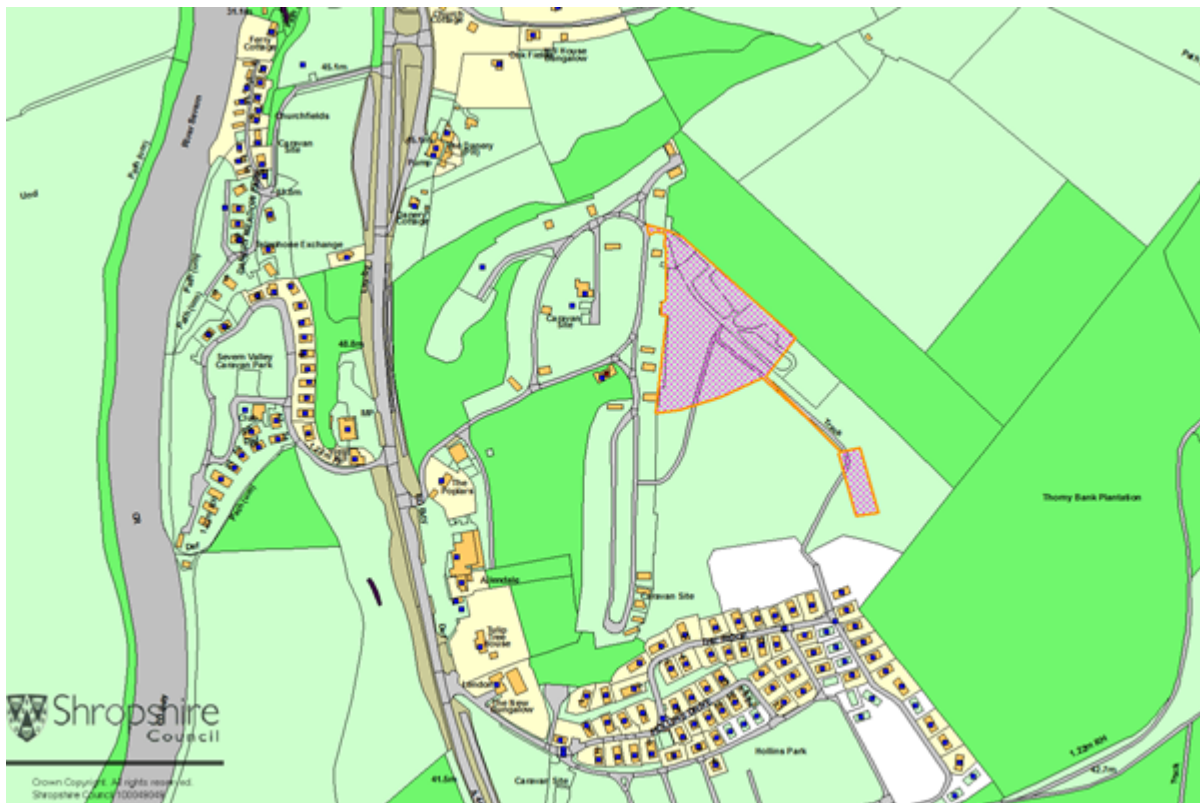
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/03179/FUL	Parish:	Bridgnorth Town Council
Proposal: Change of use of land to caravan park for additional 20 static holiday caravan pitches		
Site Address: Russells Caravan Park Quatford Bridgnorth Shropshire WV15 6QJ		
Applicant: Russells Caravan Park Ltd		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 374017 - 290359



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to receipt of satisfactory update to ecological report, completion of a Section 106 Agreement to ensure no stationing of caravans on the alternative site area and a rolling programme to ensure that the area retains tree cover, to the conditions set out in Appendix 1 and any other conditions that may be required on receipt of the update to the ecological report.

REPORT

1.0 THE PROPOSAL

1.1 This proposal relates to an area of land immediately to the east of the existing Russells Caravan Park. The extent of the red line defining the application site takes in part of the recreation area granted planning permission in 1993 to serve the caravan site which is now split into two different ownerships – Russells Caravan Park and Hollins Park (ref 93/0100). The proposed layout showed a total of 20 static holiday caravan pitches on the triangular shaped site, grouped around a central green space. Access to the site would be from the existing private roads within the Russell's Park Caravan site, with a new access driveway commencing in the north western corner of the application site and forming a loop road within the site. A septic tank associated drainage system to serve the caravans would be positioned to the south of them in the remaining part of the recreation area.

