



Committee and date

South Planning Committee

15 January 2019

Development Management Report

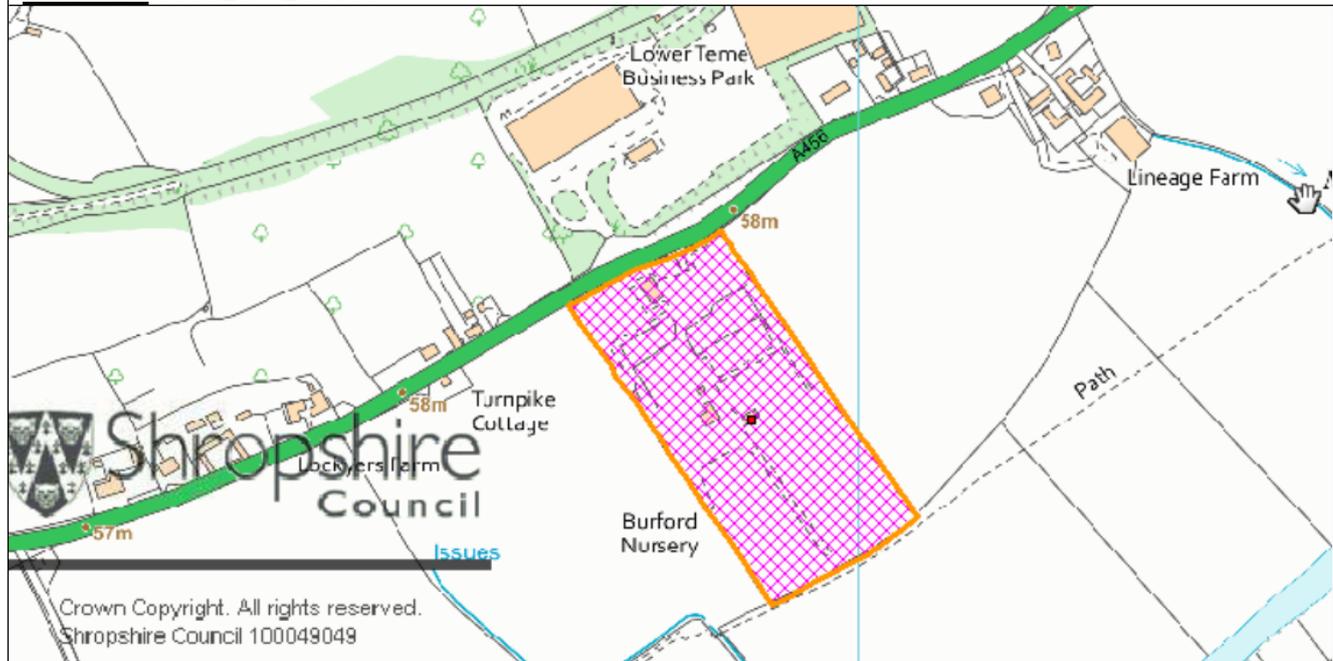
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/03308/FUL	Parish: Burford
Proposal: Change of use of land and siting of 40 static holiday caravans for the purposes of creating a holiday park; alterations to access arrangements, internal roads and parking, play area, retention of existing cafe building as reception, cafe-bistro, park shop and first floor warden's accommodation, and associated landscaping.	
Site Address: Burford Nurseries, Burford, Tenbury Wells, Shropshire, WR15 8HF	
Applicant: Worcestershire Caravan Sales	
Case Officer: Andrew Sierakowski	email: planningdmc@shropshire.gov.uk

