

Development Management Report

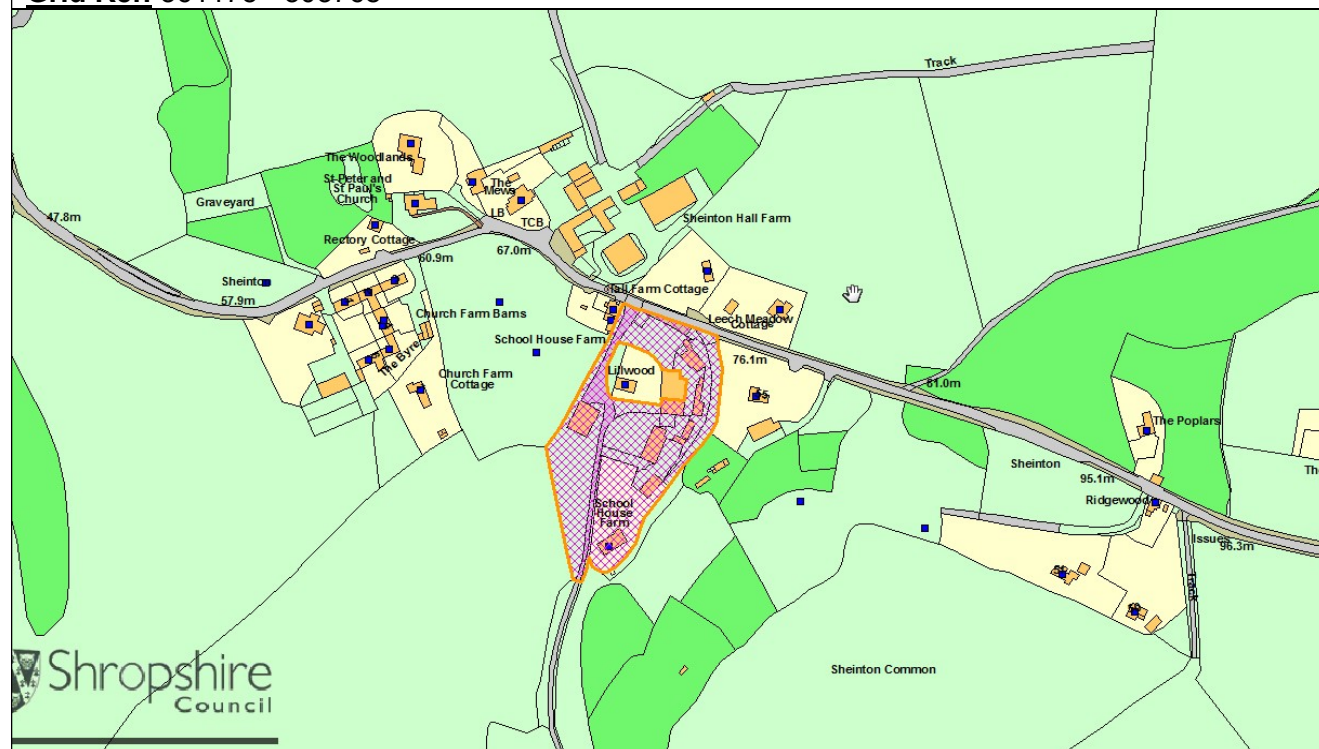
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Summary of Application

<u>Application Number:</u> 18/04266/FUL	<u>Parish:</u>	Sheinton
<u>Proposal:</u> Change of use of a farm yard and buildings to holiday complex to include: demolition of buildings; siting of four glamping units and a log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description)		
<u>Site Address:</u> School House Farm Sheinton Shrewsbury Shropshire SY5 6DN		
<u>Applicant:</u> Earley Accommodation Ltd		
<u>Case Officer:</u> Andrew Sierakowski	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 361175 - 303768



Recommendation:- Grant Permission subject to the conditions set out in Appendix 2.

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 This is an application that was considered by the Committee at its meeting in April 2019, at which the decided to defer determination in order to allow the applicant time to submitted amended details.
- 1.2 The application as it was initially submitted was for the change of use of a farmyard and buildings to a holiday complex, including the siting of glamping units and an associated livery, at School House Farm, Sheinton. However, in response to comments from the Parish Council and third-party objectors, the livery element of the development has been withdrawn and a number of changes made to the layout, so that the application is only for the use and development of the site for glamping.
- 1.3 The application site includes the existing holiday let property, known as Applewood (formerly School House Farm), which currently provides a 14 bed space let and a substantial part of the adjacent farm yard to the immediate north of Applewood, which is currently disused and largely derelict. As a result, there is no use for the majority of the farm buildings and yard, and the application seeks an alternative use, comprising the proposed change of use and development of the site, involving the retention of some of the farm buildings and the demolition of others.
- 1.4 The intention is now to provide accommodation, to enable guests to stay at the site and explore the surrounding countryside which forms part of the Shropshire Hills Area of Outstanding Natural Beauty.
- 1.5 The proposed change of use will involve the following:
- The demolition of a number of farm buildings located centrally within the site;
 - The installation of 4 glamping pods in the place of the demolished buildings. These pods will measure 7.2 metres in width, 4 metres in depth, and approximately 2.8 metres in height. The pods will be set into the rising ground;
 - The installation of a log cabin to provide an 8 bed space accommodation unit, measuring 14.4 metres in width, 6.1 metres in depth, and an internal height of approximately 3 metres;
 - The existing farm building towards the southern (top) end of the site will be retained, re-clad and converted to provide a games room, for the communal use by the occupants of the holiday lets. The building measures 13.8 metres in width, 7.4 metres in depth, 3.4 metres to the eaves, and 4.25 metres to the ridge. The building will be re-clad in timber boarding;
 - An existing building at the northern end of the site (the former milking parlour) which is to be re-clad and converted to provide a site office, laundry room,

and garden equipment/machinery store. The main section of this building has a width of 10.6 metres and depth of 10 metres, with a small 5.6 metre by 4 metre extension to the west, and a 4.6 metre by 6.5 metre extension to the east. The building rises to approximately 3.1 metres above ground level. The building will be re-clad in timber boarding;

- Retention of the existing 14 bed-space holiday let;
- A parking area for staff and a separate parking area for guests to be provided adjacent to the communal games room building and Log Cabin, with additional parking adjacent to the existing holiday let.

