

AGENDA ITEM



Committee and date

Southern Planning Committee

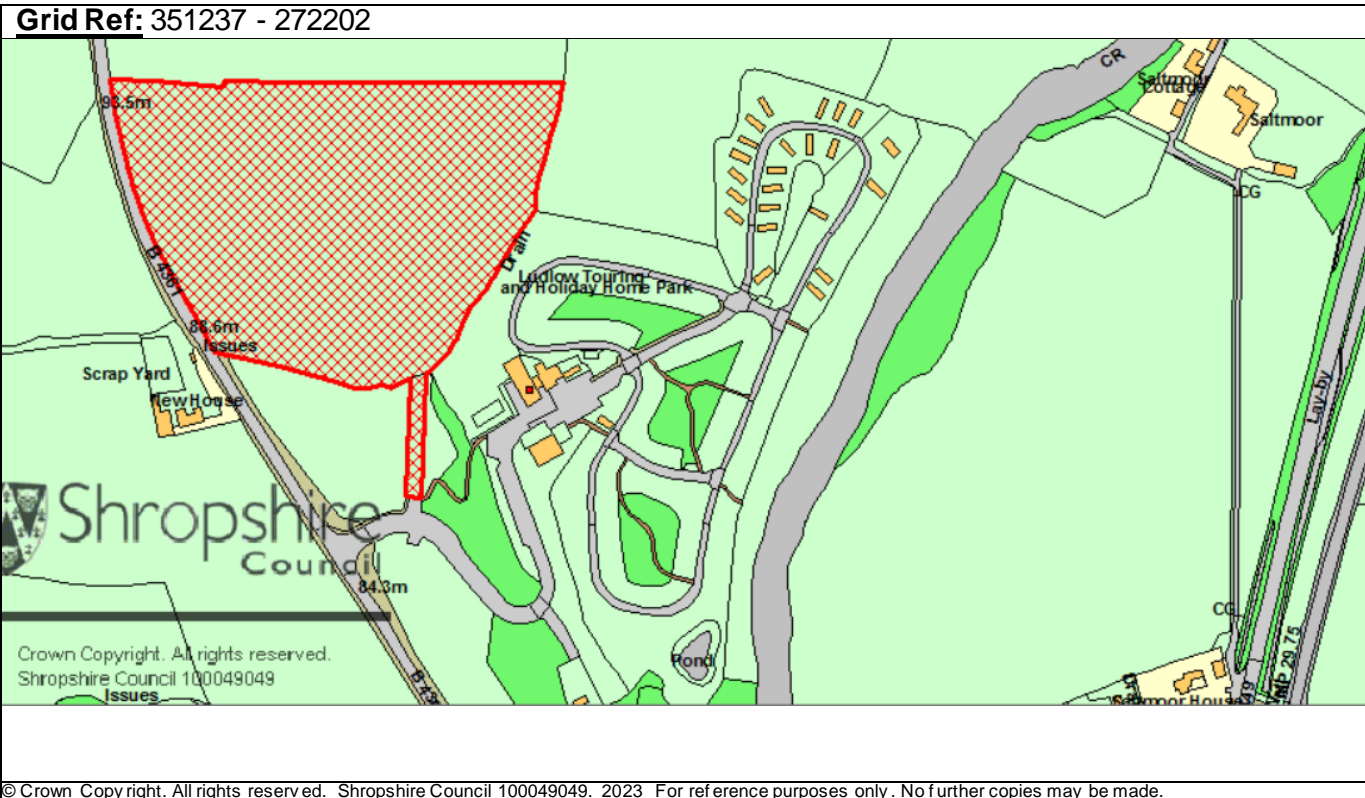
14th November 2023

Development Management Report

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

Summary of Application

Application Number: 23/02851/FUL	Parish:	Richards Castle
Proposal: Change of use of land for extension of existing Touring & Holiday Home Park with 61 pitches for static caravans/holiday homes and associated development, including access arrangements and internal roads, footpaths and landscaping		
Site Address: Ludlow Touring & Holiday Home Park Overton Road Ludlow Shropshire SY8 4AD		
Applicant: Morris Leisure		
Case Officer: Louise Evans	email: Louise.m.evans@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application relates to the change of use of agricultural land for the extension of an existing caravan park to accommodate 61 additional static units. The scheme also includes engineering operations to facilitate a new internal access road and pitches.
- 1.2 The existing site was granted approval in 2011 for 137 pitches to accommodate touring units only. The approval was amended in 2015 to allow 38 static units with the remaining 99 pitches for touring units only.
- 1.3 The existing site is accessed from the B4361. No changes are proposed to the access onto the county highway as part of this development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to south of the market town of Ludlow / Ludford village and due east of the small village of Overton.
- 2.2 The application site occupies agricultural land and includes a new vehicular access route which passes through existing amenity land adjacent to the current site entrance. The western boundary of the site is the B4361 county highway whilst the eastern and southern boundaries adjoin the existing caravan park.
- 2.3 At their closest points the River Teme and the A49 run to the east of the site beyond the existing caravan site. The River Teme is a designated SSSI at this location.
- 2.4 To the north of the site is open countryside and Ludlow Livestock Market. To the south is Overton Garage selling petrol and used cars. There are some scattered/isolated residential properties in the vicinity of the site, a scrap yard, and school. The site also lies within 200 metres of the Grade II listed Turnpike Cottage to the North.
- 2.5 The site contains two pockets of sand and gravel which are mineral safeguarded areas. The site is also located on grade 2 best and most versatile agricultural land.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Richard's Castle Parish Council has submitted objections to the scheme that are opposing to the recommendation expressed by Officers. In consultation with the Chairman of the Planning Committee, it has been resolved that a committee determination is necessary.

4.0 REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC Ecology Team: 28.07.23 - No objection, conditions and informative suggested. 19.09.23 – satisfied with the proposed landscaping.

4.1.2 SC Trees Team: 01.08.2023 - AIA submitted and reviewed. No objection, conditions suggested.

4.1.3 SC Conservation: 02.08.23 - Note the lack of a view point or analysis from the grade II listed Turnpike Cottage in the LVIA. Request a further chance to comment when an amended LVIA is available. 14.09.23 – Defer to the comments of the Landscape Officer (no objection).