1.2 In March 2016 an application (ref. 15/03937/FUL) to change the use of part of the recreational area for an additional 30 pitches to extend the existing site, which was a larger site including the land of the present proposal, was refused under Officer delegated powers for the following reasons:

1. The proposal would constitute inappropriate development in the Green Belt, harming openness which is the Green Belts most important attribute. It would conflict with the purpose of the Green Belt to safeguard the surrounding countryside from encroachment. No very special circumstances have been demonstrated in this case that would outweigh the harm to the Green Belt which would be caused by this development and justify a departure from adopted Development Plan Green Belt policy. The proposal is therefore contrary to Shropshire Core Strategy policy CS5, Site Allocations and Management of Development (SAMDev) Plan policy MD6 and Section 9 (Paragraphs 87 to 90) of the National Planning Policy Framework (NPPF).

2. The proposed development would consolidate and enlarge an existing static caravan site in the Severn Valley which SAMDev Plan policy MD11 seeks to resist, due to the cumulative impact of caravan and chalet sites harming the visual qualities of the area, eroding its rural character. In this particular case it is considered that the proposed regimented, closely spaced layout of 30 single unit static caravans, with a repeating rhythm to the layout and landscaping, and reducing and dividing up the open recreational area, would create an urban built form eroding the rural setting further, to the detriment of the rural character of the area. The proposed development would therefore be contrary to Core Strategy policies CS6, CS17 and SAMDev Plan policies MD2 and MD12, and paragraph 58 of the NPPF.

- 1.3 An appeal against the above refusal was dismissed on the 2nd September 2016. The Inspector concluded that the siting of thirty caravans (with visitor vehicles) would not preserve the openness of the Green Belt and hence would amount to inappropriate development in the Green Belt. In addition he considered the proposed development would lead to an encroachment into the countryside. With regard to the impact on the character and appearance of the area the Inspector commented:

“I conclude that whilst the development would not be visible from longer distance views, it would nonetheless be visible from some localised viewpoints. From these areas, the proposal would unacceptably detract from the essentially open and rural character of the area, and the linear nature of the layout of pitches would be such that the proposal would not appear as a tight extension to the existing site. Overall, and taking into account all material planning considerations, I consider that moderate harm would be caused to the character and appearance of the area.”

The Inspector acknowledged some local economic and tourism benefits associated with the proposal, but these benefits did not outweigh the identified harm that would be caused to the Green Belt and the character and appearance of the area and the appeal was dismissed.

- 1.4 The agent has explained in the Planning Statement submitted with this application that, following the appeal decision, the applicant has been looking at options to site additional caravans within the caravan site licence boundary and on land which already has planning permission as part of the caravan site. The area where this could take place is on a wooded, sloping area to the west of the existing caravans and immediately to the east of the A442 Bridgnorth to Kidderminster Road. He comments the stationing of caravans on this land would require more extensive ground works than the application site proposal, would involve tree removal and would have a more significant landscape and visual impact on the Severn Valley than the land for which planning permission is now sought. An alternative site layout and a contour land for this area within the existing caravan site has been submitted to show how 20 caravans could be stationed on it.
- 1.5 A draft Section 106 Agreement has been submitted as part of the application which would ensure this alternative site is not developed for holiday caravans, and to retain and maintain the area as woodland, as part of a planning permission to station the same number of caravans that the alternative site could accommodate on the application site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated within Green Belt countryside, some 2 miles to the south of Bridgnorth, on the eastern side of the River Severn. The existing caravans at Russel’s Park are positioned on the eastern side of the valley slope and along the ridge line. The application site is to the east of this ridge and is recreational land associated with the caravan park, now split between two different ownerships. The land slopes down in easterly and south-easterly directions, with the land form then rising up beyond the eastern site boundary again. The land to the east is a mix of

farmland and woodland.