- 1.6 There is in addition an existing agricultural shed on the west side of the site that was to be converted for the livery, but which is now to be left as a shed and an adjacent paddock.
- 1.7 The site will be accessed via an existing access off the public road through Sheinton, that currently serves the existing Applewood holiday let.
- 1.8 The site rises from approximately 70 metres AOD along its northern boundary adjacent to the public road, to over 80 metres AOD at its southern boundary. The site levels are on the whole to remain as existing, although some localised levelling work will be required.
- 1.9 One existing tree is to be removed. The glamping pods will be dug into the slope so as to reduce their visual prominence and the application states that the intention is that the removal of existing unsightly farm buildings will enhance the site's appearance.
- 1.10 It is proposed that three rainwater harvesters will provide water to the showers, and for the office building. The remaining storm water will be collected before being discharged to Sheinton Brook. The development of the site will lead to a reduction in impermeable surfacing through the removal of existing buildings and hard-surfaced areas.
- 1.11 The development will be served by a package treatment plant with a soakaway.
- 1.12 Extensive additional tree planting and new hedgerows are proposed to increase screening and biodiversity connectivity on and around the site. The planted species will be broadleaved and native and there will be of an increase in the diversity of the hedgerow trees. Gaps in the existing hedgerows bordering the western side of the site will be planted-up in line with the recommendations of the ecological assessment submitted with the application.
- 1.13 The application states that the proposed development is expected to require and provide the following employment opportunities:
- 1 full time site warden/manager;
 - 1 part time ground staff; and
 - 1 part time cleaner;

- 1.14 As such the proposal is expected to provide two full time equivalent positions.
- 1.15 At the April South Planning Committee, it was agreed to defer consideration of the application to a future meeting to allow the opportunity for the concerns raised by Members in relation to the use of the site for 12 months of the year and the lack of permanent on-site supervision to be addressed.
- 1.16 As a result, the applicant has submitted amended plans and further details which now include:
- Confirmation that the applicant is agreeable to accepting a condition that would restrict the use/occupation of the new glamping pods, and the log cabin to 10 months of the year, running from the start of March to the end of December;
 - The conversion of part of the barn at the top of the site to provide warden's accommodation to enable the warden to remain permanently on site. The remaining half of the barn will provide an open plan games room. The applicant has advised that the warden's accommodation will be occupied whenever there are guests on site. This will be to ensure that the site can be effectively monitored and supervised when guests are present, to ensure the amenity of the area is protected; and
 - Revised drawings to include the provision of toilet and shower facilities in each of the glamping pods. Guests will therefore not need to leave the pods during the night to use communal facilities. The layout also confirms there will be a maximum of 4 bed spaces within each pod.

The applicant is also preparing a Management Plan for the site, which although not yet formally submitted, they anticipate submitting in compliance with a condition to be attached to the permission, in the event that the application is approved.

- 1.17 The application is accompanied by an Ecological Assessment, Tree Survey, and Heritage Impact Assessment.
- 1.18 The development was the subject of a request for Pre-Application Advice, Ref. PREAPP/18/00224, which was issued on 16th May 2018 and which advised that there was no 'in principle' reason to object to the proposed change of use, but that there were concerns about the livery element of the scheme and to ensure that it did not cause any harm to the trees on the site, the nearby designated heritage assets and the amenity of neighbouring properties.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to just under 0.9 of a hectare and currently comprises a redundant and semi-derelict farmyard including a complex of run down steel clad buildings and sheds located on the northern part of the site adjacent to the public road through Shienton. Applewood, (formerly School House Farm) is a bungalow which is located top of the farmyard at the southern end of the site and already provides guest accommodation of up to 14 bed spaces. The bungalow was formerly an agricultural worker's dwelling for which consent was granted under Ref. 16/02699/VAR to allow

it to be used as either an agricultural worker's dwelling or as a holiday let. The application states that the holiday let has proven to be an extremely popular location and that in 2018 it was fully booked as a holiday let for all but two weekends between February and September.

- 2.2 The site is accessed by a track that runs up its east side. Mature trees border the track, which is lower than the majority of the farm buildings. These are on the higher ground that slopes down to the northwest. The track leads to Applewood. There is also a second track which extends from the north west corner of the site, through the farmyard leading up to Chesnut Cottage, Banisters Cottage and Sheinton Common to the south. Footpath 3 runs along the track.
- 2.3 The land on which the site is located generally rises to the east. A newly built affordable home borders the eastern boundary, as well as a wooded area containing an abandoned cottage.
- 2.4 To the north-west of the farmyard is the Old School which is now a dwelling, and the farmyard itself contains a residential property, Lillwood. This bungalow is situated above road level on the hillside that is set back from the highway and is reached by the track which is also a public right of way leading up to Sheinton Common. There is also a substantial existing farm building/barn to the east of Lillwood that is not included in the application site and which will be retained and serves to screen much of the upper level of the site behind it.
- 2.5 Sheinton is located within the Shropshire Hills Area of Outstanding Beauty (AONB). The Sheinton Brook Site of Special Scientific Interest (SSSI) which is a geological SSSI, is located approximately 415m to the west of the application site. There are four nearby Listed Buildings in Sheinton, including the Church of St Peter and St Paul which is Grade II* listed, 150m north west of the site, the Woodlands which is Grade II listed, 175m to the north west, a Barn approximately 30m south-east of Sheinton Hall Farmhouse which is Grade II listed and located 60m north west of the site, and Leach Meadow Cottage, which is Grade II listed and located 45m north east of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and the Local Member has requested that the application be referred to the Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 Cressage, Harley & Sheinton Parish Council: On the application as initially submitted the Parish commented that in principle it welcomed the proposed improvements to the site that would arise from the development. However, it also commented that it had concerns regarding lack of supervision, traffic, infrastructure, the environmental impact, a concern that the site could become a normal livery (as opposed to holiday livery) and the traffic implications of the development. Therefore, until these issues were addressed the Parish Council stated that it would not offer unconditional support for the proposal.