Grid Ref: 358920 - 268469



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land from a retail garden centre to a holiday park comprising demolition of the existing garden centre and polytunnels, the siting of 40 static caravans, alterations to the access, the construction of internal roads and parking, provision of a play area, and the retention of an existing cafe building as a reception, cafe-bistro, park shop and first floor warden's accommodation, and landscaping.
- 1.2 The application has been submitted by Worcester Caravan Sales who own and operate a number of caravan parks across Worcestershire and the surrounding authorities.
- 1.3 The application states that the Burford Nurseries is an underperforming nursery which is no longer able to compete with larger modern nurseries and destination garden centres and that the site was accordingly placed on the market for sale in 2017. The owner has been unable to find a purchaser interested in retaining the nursery business and as a result, it has been sold to the applicant who now intends redevelop the site as a holiday park.
- 1.4 Development will be entirely on the northern half of the site because the southern half is located in Flood Zones 2 and 3.
- 1.5 The site is well screened by a coniferous evergreen tree screen to the west and south and by a native mix hedge to the east. The application states that it is proposed to retain the conifer tree screen on the western boundary, and the native hedge on the eastern boundary, but to replace the conifer hedge on the southern boundary with a more appropriate native tree and hedge mix. It also states that the existing mono-species hedge at the front of the site will be replaced with a mixed native species hedge set further back from the road and also provide new trees that will significantly increase the screening of the site from the A456. It is also proposed to plant a new native hedge in between the existing café building and the front of the site with additional tree and hedges planted between the caravans.
- 1.6 The nearest caravan would be sited 34m from the A456, the intention, the application states, being to ensure a separation distance that limits and will mitigate any potential impact on the surrounding countryside. The intention is that the caravans will not be visible from the road or other public viewpoints once the proposed landscaping has matured, and that the boundary landscaping will ensure that the site remains well screened within the local landscape while enhancing local biodiversity.
- 1.7 It is proposed to close the existing main central access to the site and instead use the existing secondary access at the north eastern corner; the applicant's transport consultant has advised that this would be a safer point of entry and exit with better sightlines. To further improve the sightlines the existing hedge, as set out above, will be replanted and located further back from the road.

- 1.8 The application shows the site being linked to an existing footpath that runs adjacent to the southern boundary providing an alternative pedestrian access to Burford and Tenbury Wells, to the metalled footpath that runs alongside the main road. The submitted drawings show a linking path to this footpath, although this lies outside the red line boundary of the application and on land outside the applicant's control. Discussion with the applicant has confirmed that agreement to its use has not yet been secured from the neighbouring landowner so that it may not be possible to provide the link.
- 1.9 Pre-application advice (Ref. PREAPP/18/00314) was sought and issued on 6th July 2018. This advised the development of the site as proposed is acceptable in principle.
- 1.10 The application has been submitted with a number of supporting assessments and statements and plans including a Planning Statement, Ecological Appraisal, a Flood Risk Assessment, a Surface and Foul Water Management Plan, a Mineral Assessment Report, a Transport Statement and a Heritage Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a broadly rectangular area of land extending to 3.25 ha adjoining the south side of the A456, approximately 600m west of Burford and Tenbury Wells and 250m north west of the River Teme.
- 2.2 It is currently the site of Burford Nurseries which is a retail garden centre. Approximately 25% of the site has been built on with a café/shop building, garden centre, and polytunnels for growing and selling plants. There is also a shed and a number of storage containers, hard surfaced and gravelled areas, and open plant growing and storage areas which have been covered with weed barrier. About a third of site is laid down to grass and undeveloped. The site is split with upper 40% or so adjacent to the A456 at a level of 56.9m AOD falling to 56.0m AOD in the centre of site, and the lower southern 60% of the site falling from 54.30m down to 54.00m along the southern boundary. Some of the polytunnels which are located on the northern part of the site are in a poor state of repair and it is understood, from discussion with the operator of the garden centre at the time of the site visit, that it is due to close down in 2019.
- 2.3 There is substantial high coniferous hedge around the western and southern boundaries of the site and a lower but still substantial mature deciduous hedge along the length of the eastern boundary. There is also a lower cut deciduous hedge along the northern boundary with the A456. The boundary hedges serve to substantially screen the site on three sides with the only significant view into the site being along the northern boundary with the A456.
- 2.4 The existing site access is located approximately mid-way along the northern boundary with the A456.
- 2.5 There is agricultural land to the south, east and west. Beyond the agricultural land to the south is the River Teme. To the north is the Lower Teme Business Park, which is accessed from the A456, nearly opposite the existing site entrance to the nursery.