4.1.4 SC SUDS: 19.07.23 – submission documents queried. Condition suggested. 30.07.23 – condition suggested with comments regarding percolation tests. 14.09.23 – Condition suggested with comment that percolation test must be carried out prior to commencement of phase 1.

4.1.5 SC Landscape Officer: 27.07.23 -the methodology for the assessment of visual effects is generally acceptable however concerns are raised in respect of the assessment of effects. Insufficient information has been provided in respect of landscape mitigation and enhancement. The LVIA in its current form is not reliable in order to make a sound planning judgement. 12.09.23 – The additional information submitted adequately addresses the previously identified areas of concern.

4.1.6 SC Archaeology: 24.07.23 - Summary of known information provided. condition suggested.

4.1.7 SC Highways: 25.07.23 – No objection. Requested development be undertaken in accordance with the submitted plans. Informative notes suggested.

4.1.8 Natural England: 02.08.23 – No objection. The proposed development will not have significant adverse impacts on the designated River Teme SSSI.

4.1.9 Environment Agency: 20.07.23 - Do not wish to provide bespoke comment on the

proposal.

4.1.10 Severn Trent – no response received.

4.2 Public Comments

4.2.1 73 pre-drafted support letters have been signed by individuals from local business and have been submitted by the applicant's agent.

4.2.2 Richards Castle Parish Council

4.2.2.1 Initial comments 07.08.2023: object on the grounds of visual impact and overdevelopment. They have noted that the proposed pitches are all for static caravans and they consider that these will have a greater visual impact by being permanently in place. Static caravans were not intended to be part of the park when it was established and even when the permission was amended, touring pitches would continue to dominate, however, the proposed plans reverse this. Furthermore, they consider that the density of the proposed additional sites is too high. The parish council believes more consideration should be given to enhancing green areas, and without this the visual impact is too great. They have noted that the study undertaken by the applicant highlights the scale of visual impact as high to moderate adverse in several locations.

4.2.2.2

Subsequent comments 27.09.2023: The additional documents do not change the views of the parish council, namely that the visual impact of developing the additional site in an area of open countryside will cause disproportionate harm to

4.2.3 the local countryside amenity and the planning authority is urged to refuse the

4.2.3.1 application for the reasons set out in the earlier submission.

Local Member Comments

Cllr Vivienne Parry has raised the following matters: The site visible to the main road. Caravans would be used for housing in the open countryside. It is a roman campsite. The river is protected. Suggested that residents are concerned with the amount of statics that they intend to extend the site with and also how many more cars will be on this fast road. She suggests that residents also feel that it will look like a small housing estate not part of the open countryside they are used to, especially that it is higher up in this field and will be seen from the surrounding area.