4.2 On the initially amended application, it commented that whilst the changes addressed the issues related to the equine element of the application, the Parish Council was still concerned that the site would be unsupervised and that unless it was, it could not support the application.

4.3 In response the latest amendments and additional submitted information, it is understood that the Parish Council held a public meeting to discuss the application, to which the applicant was invited. In the light of this meeting the Parish Council has advised that it is still unable to support the application in its current form and requests that determination of the application be deferred further, until a management plan is submitted which makes clear that there will be permanent on-site supervision, 24 hours a day, seven days a week. They have also requested that a condition be attached to the permission, in the event of the application being approved, to limit the scale of the development, i.e. the amount of accommodation and in particular the number of glamping pods and that a condition be included requiring the demolition of the redundant metal barns.

4.4 Public Comments

4.5 In addition to the comments from the Parish Council there were initially twenty-four third-party representations from sixteen local residents, twenty-two of which offered objections and two of which were neutral. Five objectors submitted additional comments in the light of the initial amendment of the application, and whilst they generally welcomed the omission of the livery element included in the original plans, their objections were largely otherwise maintained. The representations submitted generally welcome the concept of redeveloping the site, which is currently viewed as unsightly and an eyesore, but not the development proposed. The representations in summary made the following points;

- Whilst the amended plans now omit the livery, the development is contrary to Core Strategy policy. It is contrary to Policy CS6 in that; (i) providing accommodation for up to 42 people is not appropriate in terms of scale, density and design taking into account the local context and character, i.e. it is not of an appropriate scale for a small village; (ii) the amount of hard surfacing is unduly formal and urbanised and would contribute to a detrimental effect on the existing rural character of the site and its surroundings, and is therefore not appropriate in relation to local context and character; (iii) the drawings omit details of materials for the re-cladding and refurbishment of milking parlour and site office; (iv) the site is located at least one mile away from the nearest public transport route, and is only accessible by traversing narrow, winding lanes with frequent single-file traffic flow and cannot therefore be in an accessible location.
- The development will significantly increase traffic on an inadequate local road network and increase risks to pedestrians;
- The development will require and be insensitive in terms of lighting, cause light pollution in the Shropshire Hills AONB, adversely affect wildlife and will therefore be contrary to Core Strategy Policy CS17, which seeks to ensure that development does not adversely affect the visual, ecological, heritage or recreational values and functions and assets;

- The development will have a significant adverse visual impact on the immediate surroundings;
- The development is contrary to Core Strategy Policy CS5 as there are no benefits accruing to the local community. The creation of a glamping holiday park is not an essential requirement to improve the farmyard buildings. The development will have an adverse visual impact that is inconsistent with the diverse natural environment;
- Due consideration has not been given to the setting and significance of surrounding Grade II listed buildings, including the St Peter and St Paul Church;
- Concerns about the lack of supervision outside of office hours;
- Impact on the amenity of neighbouring residential properties as a result of noise and unsociable activities;
- Sheinton has no shop, public house or other amenity which would benefit from the influx of the resultant transient population;
- The provision of drainage both foul and storm is not fully explained. Storm water management is already a significant issue in Sheinton. The previously existing farming activities suffered from inadequate drainage and there is concern that the new development may also do so and present a risk to neighbouring properties; and
- The parking provision proposed is inadequate.

4.6 In response to the latest amendments and additional submitted information, there have been five further representations from local residents, in addition to the comments of the Parish Council. These reiterate the previously submitted comments, and in particular the concern that the development is too large and that the amended details still do not provide adequate safeguards for the amenity of local residents, that the any grant of planning permission should be conditioned to ensure that the scale of the development cannot be increased, and express concern about the unsightly nature of the existing agricultural sheds that are to be retained.

4.7 There is also an additional representation from the applicant, stating that she has attempted to address the concerns of local residents, explaining the operation of the development and that she would like to invest and make improvements to the site.

4.8 Technical Consultees

4.9 Shropshire Council - Highways: Have no objection to the amended scheme including the proposed access, parking and turning arrangements, subject to the development being carried out in accordance with the approved details.

4.10 Shropshire Council - Rights of Way: Advise that Footpath No. 3 runs through the site. They comment that although not directly affected by development, the footpath will need to be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards;

- Building materials, debris, etc must not be stored or deposited on the right of way;
- There must be no reduction of the width of the right of way;
- The alignment of the right of way must not be altered;
- The surface of the right of way must not be altered without prior consultation with the Rights of Way team; nor must it be damaged; and
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

- 4.11 Shropshire Council - Ecology: Have no objection, subject to satisfactory completion of a European Protected Species 3 tests matrix because of the presence of bats on the site (which is included Appendix 1 at the end of this report). This they advise, must be discussed by the Committee and minuted. They recommend that conditions be attached to the permission relating to the applicant obtaining a European Protected Species Mitigation Licence before development takes place, working in accordance with details set out in the submitted Ecological Assessment, submission of details of bat and bird boxes and the submission of a landscaping plan and its subsequent implementation.
- 4.12 Shropshire Council - Trees: Were initially concerned that the original layout would adversely affect the two mature trees adjacent to the car parking that was to be located to the south of the site office. However, with this being relocated they are now content to recommend approval, subject to the inclusion of a pre-commencement landscaping condition. The revised layout would result in the loss of two trees in the centre of the site, but these are identified as being only young specimens under 10 years old, so that their loss would be less significant and can be mitigated with the proposed new native planting.
- 4.13 Shropshire Council - SUDS: Have no comments.
- 4.14 Shropshire Council - Regulatory Services: Advise that they have no adverse comments on the proposal in principal although they comment that the development may result in some increase in noise from any visitors to the site. They also advise that the applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site, that they should state this at any future planning application stage.
- 4.15 Shropshire Council - Conservation: Initially expressed concern about the impact on the nearby heritage assets, but have in response to the amended plans advised that they now consider these to be acceptable in the context of the setting of the listed buildings and in respect of the character of the landscape, subject to confirmation of the material finishes, soft landscaping, hard surfacing, boundary treatments and lighting, which can be addressed by condition.
- 4.16 Shropshire Hills AONB Partnership: Advise that the planning authority has a legal duty to take into account the purposes of the AONB designation in making any decision on this application and that it should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.
- 4.17 Ramblers Association: No comment.

