

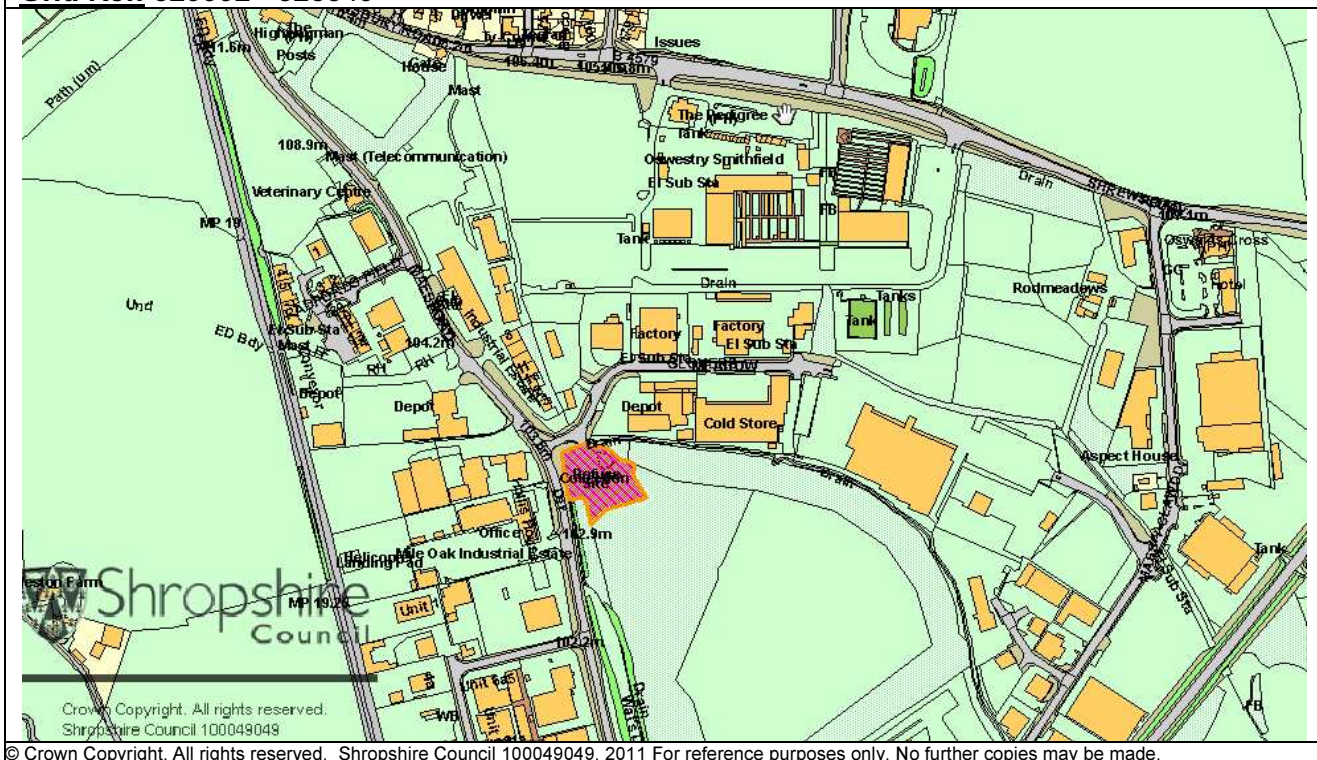
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/00369/COU	Parish: Oswestry Town
Proposal: Change of use from refuse tip to sale of static and touring caravans	
Site Address: Refuse Tip Maesbury Road Ind. Est. Maesbury Road Oswestry Shropshire	
Applicant: Euro Source And Find Ltd	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk

Grid Ref: 329992 - 328349



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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for the change of use of the former Oswestry Household Recycling Centre for the display and sale of static and touring caravans.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the southern side of Oswestry in an area that is dominated by industrial units. The site consists of a large hard surfaced area which has remained vacant since a new recycling centre was built on the Mile Oak Industrial Estate. The application site lies at the northern most part of a triangular section of land along the western side of which runs the Schedule Ancient Monument of Wat's Dyke. The existing access to the site is just off the junction with Maesbury Road and Glovers Meadow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application site is owned by the Council and the proposal is for a use that is not in-line with its statutory functions.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

- 4.1.1 **Town Council-** No planning observations are expressed but the Council seek assurance that no contamination of land is evident.