5.0 THE MAIN ISSUES

Principle of development

Landscape and visual impact

Highway safety

Mineral safeguarding

Best and most versatile agricultural land
Heritage impact
Biodiversity impacts
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The starting point for decision taking is the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused unless there are other material considerations which indicate otherwise. For the purposes of the assessing this proposal the development plan comprises of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development (SAMDev) Plan 2015.
- 6.1.2 Core Strategy policy CS16 supports new and extended tourism developments that are appropriate to their location and enhance and protect the existing offer within Shropshire. SAMDev policy MD11 reinforces the delivery of Core Strategy Policy CS16 and further requires schemes 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. Furthermore, policy MD11 requires regard to be given to cumulative impact of visitor accommodation on the natural and historic assets of the area as well as the road network.
- 6.1.3 Having regard to the development plan policies, the principle of an extended tourism facility for static caravans in the proposed location is acceptable (?), subject to all other planning requirements being satisfied. These matters are discussed below.

6.2 Landscape and Visual Impact

- 6.2.1 The existing site has been developed on two distinct levels. There is a natural change in the land levels of approximately 9m, which occurs approximately 90m east of the B4361. Access to the site from the B4361 is on the upper plateau along with an amenity area. The main caravan area including the reception and facilities buildings are located on the lower level of the site nearer the river. The area of the proposed static caravans is on the upper plateau adjacent to the B4361. A new internal access road will be created across the existing amenity area into the field where the statics will be sited and further engineering operations will be required to create level pitches for the static units.

- 6.2.2 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which concludes that the proposed development would have limited, localised visual and landscape impacts. It recognises that the impacts can be reduced / mitigated through the use of sympathetic materials / colours and a robust native species based landscaping scheme, together with the phasing of development to allow planting to establish.
- 6.2.3 Shropshire Council's Landscape Officer queried a number of key points within the initial report which was then supported by an addendum to the LVIA and a landscaping scheme. Following the submission of the additional information, Officers are now satisfied that the information is sufficiently robust to inform decision making.
- 6.2.4 The application site is not covered by any landscape designations. The site is located within an area of landscape that is identified as being 'Principle Settled Farmland' in the published Shropshire County Council Landscape Typology. This landscape character area is rural in nature and consists of enclosed fields with scattered settlements / dwellings and filtered medium to small-scale landscapes with extensive filtering of views from trees and vegetation. The existing entrance to the site, Overton Garage and the scrap yard at New House already introduce man-made features which have some influence on the rural character of the immediate surroundings. The proposals would introduce further development into the rural area. However, taking account of the scale, siting and nature of the proposals it is not considered that this would significantly detract from the noted landscape qualities of the area.
- 6.2.5 The site forms a component of views across the River Teme valley at a small number of locations to the east and west. These are elevated locations which experience the site in the mid to foreground of medium distance filtered views towards Tinkers Hill to the east and Morris Forest to the west. These locations would experience a perceived change in landscape character due to the relative absence of visible structures within current views.
- 6.2.6 Whilst acknowledging the more elevated nature of the proposed scheme from the existing site, the caravans will have a low profile with muted colours, and, together with the undulating topography of the area as well as existing and proposed landscaping, the proposed development would not significantly affect the character and appearance of the landscape from visual receptors.
- 6.2.7 Overall landscape and visual impacts would be localised to within 1km of the site and would only have a discernible impact at locations with relatively unobscured views of the site which can be mitigated through the native species landscaping scheme. It is also intended to phase the development. Phase 1 would include all the engineering operations and the siting of caravans on the eastern part of the site

together with all the proposed landscaping. Phase 2 would then be undertaken 3 years later and would provide the caravans on the western part of the site. This will enable the landscaping scheme to establish and provide visual mitigation for the development. This can be controlled via planning conditions as recommended at the end of the report.

6.3 Highway safety

6.3.1 The proposed development will be accessed via the existing site entrance off the B4361 which has suitable geometry to serve the increased use. The application has been accompanied by a Transport Statement which concludes that trip generation anticipated to arise from the extension would result in strictly limited increases in traffic on the local highway network and that the scheme would not give rise to any capacity or highway safety issues on the local highway network.

6.3.2 Officers concur that the B4361 has sufficient capacity to absorb the traffic generated by this development without significant impact to highway safety and no concerns have been raised by the Local Highway Authority in this regard.

6.4 Mineral safeguarding

6.4.1 Two pockets of sand and gravel are located within the application site and are Mineral Safeguarding Areas (MSAs) for the purposes of policies CS20 and MD16 of the adopted development plan.

6.4.2 MSAs are intended to protect existing and potential future resources of minerals in order that non-mineral development does not needlessly sterilise potential resources and prevent mineral extraction taking place. In accordance with policy MD16, applications for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development. This assessment must demonstrate that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource.