- 2.2 To the south, beyond part of the amenity space for the caravan parks not within the current application site, is the Hollins Park site, where older caravans are being replaced by newer units described as ‘park homes’, but which still meet the definition of a caravan for the purposes of planning legislation and site licensing. Consequently the installation of these new, replacement units within the boundaries of the authorised caravan site has not required planning permission.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council view is contrary to the Officer recommendation. The grant of planning permission would be a departure from the Development Plan and hinges on a judgement concerning the impact on the openness of the Green Belt and the visual impact of development of the application site in comparison with the alternative within the existing caravan site boundary, and whether any greater adverse impact of the former would amount to very special circumstances to justify inappropriate development in the Green Belt. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that this balance of material planning considerations is a matter for determination by Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Bridgnorth Town Council – Recommend Refusal:
The objections that had been lodged with Shropshire Council were read out at the meeting; over development and possible noise nuisance, siting of the septic tanks close to residential properties and Green Belt land.
- 4.2 SC Highways Development Control – No Objection:
The site is the Russells Caravan Park off the A442 at Quatford near Bridgnorth. This is a well-established site. The A442 runs east to Kidderminster and west to Bridgnorth. The proposal is for the addition of 20 pitches and access road on part of what is currently a large amenity field to the rear of the current site. Vehicle access to this site is already in place.

The highway access, parking and turning areas offered are adequate.

- 4.3 SC Drainage – No Objection:
The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for

a 1 in 100 year return storm event plus an allowance of 25% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catch pit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. Full details and sizing of the proposed septic tank including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

4.4 SC Ecology - No Objection:

The proposal is for an extension to an existing caravan park. The proposed development will involve the clearance of an area of waste ground, consisting of bare earth, ruderals, scrub, young trees and piles of rubble, spoil, timber and building materials piles, and areas of semi-improved grassland and tall herb. Access will be via an existing track and the majority of uncut semi-improved grassland and tall herb vegetation will be retained and the adjacent woodland unaffected. The habitats affected by the proposals are of no significant botanical interest but do have potential to support a number of protected vertebrate species.

The following conditions and infomatives should be on a planning decision notice;

1. Development shall occur strictly in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology, August 2015), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of reptiles.

2. Within the 3 weeks prior to the commencement of development on the site, a pre-commencement badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-

commencement survey then the ecologist should set out appropriate actions to be taken during the works, which may include precautionary methods of working, timing restrictions, restrictions of activities around any identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

3. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development, unless otherwise approved in writing by the Local Planning Authority. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula).
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.

3. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development, unless otherwise approved in writing by the Local Planning Authority. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula).
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.
- d) Native species used are to be of local provenance (Shropshire or surrounding counties).
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works.
- f) Implementation timetables.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Bats and Lighting in the U.K.* (2009).

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

Informative

The active nests of all wild birds are protected under the Wildlife and Countryside

Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

Informative

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 closefitting 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.

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Informative

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

- 4.5 SC Regulatory Services – No Objection:
The applicant must ensure they operate under any appropriate license. The following information is therefore recommended as an informative:
Caravan sites informative:

The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5. For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages at the following link: <https://new.shropshire.gov.uk/licensing/apply-for-a-licence-or-permit/caravan-site-licence/>

- 4.6 - Public Comments
- 30 Objections (4 objectors submitting two separate letters):
- Adverse impact on the neighbouring residential park which is a full residential for older people.
 - Field creates a buffer of undeveloped natural beauty between the two sites which have very different client bases.
 - Caravan site already over-developed.
 - No benefit to Bridgnorth or Shropshire Council.
 - Questions whether current site exceeds the number of caravans allowed by the site licence.
 - No need.
 - Still an inappropriate intrusion into the Green Belt.
 - Imposing visual impact and encroachment on Green Belt area.
 - Area currently used to dismantle caravans and concerned this activity would creep closer to residential homes.
 - Loss of amenity with reduction in size of football pitch.
 - Additional burden on stretched local services.
 - Question why septic tank not positioned adjacent to proposed caravans; could lead to further infill caravans between the proposed 20 caravans and the septic tank.
 - Air pollution or waste leaching from drainage system would affect residential homes.
 - No road access to empty septic tank.
 - Need a more detailed specification and risk assessment for septic tank.
 - Connection should be made to the main sewerage system.
 - Concrete pads for caravans would impact on ability of land to drain naturally.
 - Adverse impact on privacy and security if overlooked by a mobile home park.
 - Harm view of Hollins Park residents.
 - Increased noise nuisance to the residential home owners from holiday makers.
 - Should protect lifestyle chosen by Hollins Park residents all year round who pay Council Tax and contribute to the Community.
 - Will encourage misuse of the adjacent National Trust land.
 - Ecological Assessment did not survey the whole of the current development area.
 - Erosion of natural habitat for wildlife.
 - Question accuracy of block plan; highly likely the actual development would encroach further into Green Belt.