5.0 THE MAIN ISSUES

- 5.1
 - Principle of the Development
 - Siting, scale, design and visual impact
 - Traffic
 - Residential amenity
 - Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

- 6.1.1 Sheinton falls within the rural area of the county identified as countryside, to which Core Strategy Policy CS5 applies and it is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The main issues in relation to the principle of the development are therefore firstly, whether it is acceptable in terms of development plan and national planning policy as economic and tourist related development in the countryside and secondly whether as such, in terms of the potential benefits and impacts, its location in the AONB is acceptable.
- 6.1.2 The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) and the adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015).
- 6.1.3 The Core Strategy Policy CS1 sets out the settlement hierarchy for the County with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres whilst Policy CS4 seeks to ensure that in rural areas, those settlements defined as Community Hubs and Community Clusters are the focus for new development and investment. These are considered to be the most sustainable places to deliver the overall strategy of managed growth with the aim of reinvigorating smaller settlements within the rural area. The objective is to provide facilities, economic development or housing for local needs, that is of a scale that is appropriate to each settlement.
- 6.1.4 Outside these settlements, in the open countryside, Policy CS5 seeks to ensure that new development is strictly controlled in accordance with national planning policies protecting the countryside, where this will maintain and enhance countryside vitality and character and improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:
 - Small-scale economic development where this will diversify the rural economy. Where this is the case development is expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate;
 - The retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;
 - The conversion or replacement of suitably located buildings for small scale

economic development/employment generating use;

- Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with Policies CS16 and CS17; and/or
- Conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered with regard to the principles of national planning policy, giving equal priority to small scale economic development/employment generating uses and tourism uses;

6.1.5 Relevant national planning policy is set out in paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) (2019). Paragraph 83 makes clear that planning policies and decisions should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings including sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 additionally advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it states that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

6.1.6 Specifically, in relation tourism and leisure related development, Core Strategy Policy CS16 seeks to ensure the delivery of high quality, sustainable tourism, cultural and leisure development, but also to ensure that it is sensitive to Shropshire's intrinsic natural and built environment qualities. The key tests of the Policy are to:

- Support new and extended tourism development, and cultural and leisure facilities, where they are appropriate to their location, and enhance and protect the existing offer within Shropshire;
- Promote connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland, and an enhanced value of local food, drink and crafts;
- Support development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and the rights-of-way network. Development must also meet the requirements of Policy CS17.

6.1.7 In support of Policy CS16, SAMDev Policy MD11 which is concerned with tourism facilities and visitor accommodation states that:

- tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local

and national guidance; and that

- All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate and that proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation.

6.1.8 In relation to visitor accommodation in rural areas it also states that:

- proposals for static caravans, chalets and log cabins should be landscaped and designed to a high quality; and that
- Holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7b.

6.1.9 In this policy context, firstly in relation to the overall location of the site, the development complies with the general criteria set out in Core Strategy Policy CS5, and is potentially covered by several of the headings listed in the policy including small-scale economic development, the retention and expansion of an existing established business, the conversion of suitably located buildings for small scale economic development/employment generating use; rural tourism and leisure and recreation proposals requiring a countryside location, and/or conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. It also potentially falls into the various types of development listed in the NPPF, paragraph 83, namely the growth and expansion of existing businesses in a rural area, through conversion of existing buildings and new buildings; the development and diversification a land-based, rural businesses; and rural tourism and leisure.

6.1.10 As set out above, Paragraph 84 of the NPPF also makes clear that decisions on planning applications should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, although it does qualify this by stating that new development should be sensitive to its surroundings, and should not have an unacceptable impact on local roads. In principle therefore policy supports the location of the development, despite its location in the countryside.

6.1.11 In relation to the tests set out in Policy CS16 it would be an extension of an existing tourism related business as an addition to the existing 14 bed space unit already provided on the site and would as such meet the test of enhancing the offering for accommodation in Sheinton area; and as development in the AONB it is a good location in terms of promoting access to Shropshire's natural, environment including the AONB. The site, as detailed in the comments of the Rights of Way Officer is located directly alongside Footpath No. 3, which connects into the wider footpath network to the south and south west and along Wenlock Edge. This is subject to the tests set out in Policy CS5 relating to compliance with Policy CS17 and the NPPF in relation to ensuring that development is sensitive to its surroundings and is

physically well-related to existing settlements. The issue of the scale and design of the development and sensitivity and its impact on the historic environment is considered in more detail below.