6.4.3 The application has been accompanied by a Mineral Resource Assessment which concludes that although sand and gravel deposits are likely to be present, the purity of the deposits and the volume of the possible mineral resource is such that it is not regarded to be a viable mineral resource for extraction.

6.4.4 Taking the above into account, it is concluded that the known mineral resource is not needlessly being sterilised by the proposed development as it is accepted that the resource is not of economic value. The scheme is compliant with policies CS20 and MD16 in this regard. The application is also accompanied by cut and fill

calculations for the engineering operations which detail that it will be necessary for the majority of material to remain onsite and be used within the proposed development.

6.5 **Best and Most Versatile Agricultural Land**

6.5.1 Natural England's Agricultural Land Classification mapping details the land within the site boundary as grade 2 – very good quality agricultural land.

6.5.2 There is no agricultural land protection policy within the current development plan and only one reference to best and most versatile agricultural land within the NPPF as follows:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.5.3 In terms of site selection, it is recognised that there are no opportunities to directly extend the caravan site on agricultural land that is not grade 2 classified. In fact, from an economic perspective, the proposed site is the most preferable for development as its steeply sloping topography to the east and south result in reduced areas of land being suitable for crop production and harvesting by comparison to other adjoining land which is generally flat in nature.

6.5.4 Therefore, whilst the economic and other benefits of the best and most versatile agricultural land are recognised in this instance, they are not outweighed by significantly larger economic benefits of tourism development on this site.

6.6 **Heritage Impacts**

6.6.1 Listed Buildings

6.6.1.1 In accordance with section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 special regard must be given to the desirability of preserving listed buildings and their settings in the determination of planning applications.

6.6.1.2 There are a number of listed buildings within the vicinity of the proposed development. The closest being Turnpike Cottage which is located approximately 200 metres north of the proposed development site, on the opposite side of the B4361, and which is grade II listed for being a remarkably unaltered example of a C19 toll house (now a dwellinghouse). Lodge Gate Cottage as well the gates, piers and walls to The Lodge at this location are also grade II listed and are located on elevated land above the B4361 from Policeman's Corner. The same being the case for 16 and 17 Overton.

6.6.1.3 Having given special regard to the setting of these listed buildings, including their proximity to the proposed development, the intervisibility between them as well as the intervisibility from other public sites, officers are satisfied that there would be no harm to the settings of any of the identified listed buildings as a result of the proposed development.

6.6.2 Archaeology

6.6.2.1 Within the wider landscape it has been noted that there are a number of archaeological sites visible as cropmarks on aerial photography located between 680m and 930m to the north-west, which are likely to be indicative of prehistoric activity. The closest site is a possible rectilinear enclosure where a fragment of Romano-British pottery was found nearby (HER PRN 34789). Other features include a further three enclosures (HER PRNs 04898, 04899 and 28386) and a ring ditch, likely representing a levelled Bronze Age barrow (HER PRN 04898). A Neolithic-Bronze Age flint implement was found during archaeological trial trenching in 2011 (SLR), recovered from a spoil heap, approximately 180m east of the proposal site.

6.6.2.2 The projected line of a prehistoric trackway is recorded 100m to the south of the proposal site. The line of this trackway was tentatively identified during the 2011 archaeological trial trenching, although no dating evidence was recovered (HER PRN 31236). The line of a possible Roman road is also recorded 185m to the east of the site (HER PRN 02613). The 2011 archaeological trial trenching targeted this road alignment and confirmed that it was a post medieval road south from Ludford (later replaced by the B4361). No evidence for a Roman predecessor was recorded on this alignment.

6.6.2.3 Data from the Portable Antiquities Scheme (PAS) also records low levels of activity, with small quantities Romano-British artefacts having been recovered from both the western and eastern sides of the wider Teme Valley.

6.6.2.4 It is anticipated that, as a minimum, the groundworks will comprise site wide topsoil stripping. In addition, section drawings submitted with the application indicate that cut and fill groundworks will be required to varying depths across the majority of the proposed development area. These works have the potential to impact upon currently unknown archaeological remains.

6.6.2.5 In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 205 of the NPPF, it is recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development as suggested at the end of this report.

6.7 **Biodiversity Impacts**

6.7.1 The River Teme is located approximately 230 metres east of the proposed

application site and is designated a Site of Special Scientific Interest in this location as a representative, near-natural and biologically-rich river type associated with sandstone and mudstone. Natural England has been consulted with regard to this specialist interest and they have not raised concerns regarding any direct or indirect impacts that may result if this development were to be allowed.