- 2.6 The River Teme is designated as a Site of Special Scientific Interest (SSSI); notified because the channel is of special interest as a representative, near-natural and biologically-rich river type associated with sandstone and mudstones.
- 2.7 The lower southern part of the site is in Flood Zones 2 and 3, while the upper northern part of the site is shown as being in Flood Zone 1 on the Environment Agency's Flood Map for Planning.
- 2.8 There are a number of designated heritage assets in the surrounding area, the nearest being Turnpike Cottage, which is Grade II listed, approximately 95m south west of the site on the A456, Harp Bank Cottage which is Grade II listed, 580m north east of the site on the B4214 Clee Hill Road, a milepost on the A456 which is Grade II listed 500m north east of the site, and the Castle Tump, a motte castle and causeway which is a Schedule Ancient Monument approximately 415m north east of the site close to the Teme Bridge. There are also approximately 30 Listed Buildings largely clustered around Teme Street, Market Street and Church, just over the county boundary in Tenbury Wells which is a Conservation Area within Malvern Hills District. There are a number of Listed Buildings around Burford House, which itself is Grade II listed, 790m south west of the site.
- 2.9 There is a footpath that runs just outside and parallel to the southern boundary of the site which links Burford House with the A456 adjacent to the Teme Bridge.
- 2.10 The northern half of the site is located in a Minerals Safeguarding Area.
- 2.11 There is a 40mph speed limited through Burford on the A456, which starts 100m east of the site, so that the access into the site falls outside the area of the speed limit.
- 2.12 The planning history of the site extends back to 1994 with a number of applications largely related to the development and use of the site as a garden centre. These include application ref. SS/1/05/16946/F for the café/shop building on the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have provided views contrary to the Officers recommendation. The Principal Officer, in consultation with the Chair and Vice Chair of the South Planning Committee, consider that the material planning considerations raised require a committee determination of the application.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 Burford Parish Council: Burford Parish Council has objected to the application. Its comments that the original application for the existing horticultural use was for a horticultural growing nursery which was subsequently changed to a retail use, and a café added, which was only opened for a short while. It comments that the Parish Council objected at the time and now feels that this site should revert to horticultural use or even industrial use.

- 4.2 The Parish Council further comments that the current application seeks to revert to the original entrance in the north east corner of the site which was deemed to be dangerous even though there is now more traffic.
- 4.3 The Parish Council is also concerned with light pollution issues as there were many complaints when the Nursery had a large light on at the entrance which shone over into Tenbury. The Parish Council is concerned that the proposed caravan park would have many more lights.
- 4.4 Tenbury Town Council: Tenbury Town Council has responded stating that they are in favour of tourism development on the site.

4.5 Public Comments

- 4.6 There are have been nine other representations from local residents which are listed as either being neutral or offering objections, but which in summary offer the following comments:
- Road Safety: That the proposed access into the site would be located exactly at the point on the A456 where cars leaving Tenbury begin to speed up and overtake, increasing the highway safety risk and that there would be increased traffic and poor visibility. There is also concern that there have been a number of accidents, including several fatal accidents within a few hundred yards of the proposed entrance. Local residents have campaigned to have the speed limit extended to cover what is a dangerous and accident-prone stretch of road and would like to see an extension of the 40mph speed limit to include both sides of the proposed entrance and the properties further up the road, to slow down traffic;
 - Road Safety: That a roundabout or acceleration/deceleration lanes should be installed for the site and the adjacent industrial estate to ensure road safety;
 - Road Safety: That consideration should be given to relocating the proposed children's play area to the rear of the site for additional safety from the road;
 - Road Safety: That there is further a right-hand bend to the west of the site on the A456 which is hazardous because vehicles drive round this too fast to stop for those entering or exiting onto the road;
 - Drainage and Flood Risk: That properties nearby have had problems with drainage due to the high water-table especially in winter resulting in surface water flooding and that care needs to be taken when dealing with storm and foul water drainage to ensure the system installed is able to cope;
 - Impact on the River Teme SSSI: That the development may negatively impact on the River Teme;
 - Impact on Residential Amenity: Concern that there will be adverse impacts in terms of the potential for noise, light pollution and visual intrusion affecting neighbouring properties;
 - Lack of Need: There are a number of other static and touring caravan sites in the area as well as number of holiday cottages and chalets which raises the question of whether the area needs or can sustain a further 40 caravans. Tenbury/Burford is small and its holiday facilities few. The development is not required;
 - Sustainability: That the proposed use of the site is poorly conceived as it is unsustainable in terms of its location. It should remain in its existing use or revert

to agriculture. The proposed development is the thin end of the wedge in terms of residential use;