- 6.1.12 SAMDev Policy MD11 makes reference to development requiring a countryside location, and in this case, as set out above the aim is to extend the existing accommodation at Applewood for the market wanting access to the Shropshire Hills AONB and the wider countryside. Again, there is no basis for considering that this requirement is not complied with, although as with Policy CS16, this is qualified to the extent that development complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance. There is therefore no reason in terms of the principle of the development for considering that the proposal does not comply with policy, subject to its acceptability in terms of its siting scale and design and visual impact.
- 6.1.13 The related key issue and the main one that is made by objectors is that arising from the requirement of Policy CS16, that new visitor accommodation should be located in accessible locations served by a range of services and facilities and that proposals must be of an appropriate scale and character for their surroundings, or be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.
- 6.1.14 On this point there is an arguable balanced judgment to be made. On the one hand, Sheinton is a recognised settlement, albeit one that, in relation to the Council's overall development strategy policy, as set out in Core Strategy Policy CS1, is not a main Market Town, Key Centres, Community Hubs even part of a Community Cluster. It is located within the area designated as countryside, but is nevertheless a clearly identifiable village, albeit a small one. It is one that has very few community facilities, and it is therefore unlikely that the village would benefit directly to any great degree in terms of visitor spending. On the other hand, it is clear that neither the development plan nor the NPPF intend that no tourist related development should take place in countryside locations. Considering the location of the site in a broader context, it is likely that majority of visitors will come by car, and the site is not distantly located from other nearby villages and centres, including Cressage, Much Wenlock, Buildwas, Telford and even Shrewsbury. It is not the case that the site is so remote that its location would be so inaccessible as to warrant refusal of consent. The Committee should also be mindful that the accommodation business on the site is one that is already established and that what is proposed is an extension of the existing visitor accommodation at Applewood. This, as set out above, according to the application is proving to be very successful in terms of the bookings that there were in 2018.
- 6.1.15 On this basis, and subject to the considerations of, siting, scale, design and visual impact, including its impact on the AONB, the development can be considered to acceptable and compliant in terms of the principle of the development in relation to Core Strategy policies, CS1, CS5, CS6, CS16 and CS17, SAMDev Policy MD2, MD7b, MD11, MD12 and MD13 and the NPPF.

6.2 Siting, Scale, Design and Visual impact

- 6.2.1 Turning to the issue of siting, scale, design and visual impact, whilst to a degree a separate issue from the principle of the development, it is still a key aspect of Policies CS5, CS16, MD11 and the NPPF in qualifying the tests in relation to the principle of the development. These require that new development must be sensitive to its surroundings, must complement the character and qualities of the site's immediate surroundings, and must otherwise mitigate any impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. In relation to the Shropshire Hills AONB, particular regard must be had to landscape impact and mitigation as well as meet the requirements of other key environmental policies including Core Strategy Policy CS17 and SAMDev Policies MD7b, MD12 and MD13.
- 6.2.3 It is also an issue which is of particular concern to objectors in the comments they have made. Again, to put the issue in context the former farmyard part of the site is currently semi-derelict and objectors generally acknowledge its unsightly appearance. It broadly divides into the two parts with the front or northern end of the site adjacent to the road currently being a relatively steeply sloping farm yard, with a large old barn to the rear of the yard and a line of smaller and rather unsightly sheds running up the eastern side of the site and behind the barn.
- 6.2.4 The barn, as set out above, is substantial and located on rising ground and does not form part of the application. From the road it will, together with the sloping ground, to a degree screen the main part of the site where the new accommodation is to be located. Views from the road and most of the existing houses in Sheinton, will continue to be dominated by the existing barn adjacent to Lillwood, the existing barn on the west side of the site and the converted office at the front of the site.
- 6.2.5 The new buildings will comprise four new glamping pods and a log cabin, which according to the application will comply with the test of conforming to the legal definition of a caravan. These by comparison with the existing buildings, will be smaller and lower structures, and because of their location behind the barn adjacent to Lillwood and the slope of the site, would not be particularly obtrusive in terms of their location within the site or within the village as a whole. The main view of site will be from the public road to the north west and from properties around the church, from which it can be seen to be set on rising ground with woodland behind it, and a large hedge in front of it. As such it is very well set in the landscape, is not obtrusive, the eye is not particularly drawn to it, and it is comparatively good site with the development forming part of the overall built-up area of the village. The new buildings would therefore be well sited in terms of visual impacts and relationship with the existing building group in the village.
- 6.2.6 In terms of scale of development, the key issue, as raised objectors, is about its scale in relation to the size of the existing village and whether this is acceptable. This can be considered in different ways and essentially there are two elements to this; the amount and size of the buildings and development; and the number of people and the activity that it will generate and including the number of vehicle movements.
- 6.2.7 In terms of the amount and size of buildings and the area of floor space, the

glamping pods and the log cabin, will in fact be less than the existing barns and sheds to be demolished, so that if anything there is likely to be a reduction in the amount of buildings on the site, and what there will be will be smaller in scale. The location of the new buildings however may be slightly more visible, as most of the existing sheds to be demolished are located directly east of the barn in the centre of the site, that is to be retained.

- 6.2.8 What is or more significance is the number of bed spaces and therefore potentially the number of people on the site. It could potentially accommodate up to 38 people, although in practice 100% occupancy at any one time is unlikely, so that the number of visitors is likely to be 30 or less at peak times. With the existing unit accommodating up to 14 people, that represents an increase of 24 bed spaces in total. That there is justification to expand appears to be borne out in the application which states that the existing 14 bed space unit was booked every weekend, other than two, in the period between February and September 2018.
- 6.2.9 In the context of a village the size of Sheinton, which consists of approximately 30 houses in the village and immediate surrounding area, this would be a significant transient visitor population. However, if visitors are likely to be away from the site during the day, the maximum number present is most likely to be in the evenings and overnight. The car parking provision on the site includes eight marked out spaces and 4-5 unmarked spaces for visitors, plus separate parking spaces for three staff, so in theory there could be a maximum of 16 vehicles on site at any one time. In practice however the numbers are likely to be less than this. The vehicle movements associated with the site are not going to be significant in the context of existing movements through the village.
- 6.2.10 In terms of the scale therefore, the amount of development is not significant. The number of people and traffic is possibly more significant, but the overall scale even in the context of small village, given the transient nature of the visitors and the fact they would generally leave in the morning for days out and return in the evening with vehicles most likely leaving and arriving over a one to two hour period at the beginning and end of each day. This would not significantly impact on the village, whether in relation to the amount of development and/or the number of people or volume of traffic. To provide a safeguard against any further unregulated increase in the amount of development on the site the Parish Council and objectors have, in their latest comments, raised the issue of whether the amount of development can be conditioned. This can be done insofar it would not be inappropriate to attach a condition which limits the number of glamping pods that can be provided within the scope the consent. This is therefore included on the draft conditions (Condition No. 12) set out in Appendix 2. It should however be noted, that what this condition can only limit the amount of development consented by this permission if approved. What it cannot do is prejudice the determination any future planning application, should the applicant wish to submit a further application at a later date.
- 6.2.11 In terms of the design and visual impact, the development will consist of the conversion and refurbishment of the existing sheds, and some new accommodation. Both will predominantly make use of timber as the main external finish, although exactly how this is to be finished has not been specified and is therefore a matter to be reserved by condition. The site is also to be landscaped, with new trees and