- Has a land quality assessment been carried out to ensure any contamination caused from the previous disposal activities on the land is controlled?
- Previous refusal and appeal decision should stand.
- Encroachment onto Green Belt areas for holiday accommodation unacceptable.
- Increased traffic in area that struggles to cope with current levels of road users.

5.0 THE MAIN ISSUES

Principle of development
 Visual impact and landscaping
 Residential Amenity
 Drainage
 Ecology
 Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is situated within the Green Belt where there is a presumption against inappropriate development. In relation to the presumption in favour of sustainable development, the foot note 9 in the National Planning Policy Framework (NPPF) makes it clear that land designated as Green Belt remains an area for restrictions on development. Paragraph 79 of the NPPF advises that essential characteristics of Green Belts are their openness and their permanence.

6.1.2 NPPF paragraph 87 states that: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 asserts that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.” Paragraph 89 establishes that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, subject to certain potential exceptions. Paragraph 90 also identifies various other forms of development that are capable, in principle, of being appropriate subject to certain conditions. This list is exhaustive. The proposed type of development (stationing of caravans) is not included in this list. Changes and clarifications (August 2015) made by the Government to Planning Policy for Traveller Sites in the Green Belt have further emphasised the principle of protecting Green Belt reasserting that inappropriate development (in this case accommodation for Gypsy and Travellers) is harmful to the Green Belt and should not normally be approved, except in very special circumstances. The stationing of static caravans is development that would harm the openness of the Green Belt.

6.1.3 Shropshire Core Strategy policy CS5, while pre-dating the NPPF, states that there will be additional control on new development in the Green Belt in line with Government Guidance. It’s reference to the now replaced PPG2 has been addressed with the adoption of the Site Allocations and Management of Development (SAMDev) Plan, adopted on 17th December 2015 as part of the Development Plan. Policy MD6 requires it to be demonstrated that proposals would not conflict with the purposes of the Green Belt. A clear conflict here in relation to the five purposes set out at paragraph 80 of the NPPF is “to assist in safeguarding

the countryside from encroachment.” While Core Strategy policy CS16 relates to Tourism, Culture and Leisure, and advises that in rural areas high quality visitor accommodation must be of an appropriate scale and character to their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required, this does not outweigh Green Belt considerations.

- 6.1.4 In addition policy MD11, relating to tourism facilities and visitor accommodation, recognises that static caravans, chalets and log cabins do have a significant impact upon the character and appearance of the countryside and the impact already of existing sites in the Severn Valley. At point 10 this policy states:

“New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.”

(All land to the east of the River Severn is Green Belt).
The supporting text at paragraph 3.104 states:

“MD11 seeks to limit the effects of new and extended sites in areas where cumulatively the impacts would outweigh any potential economic benefits. Within the Severn Valley there are a number of existing chalet developments in prominent locations which in many cases have become permanent residential dwellings. The policy seeks to limit the future development of these sites and restrict further visitor accommodation of this nature in this area of valued landscape character. The Policy also seeks to enable a ‘managed retreat’ of existing static caravan and chalet sites that are currently located in areas of highest flood risk should proposals come forward to move to areas of lower risk.”

