



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application is for the installation of lighting bollards along the access track at Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane, Claverley. The bollards are proposed to be 1m in height x 0.219m wide and would be located at 30m intervals along the existing access track which has been widened and improved following the grant of Planning Ref: 17/05264/FUL in May 2018. One light would be positioned at the end of each passing place, plus four further lights between the passing places. The bollards would be set into a poured concrete footing at a depth of 0.12m, and bolted as per the manufacturer specifications. They would be of die cast aluminium with a reflector of anodized aluminium behind a clear acrylic enclosure. The lighting itself would be low wattage and incorporate a cap at the top of each bollard, to direct light onto the track and minimise light spillage above and beyond the track itself.
- 1.2 The submitted Planning Statement states that the proposed lighting bollards are to provide a suitable level of lighting for all users of the exiting caravan park in the interest of public safety. The track is not wholly straight and has a significant curve at its head as it approaches the park. The access track and its passing places will be screened from the surrounding countryside and vantage points outside the site by new native species hedges.
- 1.3 During the course of the application, and in response to the consultee comments and public representations received, the agent has submitted further supporting information reiterating that provided in the Planning Statement and confirming the following:
- o The proposal is to provide lighting to the access track and not an attempt to increase the impact of the site on its surroundings.
  - o It is an attempt to ensure the safety at night of all users of the track, including pedestrians.
  - o The nature of a site such as this is that many units are most intensively used at weekends and for holidays and short breaks. Residents will often choose to leave their cars behind at night and walk into the village for a meal or a couple of drinks.
  - o Such trade is beneficial to local businesses and ought not to be discouraged, but a long stretch on no-illuminated track with obstacles would most probably increase car use or discourage night time visits to the village altogether.
  - o It does not necessarily follow that such safety lighting must harm the character of the area, as the intention is that the lighting would not be noticeable from outside the site.

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

- 2.1 The site falls within Green Belt countryside on the west side of the village of

Claverley. The Claverley Conservation Area boundary abuts the east side of the access track concerned, which is outside of the designation. The site is accessed from Pound Street approximately 60m to the south east via a lane which becomes less finished just beyond the Caravan Park access and continues to the west. The access point and track serving the Caravan Park are currently undergoing works approved under Planning Permission Ref: 17/05264/FUL on 31<sup>st</sup> May 2018 to widen the driveway and provide passing places along it. It extends for approximately 300m into the caravan site and has a sweeping curve at its northern end.

- 2.2 The land to the east side of the track within the Conservation Area slopes downwards for approximately 65m to the Claverley Brook, then rises again for over 100m to the rear boundaries of buildings on Church Street including All Saint's Church, the Old Vicarage, the Old School House, Church Hill House, The Gables, Clare Cottage and Brookfield. A line of mature deciduous trees flanks the bank of the brook with a break aligned with the rear of the Old Vicarage. There is a terrace of four neighbouring cottages to the south east of the track access with front elevations facing onto Pound Lane and rear gardens extending to the west. The closest of these cottages, a minimum distance of 30m across the road at Rose Glen, has large bay windows on its side elevation facing north towards the Caravan Park track. Further dwellings are located across Pound Lane to the south east approximately 100m away. Otherwise the surrounding land is agricultural.

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

- 3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies, however a contrary opinion from the Parish Council has been received that could require determination of the application by Committee and this is supported by the Local Member. The Principal Planning Officer in consultation with the Committee Chairman has confirmed that based on material planning reasons, a Committee decision is therefore necessary under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

- 4.1.1 Claverley Parish Council – Object to this application as it is felt inappropriate development in the Green Belt and would cause unnecessary light pollution especially viewed from the adjacent Conservation Area. If safety is an issue, a more suitable measure would be a speed limit and/or speed humps. It is noted that the cattle grid (trip hazard) is mentioned in the Design and Access Statement (4.2) to justify the lighting on safety grounds yet the cattle grid has been removed and the pit filled in.
- 4.1.2 SC Drainage - No comment from the drainage and flood risk perspective.
- 4.1.3 SC Regulatory Services - No objection in principle and no conditions to recommend.
- 4.1.4 SC Highways - This proposal is unlikely to have a severe impact on the adjacent public highway, therefore an objection on highway safety grounds could not be

supported. However, it should be noted that Claverley has very limited street lighting and the proposed lit bollards may subsequently be seen from some distance, as well as, potentially being visible from the local highway network, which could distract some road users.

4.1.5 SC Rights Of Way - Footpath 54 runs along the access drive, although not directly affected by the proposal, informative recommended in relation to ensure the footpath remains open and available to the public at all times.

4.1.6 The Ramblers Association – Consulted, no comments received.

4.1.7 SC Conservation - The proposal is not considered to accord with the relevant policies, guidance and legislation from a conservation perspective.