hedgerows as detailed above. There is quite a steep bank/hillside to the immediate east of the site and an area of woodland that extends away to the south east, which as a result means the site is tucked into the side of a hill and is very well screened from the east, although there is also a more open view from the north west. Although Applewood is visible from the public road and the area and properties around the church, the rest of the site is screened to a degree by an intervening hedgerow and the topography of the surrounding fields. The result is that the site sits very well in the landscape without being obviously obtrusive. The details of material finishes, the hard and soft landscaping and any lighting (which has also been raised as a concern by objectors) will be important, but these can all be reserved by condition to ensure that fully acceptable details are submitted for approval and implemented.

- 6.2.12 One final point is that the Parish Council have requested the inclusion of a condition requiring demolition of the two large redundant barns of the site. This cannot be included as they do not form part of the development.
- 6.2.13 In terms of the design and visual impact including the impact on the Shropshire Hills AONB, what is proposed can therefore be considered to be acceptable in terms of compliance with relevant development plan policy and the NPPF, and in relation to the statutory obligation under s.85 of the Countryside and Rights of way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

6.3 Traffic

- 6.3.1 In relation to traffic, the details are as set out above, in the comments on the scale of the development. It should be noted that there was considerable concern from objectors to the application as first submitted, in relation to the livery element and the increased risks to highway safety as result of horses being brought to the site and an increase in the number of horses on the road. With the amendment of the application to omit the livery this concern is no longer relevant. The numbers of vehicle movements otherwise generated by visitors to the site, as set out above, is not likely to be so major as to have a significant road safety impact or adversely impact on the amenity of local residents. The Highways officer has advised that she has no objection.
- 6.3.2 As such the development can be considered to be compliant with Core Strategy Policies CS6, and SAMDev Policies MD2 and MD11 in relation to traffic and highway safety considerations and the requirement to ensure that new development is safe.

6.4 Residential Amenity

- 6.4.1 The other significant concern raised by objectors relates to the potential impact on neighbouring and nearby residential amenity. Regulatory Services have also flagged up the potential for developments of the kind proposed to give rise to some increase in noise from any visitors to the site, particularly if there are any outdoor activities.
- 6.4.2 This can be a difficult issue from a planning perspective, as visitor accommodation of the type proposed is not an inherently noise activity, and in fact is generally a relatively quiet use of land. However, because glamping sites commonly are a semi-

outdoor use of land and most commonly busy in the summer months, outdoor activities can have the potential to cause and do cause occasional disturbance. This may particularly be the case on sites where groups bookings are taken and there is provision of outdoor recreational space. This is very difficult to regulate through the planning system in terms drafting clear, precise and enforceable conditions, and it is largely therefore down to effective management of the site by the operator. In this case the main group accommodation on the site is already existing, whereas the additional accommodation that is proposed is not for such large groups and is more likely to attract small groups including couples and families. However, the proposal does include provision of new outdoor recreational space.

- 6.4.3 An additional related issue in this case that has been raised by the Parish Council and residents is that it was initially proposed that the site would not be supervised on a full-time/permanent basis. This was main issue of concern to the Committee when the application was first considered in April 2019 and the primary reason for the deferral of the application. As set out at the beginning of this report, the applicant has, at the request of the Committee, agreed to provision of a permanent warden on the site whenever there are guests staying. The application has now, as detailed above, been amended to include warden accommodation to enable this and the applicant has confirmed that there will be an on-site warden 24 hours a day, seven days a week, when guests are staying in the newly consented accommodation, i.e. the glamping pods and the log cabin.
- 6.4.4 There will therefore be staff permanently on-site to meet and greet visitors when they arrive. All holiday makers will be provided with contact details and a member of staff will be on hand to respond to any incidents. The applicant has also stated that, the local residents in Sheinton will be provided with contact details so they are able to report any issues at the site, with staff on hand to respond. The presence of a permanent on-site warden can be conditioned and condition to this effect (Condition No. 13) is included in Appendix 2.
- 6.4.5 The concerns about noise and disturbance raised by the Parish Council and local residents are important considerations, but, to the extent that glamping sites, do not inherently give rise to noise or disturbance, this is essentially a management issue and is about how to manage activities on the site and deal with any disturbance, incidents and complaints. Comments from local residents do not suggest or indicate that there has been any significant or on-going disturbance from the existing accommodation or activities on the site.
- 6.4.6 Because of their occasional and unpredictable nature in terms of occurrence and type, incidents that cause disturbance are difficult to control through specific conditions. As set out above, the Parish Council and local residents are concerned that an effective management plan is put in place and have requested that the application be deferred again pending the submission of the management plan. There is, however, no reason why this should not be conditioned with the condition being written to require submission, approval and implementation prior to the occupation of any of the new accommodation. A condition (Condition No. 11) is accordingly included in Appendix 2, requiring the submission and implementation of a management plan, to manage outdoor activities on the site and to deal with specific incidents and complaints as they arise, which can if necessary, then be

enforced if there are recurring problems. It also includes review of the management plan in the event that there is any recurrence of incidents or disturbance to local residents. With the inclusion of such a condition it should be possible safeguard residential amenity and comply with the amenity requirements of Core Strategy Policy CS6 and SAMDev Policy MD11.