- 6.1.5 The proposal is therefore inappropriate development in the Green Belt and contrary to Development Plan policies which seek on expansion of existing static caravan/chalet sites in the Severn Valley. In the appeal against the refusal of application 15/03937/FUL the Inspector’s conclusions, in dismissing the appeal, are summarised at paragraphs 1.3 and 1.4 above. His conclusions endorsed the planning application refusal reasons set out in full at paragraph 1.2 above.
- 6.1.6 The issue of the potential to develop the alternative site within the existing caravan site boundary for a matching number of caravans as now proposed is a new material planning consideration that was not before either the Council or the Planning Inspector when application 15/03937/FUL was under consideration. A decision has to be made as to whether this new material planning consideration is one of sufficient weight to constitute very special circumstances that outweigh the impact on the openness of the Green Belt, the encroachment into the countryside and the harm by reason of inappropriateness.
- 6.1.7 A check of the planning history for the Russells Caravan Park has confirmed that the ‘alternative site’ falls within the boundaries of the land with planning permission for use as a caravan site. Planning permission 61/630 for the use of land for the stationing of 100 caravans and planning permission 62/2520 for the extension to existing caravan site by the stationing of an additional 55 caravans have no

planning conditions restricting the number of caravans to the numbers specified in the description of development, or conditions requiring the developments to be carried out in accordance with the approved plans and thereafter maintained as such. Consequently limitation to the numbers specified in the descriptions of development could not be enforced today where layouts within the caravan site boundary would accord with caravan site licence requirements. The Council's Regulatory Services Team has advised that, in principle, the site layouts shown for the application site and the 'alternative site' would satisfy site licence requirements. From the site visit and the site contour plan submitted, it is considered that there is a realistic prospect that the 'alternative site plan' development could be carried out and that it is not a theoretical exercise.

- 6.1.8 The key consideration for the Committee here is considered to be the relative landscape impacts of developing the proposed application site in comparison with the alternative wooded hillside site. The proposed site is reduced in size compared to that which was considered at appeal, but the Inspector's conclusion that development on the eastern side of the existing caravan site would cause moderate harm to the character and appearance of the area remains pertinent. In comparison it is considered that development of the 'alternative site' would cause very significant harm to the character and appearance of the area, due to the greater visibility of this woodland area from the road, from the Severn Valley itself and from vantage points looking across the valley from a westerly direction, and the loss of woodland cover. Caravans on this part of the caravan site would add to the visual intrusion that already exists with the caravans on this site which are on the eastern crest of the Severn Valley, and detract from the setting of the Quatford Conservation Area..
- 6.1.9 The draft Section 106 Agreement submitted with the application is essential to ensure that any grant of planning permission for additional caravans on the application site ensures that no caravans would be stationed on the hillside area at any time in the future and that the woodland character of the hillside is also retained and maintained in perpetuity. At the time of finalising this report an amended Section 106 agreement was received for consideration which incorporates a rolling maintenance programme.
- 6.1.10 On balance, it is considered that the commitments contained in the proposed Section 106 Agreement that would form part of a planning permission to safeguard the character and appearance of this part of the Severn Valley, which would assist in ensuring that this static caravan site does not further erode the qualities of the Severn Valley which SAMDev Plan policy MD11.10 seeks to protect, would amount to very special circumstances sufficient to justify inappropriate development in the Green Belt and a Departure from Development Plan policies in this case.

6.2 Visual impact and landscaping

- 6.2.1 Section 7 of the NPPF relates to requiring good design and this relates to matters such as landscaping and layout as well the design of individual structures. Core Strategy policies CS6 and CS17 seek to ensure developments are of a scale, density, pattern and design which take into account local context and character, and protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev policy MD2 provides

further guidance on how developments should respond to locally distinctive or valued character. It is acknowledged that the proposed development would be less visible in the rural landscape than the part of the existing caravan site immediately to the west, which occupies a prominent, ridge line permission. The adverse visual impact of these existing caravan structures, when viewed from the west, would be unchanged by this proposal. This revised application has sought to address the appeal Inspector's comments about the linear nature of the layout and the development not appearing as a tight extension to the existing site by grouping fewer caravans (20 rather than 30) in a triangular configuration in the northern part of the recreational area. The proposed development would still have a moderate, adverse impact on more localised views, but this must be weighed against the potential more significant adverse landscape impacts discussed in Section 6.1 of the report above. No details have been supplied of the proposed external finishes of the proposed caravans which, by necessity of the proposed site layout, are shown to be of the single unit type. This is a matter, however, which could be conditioned on any approval issued. Similarly, the precise landscaping and surfacing details could be conditioned.