- 4.1.2 **Public Protection- no objection.** The applicant is aware that regular access is required through gates on the eastern and south east boundary and to a number of boreholes located around the site perimeter and access to these must remain unrestricted.

- 4.1.3 **English Heritage-** The application site is situated adjacent to Wat's Dyke. The linear earthwork boundary marker and defensive rampart runs for about 60km and consists of a large ditch, 5m wide and 2m deep, with a bank, on average 10m wide at the base and with an original height about 2.5m, on the eastern side. The date of construction has not been accurately determined, but it is considered that it was built at an earlier date than the parallel late 8th century Offa's Dyke, although it fulfilled the same purpose. Although the Dyke does not run through the application site the levelled remains of the earthwork bank or the infilled ditch may still exist below the current ground level, along with associated archaeological remains. The advice of the Local Planning Authority's archaeological adviser should be sought and adhered to regarding non-designated archaeological remains.

- 4.1.4 **Archaeology- No objection** as the application is for change of use to enable the site to be used for the sale of touring and static caravans and that the existing portacabin building and hard standings will be retained and that no ground or buildings works are proposed.

4.1.5 **Conservation- no comments to make**

4.1.6 **Highways- No objection** in principle. Having regard to the former use of the site and the associated traffic in connection with the waste/recycling centre the Highway Authority is of the view that the site access and adjoining junction is of a satisfactory layout to accommodate the type of vehicles likely to be generated by the proposed use.

4.2 - Public Comments

4.2.1 No representations received

5.0 **THE MAIN ISSUES**

Principle of development
Visual impact and landscaping
Highway Safety

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The site has remained an unused parcel of land for a number of years since the household recycling centre moved to an alternative site. The site is in part of the town which is dominated by industrial sheds and units of varying sizes some of which also include ancillary retail uses or trade counters. The site would be considered to be a brown field site given its previous use. The NPPF encourages the reuse of such sites as long as they are not of high environmental value.

6.1.2 The proposed display and retail of static and touring caravans from the site is considered to be an appropriate use for the site as it can be carried out without involving any ground works which may affect the scheduled ancient monument of Wat's Dyke. The proposal involves no new development as office accommodation for workers etc would be provided by the existing portacabin on the site. The proposed use would require a large open area which is hard surfaced as such this site provides an ideal opportunity for a new business to move into Oswestry bringing with it potential employment opportunities. Policy CS13 of the Core Strategy aims to support enterprise and seeks to deliver economic growth. The site is within close proximity of the town centre is considered to be a sustainable location where customers and employees could potentially avoid any reliance on the car and use alternative means of transport though it is accepted that the final purchase of a touring caravan is likely to require a car.

6.2 **Siting, scale and design of structure**

6.2.1 The site benefits from hedge planting along the side of Maesbury Road and there is a more substantial group of tree planting around the southern side of the site providing screening. Views are possible into the site from the site Glovers Meadow but this is through the existing access. The bulk and massing of static and touring caravans are substantially less than all of the surrounding commercial units and the site is well screened by existing landscaping. As such it is considered that the proposed use of the site is acceptable and would not have any detrimental impact upon the character of the area.

6.3 **Highway Safety**

6.3.1 The site will use the existing access which formally served the household recycling centre. It is likely that the former use would have created a much greater frequency of vehicle movements to and from the site than the proposed use will generate. The site has good levels of visibility at the access and an appropriate width of access to accommodate the movements of employees, staff and stock to and from the site. The applicant has provided a plan to identify an area of land that will be designated for customer parking and an area kept clear to allow the turning and manoeuvring of vehicles and stock with the site, the details have been accepted by the Council's Highways Officer.

7.0 **CONCLUSION**

7.1 It is considered that the proposal is for an appropriate use which would not have any impact on the Scheduled Ancient Monument or the on the character and appearance of the locality and also provides the opportunity for additional employment within a sustainable market town location. Accordingly the scheme is considered to comply with policies CS6, CS13 and CS17 of the adopted Core Strategy.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 **Human Rights**

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS6 Sustainable Design and Development Principles
CS13 Economic Development
CS17 Environmental Networks

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Martin Bennett

Cllr Peter Cherrington

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The sales, servicing and parking areas shall be laid out in accordance with revised drawing number P-01 Rev A (received 26th March 2014). The areas shall remain available for the designated uses for the duration of the use.

Reason: To ensure a satisfactory layout of the site in the interests of highway safety.