6.5 Other Issues

6.5.1 Heritage Impact: As set out above there are a number of nearby Listed Buildings. The Conservation Officer initially expressed some concerns about the impact on these but has in response to the amended plans advised that they are now acceptable in the context of the setting of the listed buildings and respect the character of the landscape. They have recommended the inclusion of conditions relating to material finishes, hard and soft landscaping, surfacing and boundary treatments and lighting. With these the application can be considered to be acceptable in relation to the requirements of Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD7b, MD11 and MD13, the NPPF in relation to protecting the setting of the nearby heritage assets and the statutory obligation under s.66 of the Listed Buildings and Conservation Areas 1990 to have special regard to the desirability of preserving Listed Buildings and their settings.

6.5.2 Ecology: As set out above there are no significant issues in relation to ecology on the site, although a European Protected Species 3 tests matrix is included in Appendix 1 with this because of the presence of bats on the site. This is required to ensure compliance with the obligations under the Conservation of Habitats and Species Regulations 2017. In relation to ecology the application can therefore be considered to be acceptable in relation relevant policy including Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD11 and MD12, the NPPF.

7.0 CONCLUSION

7.1 The proposed change of use of the farm yard and buildings to a holiday complex including four glamping units and a log cabin at School House Farm, Sheinton, is acceptable in terms of the principle of the development, its siting, scale, design and visual impact, traffic, residential amenity and other issues. It can therefore be considered to be accordance with the Core Strategy Policies CS1, CS5, CS6, CS16 and CS17 of the Shropshire Core Strategy, SAMDev Policies MD2, MD7b, MD11, MD12, MD13, and the NPPF.

7.2 In determining the application, the Council can be considered to have complied the with legal obligations under the Conservation of Habitats and Species Regulations 2017, in relation to European Protected Species present on the site (and having regard to the European Protected Species 3 tests matrix is included in Appendix 1), the Countryside Act 2000 in relation the conserving and enhancing the natural beauty of the AONB, and the Listed Buildings and Conservation Areas 1990 in relation to having special regard to the desirability of preserving Listed Buildings and their settings

8.0 Risk Assessment and Opportunities Appraisal

8.1.1 Risk Management

8.1.2 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.

8.1.3 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

8.2.1 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.

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

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

8.3 Equalities

8.3.1 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

9.1 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

10.1 Relevant Planning Policies

10.2 Central Government Guidance:

- National Planning Policy Framework (2019)

10.3 Core Strategy and

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS16: Tourism, Culture and Leisure; and
 - Policy CS17: Environmental Networks.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design;
 - Policy MD7b: General Management of Development in the Countryside;
 - Policy MD11: Tourism Facilities and Visitor Accommodation;
 - Policy MD12: Natural Environment; and
 - Policy MD13: Historic Environment.

10.4 Relevant Planning History:

- PREAPP/12/00153 Erection of a dwelling PREUDV 5th April 2012;
- 16/02699/VAR Variation of Condition No. 6 attached to Planning Permission SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker from agricultural use to agricultural use and holiday let accommodation GRANT 26th October 2017;
- PREAPP/18/00224 Change of use of former farm yard and buildings for glamping units and livery PREAMD 16th May 2018;
- 18/04266/FUL Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description) PCO;
- SA/75/0705 To construct liquid manure effluent tank. PERCON 14th October 1975;
- SA/01/1548/RM Reserved matters (pursuant to outline application ref. 01/0643/O dated 20/10/01) to include the siting, design, external appearance, landscaping,

means of access for one dwelling, for occupation by an agricultural worker and installation of a septic tank. PERCON 26th February 2002; and

- SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker. PERCON 20th September 2001

11. Additional Information

List of Background Papers: File 18/04266/FUL
Cabinet Member (Portfolio Holder): Cllr G. Butler
Local Member: Cllr C. Wild
Appendices APPENDIX 1 - European Protected Species: The 'three tests' APPENDIX 2 - Conditions

APPENDIX 1***European Protected Species: The ‘three tests’*****Application reference number, site name and description:**

18/04266/FUL

School House Farm Sheinton Shrewsbury Shropshire SY5 6DN

Change of use of farmyard and buildings to holiday complex to include: some demolition of buildings.

Date:

28th February 2019

Officer:

Sophie Milburn

Assistant Biodiversity Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The development would be for imperative reasons of overriding public interest, of a social or economic nature and would have beneficial consequences of primary importance for the environment. The development is in line with and will enable the implementation of Shropshire Council Core Strategy Policy CS16 in promoting connections between visitors and Shropshire’s natural, cultural and historic environment, including through active recreation, access to heritage trails and promoting opportunities for accessing, understanding and engaging with Shropshire’s landscape, cultural and historic assets including the Shropshire Hills AONB and rights-of-way network. It does this by virtue of its location in the Shropshire Hills AONB and on Footpath No. 3

Test 2:

Is there ‘**no satisfactory alternative?**’

Alternatives would include either complete relocation of the existing accommodation and development on an alternative site or splitting the business to provide new

accommodation on an alternative site. The alternatives would have significant economic costs to the developer and may not be feasible or viable as the owner of the site may not have alternative sites available and even if they do the costs may not make this feasible. Relocation to another site would not provide the direct access to the rights of way network and the Shropshire Hill AONB that this site offers, given that Footpath No. 3 passes through the site.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

Bat surveys in August and September 2018 identified a day roost for an individual common pipistrelle in Building 1

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be demolished.