6.3 Residential Amenity

6.3.1 Core Strategy policy CS6 seeks to ensure that developments safeguard residential and local amenity. The proposed location of the caravans relative to the existing caravan units to the west and the caravans/park homes to the south, and when the levels changes and separation distances are taken into account, would ensure no undue harm to the living conditions of these units. The precise siting of the proposed caravans within the application site would have to meet Caravan Site Licensing requirements that would address health and safety issues. There is no evidence base to substantiate the claim made by some parties that the proposal would have adverse security impacts on existing properties. The effect that a development may have on views and/or on property values can not be given any significant weight in assessing a planning application. The location of the proposed septic tank and associated drainage system been re-positioned on the amended proposed block plan to a position immediately to the south east of the proposed caravans and would not now adjoin the boundary with the recreational area associated with the Hollins Park park homes. (The drainage field is shown on the proposed block plan some 110 metres away from the boundary between the two sites at the closest point).

6.4 Drainage

6.4.1 Core Strategy policy CS18 relates to sustainable water management. The Council's Sustainable Urban Drainage Team has commented that the surface water and foul drainage details can be conditioned on any approval issued. t the new access road and the areas for the caravans would be constructed of permeable materials and that this would be acceptable from a drainage perspective.

6.4.2 The location and capacity of the foul drainage system has been queried by some objectors. The agent in response has submitted the revised block plan showing a revised position of the proposed septic tank and drainage field, as described in paragraph 6.3 above. He was also asked to provide details of the system's design capacity and the number of properties it currently serves. Some of these drainage details have been annotated onto the proposed block plan drawings. It is

considered that the submission and approval of the full foul water drainage details would need to be the subject of a pre-commencement planning condition on any approval issued in order to protect the water environment and residential amenity. There would appear to be sufficient land in the control of the applicant to achieve an appropriate technical solution to foul drainage.

6.5 Ecology

6.5.1 The NPPF at section 11 relates to conserving and enhancing the natural environment. Core Strategy policies CS6 and CS17 seek to protect and enhance Shropshire's natural environment and accord with obligations under National and European wildlife legislation. Further guidance on how harm to Shropshire's natural assets and their conservation, enhancement and restoration would be achieved is set out in SAMDev Plan policy MD12. A Biodiversity Survey and Report has been submitted with the application. It is acknowledged that this report covers the site area that was the subject of the earlier planning application and appeal and does not include part of the grassed open space recreational area included in the present application site where caravans would be stationed. An addendum to the Biodiversity Survey and Report has been requested to address this matter and it is hoped to receive this update in time for the Committee meeting. Subject to a review of the update, the Council's Planning Ecology Team are content that ecological interests can be safeguarded satisfactorily by conditions relating to the work being carried out strictly in accordance with the Ecological Assessment (Section 4.2.6); a pre-commencement inspection for Badgers; the submission of landscaping plans and lighting plans; and informatives relating to nesting wild birds and open trenches.

6.6 Highway Safety

6.6.1 Core Strategy policy CS6 seeks to secure safe developments and, in the context of highway safety, the local road network and access should be capable of accommodating safely the type and scale of traffic likely to be generated. The Highway Authority comment that the site is currently served by an existing private access onto the A442 Bridgnorth to Kidderminster Road. It is their view that the additional 20 static caravans proposed would not increase activity at this location to an extent that would compromise highway safety, taking account of the existing premises in the immediate locality.

7.0 CONCLUSION

7.1 It is accepted that there are no residential amenity, drainage, ecology (subject to review of the ecological update) or highway safety reasons that would warrant a refusal of this application. Holiday use only would have to be ensured through appropriate planning conditions. However the site lies in the Green Belt. In relation to the presumption in favour of sustainable development "land designated as Green Belt" is identified as one of the areas where the NPPF places restrictions on proposed development. This proposal would be inappropriate development in the Green Belt, eroding its openness. The proposal is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Paragraph 87 of the NPPF). The proposal would also be contrary to SAMDev Plan policy MD11.10 which states that extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