6.7.2 The proposals will directly impact an arable field and associated grassland field margin and a strip of semi-improved grassland will be lost due to the construction of an access road. There will be a small breach in a scrubby gap of the eastern boundary hedgerow to create pedestrian access to the existing caravan park.

6.7.3 An Ecological Appraisal has accompanied the application which found no evidence of protected or notable species during the site visit and no further surveys have been recommended. Although no evidence of protected species was recorded, the site offers the potential to support species such as skylark and yellowhammer. Hazel dormice have also previously been recorded and enhancement measures have been put in place in the form of boxes. Additional planting has been recommended to ensure good connectivity to these boxes, which do not show current evidence of use from hazel dormice.

6.7.4 Biodiversity net gains at the site are required in accordance with the NPPF and Policy CS17. Conditions and informative notes have been recommended to be attached to any permission granted to ensure the protection of wildlife and to provide ecological enhancements under NPPF as well as policies MD12 and CS17 of the adopted development plan.

6.8 **Other matters**

6.8.1 Residential use

6.8.1.1 The Parish Council have expressed concerns that the proposals could lead to some of the static caravans being used for residential use (not tourism). This would not align with relevant development plan policies which seek to support appropriate leisure / tourism uses whilst restricting open market dwellings in countryside locations. The applicant has however confirmed that there is no intention to seek residential use and has agreed to accept a planning condition restricting the occupancy of the caravans to leisure use only.

6.8.1.2 Holiday accommodation makes a positive contribution to the visitor economy and is often supported in locations that are not suitable for residential dwellings. As such an appropriate condition has been recommended to restrict this development to tourism use to ensure that the economic benefit from visitor accommodation is retained.

7.0 **CONCLUSION**

7.1 The application seeks to extend an existing caravan site in an open countryside setting and is compliant with development plan policies in this regard.

- 7.2 Tourism is an important business sector and contributes significantly to the Shropshire economy in helping to support local shops, pubs, restaurants and generating local employment. However, within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys. In this regard, the development is well served with direct access to a class B highway and close proximity to the A49 Trunk Road managed by National Highways.
- 7.3 It is recognised that there will be landscape and visual impacts as a result of the development, but these can be appropriately mitigated and controlled through the use of planning conditions such that they would not result in an unacceptable level of harm and this is not outweighed by the benefits of the development and its contribution to the local economy.
- 7.4 Having considered all the relevant planning matters and other material considerations, the scheme is acceptable and is recommended for approval subject to the planning conditions set out at the end of this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

National Planning Policy Framework 2023

Core Strategy and SAMDev Policies:

CS5, CS6, CS13, CS16, CS17, CS20, MD2, MD11, MD12, MD13 and MD16

RELEVANT PLANNING HISTORY:

AGENDA ITEM

Southern Planning Committee - 14th November 2023

Ludlow Touring & Holiday Home
Park

11/00635/FUL Provision of a 137 pitch touring caravan park and associated development, including; site office, on-site store, toilet and amenity blocks, waste store, works compound, children's play area, access arrangements and internal roads, footpaths and landscaping GRANT 22nd June 2011

11/04217/OHL Installation of a new H Pole into an existing overhead line NOBOHL 10th November 2011

11/05426/ADV Erect and display two externally illuminated roadside entrance signs GRANT 24th January 2012

13/01436/FUL Installation of 88 ground mounted Black Solar PV panels GRANT 17th June 2013

15/03134/VAR Variation of Condition 2, 3, 4 and 5 of planning permission 11/00635/FUL Provision of a 137 pitch touring caravan park and associated development GRANT 2nd December 2015

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RX2VOGTDI7G00>

List of Background Papers Planning application reference 22/02851/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Vivienne Parry

Appendices

APPENDIX 1 - Conditions

AGENDA ITEM

Southern Planning Committee - 14th November 2023

Ludlow Touring & Holiday Home
Park

Conditions to include:

1. Standard commencement condition
2. Development to be carried out in accordance with approved plans.
3. Programme of archaeological work agreement
4. Arboricultural method statement agreement
5. No dig cellular confinement system agreement
6. Surface water infiltration calculations agreement
7. Bat and bird box details agreement
8. Lighting plan agreement
9. Maximum caravan numbers defined
10. Development restricted solely to holiday let / tourism use. Records to be maintained.
11. Works to be undertaken in accordance with Ecological Appraisal
12. Landscaping implementation
13. Construction Environmental Management Plan
14. Protection of existing trees