Section 4.4.2 of the Ecological Assessment (Turnstone, October 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 'No enforced timing restrictions due to use by a low number of common species, although demolition works ideally planned for when bats are likely to be active (overnight temperatures over 8°C).'
- 'Prior to the start of works affecting the buildings a suitably qualified ecologist will deliver a tool box talk to contractors and staff on site'
- 'Provision of replacement roosting locations for the duration of works with two Schwegler 2F bat boxes erected on retained trees present along the unaffected eastern and western boundaries. These boxes will remain in situ post-works.'
- 'A wooden bird box will be placed adjacent to the bat boxes to help ensure the bat boxes remain open for use by bats.'
- 'Roof sheets and barge boards on Building 1 to be removed carefully by hand and under the supervision of a licensed ecologist.'
- 'If bats are found during works, they will be caught by a licensed ecologist who will be wearing suitable gloves. The bat will be placed in to a cloth bag and carefully moved in to a previously erected bat box.'
- 'Long term replacement bat roosting provision will be incorporated within or on the new office building and in or on Building 9 once converted into stables. New roosting features will include a total of two bat tubes and two bat boxes (such as a Schwegler 1FQ) suitable for year-round use by crevice dwelling species erected on a southern or eastern elevation. Bat boxes and tubes provide integral roosting provision that is both discreet and secure, creating a self-contained unit that does not provide access into the wall cavity.'
- 'Buildings 9 and 10 to remain accessible for foraging bats.'
- 'Breathable roofing membranes (BRM) must not be used in the construction of

the new roofs where roosting features are created due to issues with bat entanglement and reduced membrane performance if used in areas of bat use. 1F bitumastic felt should be used instead.'

- 'No lighting directed on known, potential or newly created bat roost access points and roosting features and only movement activated timed security lighting used outside of potential roosting locations.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 28th February 2019) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Erection of bat boxes; and
- Lighting plan.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative?'

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

APPENDIX 2

Conditions

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of each new and refurbished building including the following:
 - The roofing materials,
 - The materials to be used in the construction of the external walls (including the colour/details of any timber cladding which should either not be stained or otherwise treated on the new buildings or treated with a dark or black stain, on the existing refurbished building unless otherwise agreed with the Local Planning Authority) and other external materials;
 - Details of all external windows and doors and any other external joinery (including full size details, 1:20 sections and 1:20 elevations of each joinery item which shall be indexed on elevations on the approved drawings).

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan, including details both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
- 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) Details of boundaries, including any hedging and fencing, and any signage (which should not be illuminated);
- g) Details of the different surfaces for hardstanding, drives, parking and paths through the site (with the first five metres of the access from the public highway being constructed with a sealed hard surface to prevent re-location of loose material onto the highway);
- h) The locations and details of bin storage and recycling collection plus other storage/parking facilities for bikes etc. and
- i) Implementation timetables.

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, in the opinion of the Local Planning Authority, 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 and to ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to first occupation/use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

7. Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- 1 artificial nest suitable for barn owls.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific) and/or house martins (house martin nesting cups).

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

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

- Include details of the lighting of any terraced/decked areas, car parking and paths through the site which shall be limited to reflective bollards or a similar type of lighting; and
- Include details of any lighting to be provided on any buildings with the doors installed on the western facade of the games room/warden's accommodation being of solid construction or with minimal glazing to prevent light spill;
- Demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions).

The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance and to minimise disturbance to bats, which are European Protected Species.

9. All demolition, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Ecological Assessment (Turnstone, October 2018).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

10. Prior to the first occupation of the development hereby permitted, the car parking spaces shall be constructed and kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of staff and visiting occupants of the existing and proposed accommodation and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

11. Prior to the first occupation of the development hereby permitted, a management plan setting details of the management and control of any outdoor activities undertaken on the site by visiting occupiers of the holiday accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how any such activities shall be managed and controlled so as not to cause disturbance or adversely affect the residential amenity of neighbouring and nearby residential occupiers and shall include details of how any reported incidents or complaints are to be managed to ensure that there is no recurrence of any such incidents and review of the management plan in the event of any such recurrence.

Reason: To ensure adequate site management and supervision and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. This permission shall relate only to the demolition and construction works detailed in the submitted drawings. The accommodation shall be limited to 4 glamping pods and the log cabin only and these shall only be sited and constructed in accordance with the approved plans and drawings. The other on-site facilities, buildings and structures shall only be used by the occupants of the visitor accommodation and for no other purpose.

Reason: To limit development of the site and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

13. A warden will be retained on-site at all time (24 hours a day/seven days a week) when the visitor accommodation comprising any of the 4 glamping pods and log cabin, approved by this consent are occupied.

Reason: To ensure adequate site management and supervision and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance

with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

14. The accommodation approved by this permission, comprising the 4 glamping pods and the log cabin shall be occupied for no more than ten months in each calendar year in the period starting on 1st March and ending on 31st December.

Reason: To limit development of the site and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

15. Footpath 3 which runs off the access at the north west corner of the site in a south westerly direction must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and once the development is completed. To safeguard access and the line of the Right of Way:

- No building materials, debris, etc shall be stored or deposited on the Right of Way;
- There shall be no reduction of the width of the Right of Way;
- The alignment of the Right of Way shall not be altered.
- The surface of the Right of Way shall not be altered (unless otherwise first agreed in writing by the Local Planning Authority) or damaged; and
- No additional barriers such as gates or stiles shall be added to any part of the Right of Way (unless otherwise first agreed in writing by the Local Planning Authority).

Reason: To safeguard access to and the line of the Right of Way:

16. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they 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 the change of use to unrestricted residential accommodation would be contrary to adopted Development Plan housing policy and to comply with the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

Informatives

General

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.

Highways

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.

Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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.

Lighting/Sky Glow

There is increasing concern over the problem of 'sky glow' caused by artificial lighting in towns and cities. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting that emits light above the horizontal. Highway Authorities take due regard of this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement.

Ecology

Nesting Birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation [or buildings] cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence'.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

Wildlife Protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. 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 Natural Environment and Rural Communities Act 2006. 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.

European Protected Species Mitigation Licence

No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 4.4.2 the Ecological Assessment (Turnstone, October 2018).

Drainage

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water

Management: Interim Guidance for Developers document. It is available on the Council's website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidancefordevelopers.pdf>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Contamination

The applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site they should state this at any future planning application stage