4.1.8 SC Archaeology - No comments to make on this application in respect of archaeological matters.

4.1.9 Historic England - On the basis of the information available to date, we do not wish to offer any comments.

4.2 - Public Comments

4.2.1 Site notice displayed 21<sup>st</sup> September 2018. Proposal advertised in the Shropshire Star on 25<sup>th</sup> September 2018 as being within a Conservation Area. Sixteen public representations have been received from fourteen different people all expressing objection to the proposal. These are summarised below:

- 4.2.2
- o In all the years this caravan site has been for holiday usage, it was never considered necessary to light this road.
  - o The driveway in question is straight for two thirds of its length with good visibility, and no more difficult to negotiate than the vast majority of unlit single track roads on all approaches to the village.
  - o Any vehicles using the access track between dusk and dawn could simply use their headlamps as they would have had to do to negotiate the far trickier mile or so of unlit road linking the village to any main route.
  - o None of the county lanes leading into the village or its surrounds have ever seen the need for street lighting.
  - o Country folk carry a torch making other forms of light redundant.
  - o The lights would intrude on the scenic, historic, architectural and cultural features which contribute to the distinctive character of the locality.
  - o The lighting would destroy the night time ambience of Grade II Listed Buildings to the as well as other houses overlooking this rural access road.
  - o The photographs do not show the extent of the access track to the caravan site, so do not illustrate the effect this lighting would have on the Green Belt and adjacent Conservation Area.
  - o The track lies on the boundary of the Conservation within Green Belt and within view of the historic church and several other Grade II and Grade II\* Listed Buildings.
  - o This site will look increasingly like a housing estate on the fringe of the Conservation Area.

- o Against the policy and recommendations of the CPRE, the lighting would cause unnecessary light pollution in open countryside.
- o This is a rural community, one of the most treasured and peaceful villages in Shropshire.
- o Light pollution would have adverse consequences on both human and wild life.
- o The light pollution will mean that nocturnal birds and bats will be disturbed to an immense degree.
- o The more ‘bling’ the developer can make, the more he will sell his caravans for.
- o The proposal will make a blot on the landscape caravan park more attractive to buyers to the benefit of the owners’ profits.
- o Having the site inhabited throughout the winter will bring a complete change of character to the area.
- o Our living and sleeping accommodation faces where the lights will be sited.
- o If these lights are installed it will mean that they shine into virtually every window in our house as the site is on the side of the valley.
- o We have always been lucky to be able to see the night sky and now fear that light pollution will ruin this.
- o The developers are presently installing cabling for the lights anyway.

## **5.0 THE MAIN ISSUES**

- o Principle of development
- o Visual impact and landscaping
- o Impact on neighbours/residential amenity
- o Impact on the Green Belt

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire’s building, natural and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.2 The proposed lighting bollards would be low level, widely spaced, low wattage with a cap directing light onto the track and screened by native species hedging. They would add value to an existing rural tourism business and contribute to delivering the high quality required of such enterprises without significant impact on the surrounding environment and with the benefits of promoting social interaction and physical activity. The principle of the development is therefore acceptable.

## 6.2 Visual impact and landscaping

- 6.2.1 Much public and some consultee concern has been raised over the potential for light pollution from the proposed development and its impact on the adjacent historic environment. The lighting bollards proposed are not spot lights or flood lights, nor even domestic external lights, they are low level, low wattage guidance lights which have specifically been designed to incorporate a cap at the top of each bollard to direct light onto the track they are intended to serve and minimise light spillage beyond it. Furthermore hedging along the full length of the track on both sides has already been approved under Discharge of Condition Ref: 18/03584/DIS to comprise 9 plants per metre, planted in a double staggered row with 25cm between plants and 30cm between rows. The agreed planting ratio is 40% blackthorn, 40% hawthorn and 20% holly. It therefore considered unlikely that significant light pollution would result from the proposed bollards and their installation would comply with the aim of the applicant to provide lighting that is not noticeable outside the site.
- 6.2.2 The reason provided by the applicant for the proposed development is to provide lighting to the access track to ensure the safety at night of all its users, including pedestrians accessing the village services. In this respect, it is considered that the proposed lighting would allow for easy pedestrian and cycle connections with Claverley, promoting social interaction and encouraging physical activity rather than vehicle use in addition to potentially benefitting local businesses. Paragraph 84 of the NPPF 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 opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)'*.
- 6.2.3 SC Conservation have commented that the proposed lighting is considered to be inappropriate as it would have a harmful impact upon the setting of Listed Buildings in the vicinity and Claverley Conservation Area by eroding the rural character. However, the lighting bollards are not proposed to be on land within the Conservation Area, albeit that the track abuts its western boundary, and the closest Listed Buildings are approximately 180m to the east at All Saint's Church, the Old Vicarage, and the Old School House. These buildings are on higher land than the Caravan Park Track, so have views down towards it, however there is a substantial belt of trees along the Claverley Brook between them and 180m is considered to be a further distance than would be considered adjacent to, or within any historic curtilage of these Listed Buildings, particularly as the track is over the other side of the brook. Furthermore there are numerous mature trees along the rear boundaries of the plots of the Listed Buildings in question which partially screen views of them from the west. There is a further Listed Building approximately 180m to the south east at Powk Hall Farm, which is set back from Pound Street and in a location where views of the Caravan Park track would not be achievable due to the position of adjacent buildings and the surrounding mature landscaping. Therefore, taking the low level, low wattage and screening of the proposed lighting bollards into account together with the minimum 180m distance and mature landscaping in between them and the Listed Building in the vicinity, they are considered unlikely to have any further visual impact on the historic environment that existing domestic lighting within the village, particularly any external garden lighting present.