7.2 However, it is accepted that the same number of static holiday caravans as now proposed could be accommodated within the boundaries of the existing caravan site without the need to obtain planning permission in a manner which would be significantly more injurious to the character and appearance of the Severn Valley landscape than would be the case with caravans stationed on the application site. The proposed Section 106 Agreement in connection with this application to never station caravans on the identified hillside area and to retain and maintain the woodland on it in perpetuity is a significant material planning consideration. On balance, it is considered the opportunity to safeguard this hillside area from caravan development, in order to protect the character and appearance of the Severn Valley landscape, constitutes very special circumstances sufficient to justify inappropriate development in the Green Belt and a Departure from Development Plan policy in this case.

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:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS13 Economic Development, Enterprise and Employment

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

MD2 Sustainable Design

MD6 Green Belt

MD7b General Management of Development in the Countryside

MD11 Tourism facilities and visitor accommodation

MD12 The Natural Environment

S3 Bridgnorth Area

RELEVANT PLANNING HISTORY:

15/03937/FUL Change of use of part of recreational area for additional 30 pitches to extend existing caravan park REFUSE 4th March 2016

BR/APP/CM/08/0433 Installation of a sewage treatment plant NOOBJC 18th July 2008
 BR/APP/FUL/01/0756 Retention of six existing static holiday caravan units GRANT 14th
 December 2001
 BR/APP/FUL/01/0762 Replacement of nine existing chalet units with nine static holiday
 caravans GRANT 14th December 2001
 BR/APP/FUL/01/0763 Replacement of two existing chalets with two static holiday caravans
 GRANT 14th December 2001
 BR/APP/FUL/00/0823 Construction of concrete base and siting of mobile holiday home to
 replace existing toilet block GRANT 9th January 2001

Appeal

16/02469/REF Change of use of part of recreational area for additional 30 pitches to extend
 existing caravan park DISMIS 2nd September 2016

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Planning Statement

Biodiversity Survey and Report

Visual Impact and Landscape Assessment

Unilateral Undertaking

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member(s)

Cllr Christian Lea

Cllr William Parr

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 20 caravans of any description shall be stationed on the land at any time.
Reason: To define the permission for the avoidance of doubt; in the interests of the visual amenities of the area and restricting the impact of the development on the openness of the Green Belt.
4. The caravans 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 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 caravans are first installed on the land details of their 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.

Reason; In the interests of the visual amenities of the area.

8. The access road and parking areas shall be constructed and surfaced in permeable material(s), which shall have been approved in writing by the Local Planning Authority, before the caravans they would serve are first occupied.

Reason: In the interests of visual amenity and public safety and to secure satisfactory surface water drainage

9. Before any caravan is first occupied details of the proposed foul and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority and the works carried out as approved.

Reason: To ensure the proper drainage of the site, to avoid conditions which would create a public health hazard and to avoid pollution of any watercourse or underground strata.

10. The development shall be carried out in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology, August 2015), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of reptiles.

11. Within the three weeks prior to the commencement of development on the site, a pre-commencement badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist should set out appropriate actions to be taken during the works, which may include precautionary methods of working, timing restrictions, restrictions of activities around identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

12. No above ground works or clearance of vegetation shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
 - a) Planting plans, including wildlife habitat and features.
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
 - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
 - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e) Implementation timetables.Any trees or plants that, within a period of five years from planting, are removed, die or become 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 of amenity and biodiversity afforded by appropriate landscape design.

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 installation of external lighting shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. (2009).

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

14. Demolition or construction works shall not take place outside the following times:
 - Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Nor at any time on Sundays, Bank or Public Holidays.

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

15. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to protect the amenities of the area.

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 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS13 Economic Development, Enterprise and Employment
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD6 Green Belt
MD7b General Management of Development in the Countryside
MD11 Tourism facilities and visitor accommodation
MD12 The Natural Environment
S3 Bridgnorth Area

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy and egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

4. 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 closefitting 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.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

6. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.
7. The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5. For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages at the following link:

<https://new.shropshire.gov.uk/licensing/apply-for-a-licence-or-permit/caravan-site-licence/>

8. This permission should be read in conjunction with the associated Section 106 Agreement.