### **6.3 Impact on neighbours/residential amenity**

6.3.1 As already noted above, the proposed lighting bollards are low level, low wattage, hedge screened installations, not spot lights or flood lights. They would have less impact than would the headlights of a vehicle shining towards a dwelling. The proposed bollards would be 1m in height from ground level where it is unlikely that they would be at the same level as house windows in the vicinity. As the development would be a line of bollards along the Caravan Park track, cumulatively there is potential for them to be noticeable within the landscape, but it is considered that their number and spacing would not increase the overall luminance or result in an unacceptable level of light pollution on the residential amenities of properties in the vicinity. Hedging is approved on both sides along the full length of the track which would provide a generous level of screening, the height of the hedging once mature likely to be above 1m as is common to the rural area. The closest neighbouring dwelling is approximately 30m away from the access point of the track and would not have windows which face directly up the track as it is positioned to the south east of it, and would therefore benefit from the screening by the approved hedging.

6.3.2 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. As the proposed lighting would be low level, low wattage, capped to direct light down onto the track and contained between a line of hedging on both sides, it is considered unlikely that there would be an adverse impact on any nocturnal wild life present in the area.

### **6.4 Impact on the Green Belt**

6.4.1 Green Belt Policies CS5 and MD6, and Section 13 of the National Planning Policy Framework require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would have little additional physical or visual impact on the openness of the surrounding Green Belt over and above that of the existing works to improve and landscape the Caravan Park track. This low level development is therefore not considered to conflict with the purposes of including land within the Green Belt, in this case.

## **7.0 CONCLUSION**

7.1 The proposed development consisting of low level, widely spaced, low wattage, ground directional bollard lighting screened by native species hedging is not considered to be contrary to adopted policies as it would enhance an existing rural tourism business without significant impact on the residential amenities of neighbouring properties, the surrounding historic environment or on the attributes of the Green Belt.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ② 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.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of



defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD6 Green Belt And Safeguarded Land

MD12 Natural Environment

MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

**18/03742/ADV** Erect and display one non-illuminated entrance sign (amended description).

Granted 19th October 2018

**18/03584/DIS** - Discharge of Condition 3 (construction method statement), 4 (landscaping) & 5 (access) relating to planning permission 17/05264/FUL -Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track through the provision of passing places (Amended description). Approved 30th August 2018

**18/03175/DIS** - Discharge of conditions 3 (construction method statement), 4 (landscaping) and 5 landscaping protection) on planning permission 17/05265/FUL for ground levelling engineering operations. Approved 25th July 2018

**17/05265/FUL** - Application under Section 73A of the Town and Country Planning Act 1990 for ground levelling engineering operations. Granted 6th June 2018

**17/05264/FUL** - Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track through the provision of passing places (Amended description). Granted 31st May 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PEU8O8TDG8G00>

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

- Planning Statement dated August 2018.
- Further Supporting Information from Agent received on 23<sup>rd</sup> October 2018.

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member  
Cllr Tina Woodward

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### **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.

#### **CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. The external materials and specification shall be as specified on the approved drawings and described within the submitted Planning Statement dated August 2018.

Reason: To ensure that the works are appropriate to the surrounding environment.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. As Footpath 54 runs along the access drive, although not directly affected by the proposal please ensure that the following is adhered to:

- 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 this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

3. There is increasing concern over the problem of 'sky glow' caused by artificial lighting. 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.

4. In determining the application the Local Planning Authority gave consideration to the following policies:

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

LDF Core Strategy Policies:  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD2 Sustainable Design  
MD6 Green Belt And Safeguarded Land  
MD12 Natural Environment  
MD13 Historic Environment

5. In arriving at this decision the 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.

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