- Existing Business: That the presentation of the existing business in the application is very mis-leading and warrants full and proper investigation prior to any decision on the planning application;
- Loss of Garden Centre Business: That the existing garden centre is a local asset although the existing business has not been effectively run to ensure profitability and turnover and the application indicates that the site is semi-derelict and deliberately does not present a favourable impression of the site;
- Urban Sprawl: That the use proposed is more permanent than the current use and will appear as urban sprawl along the A456;
- Impact on the Lower Teme Business Park: That the proposed quasi-residential use is likely to be to the detriment of the undeveloped employment land opposite at the Lower Teme Business Park;
- Permanent Occupation: That the use and occupation of the caravans needs to be conditioned to prevent permanent occupation which would be contrary to policy;
- Flood Risk: That the site is at risk from flooding and this has not been adequately considered;
- Landscaping: That the landscaping proposals are weak especially as the site will be visible from elevated areas of Tenbury Wells;
- Consultation: That there has not been adequate consultation on the application by the developer;
- Proposed Residential Use: That there is no need for conversion of the existing building to residential. Most other sites use a caravan/lodge;
- Pedestrian Access: That the existing footway network adjacent to the A456 is narrow and in poor condition. To accommodate any intensification of use on this site the developer should pay for a significant upgrade. The alternative footpath across fields will not be appropriate for less able users and those with disabilities.
- Wildlife: The adverse impact on wildlife;
- Loss of View: That there will be a loss of view and property value; and
- Local economy: That by making the proposed caravan park self-sufficient (with a shop and bar) there will be no benefit to the local community.

4.7 Technical Consultees

4.6 SC Highways: No Comment.

4.7 SC Rights of Way: The Rights of Way Officer welcomes the linking of the site with public footpath that runs outside the development boundary to the immediate south of the site.

4.8 SC SUDS: Advise that part of the site is in Flood Zone 2 and 3, although the Flood Risk Assessment confirms that the 40 static holiday caravans are all to be located in Flood Zone 1. There are therefore no objections, subject to the inclusion of a condition to ensure implementation of the drainage scheme as proposed.

4.9 SC Conservation: Advise, as set out above, that the site is adjacent various designated and non-designated heritage assets.

- 4.10 They further advise that there are no in principle objections to the redevelopment of this site, as its existing appearance is somewhat poor, especially with the existing dilapidated poly tunnels, storage containers and other clutter which is currently detrimental to the overall setting of the site. The existing reception building seems to date from the 1990s and is constructed/faced in timber weatherboarding with plain clay tiles.
- 4.11 Overall, it is considered that the proposal affords an opportunity to enhance the overall site and the overall setting of the area, along with adjacent heritage assets. It is noted that the site lies within a river valley and is therefore quite flat, where there is considerable intervisibility to and from the site, where effective landscaping is a critical factor.
- 4.12 SC Conservation also advise that the Heritage Impact Assessment, that has assessed several adjacent designated and undesignated heritage assets, is broadly acceptable and accordingly so is the development subject to the inclusion of a landscaping condition as a mitigation measure to minimise impact on setting of the nearby heritage assets. The HIA states that there would be ‘no harm’ with neutral/some benefits. SC Conservation advise that they consider that impact of the development would be ‘negligible harm’ subject to the implementation of appropriate landscaping as stated on the proposed plans, such as establishing the line of trees to the north of the site, the orchard to the south, along with any appropriate hedging along the sides of the site.
- 4.13 SC Archaeology: Advise that the site lies to the east of the deserted medieval village of Burford and is likely to be located within the former open field system associated with that settlement, although the former earthworks on the site had been ploughed out and the subsequent development of Burford Nurseries is likely to have disturbed or truncated earlier below ground archaeological features or deposits which may have existed on the site. The site is therefore deemed to have low/negligible archaeological potential.
- 4.14 SC Archaeology note that the Heritage Impact Assessment concludes that the proposed development will have either a neutral or marginally beneficial impact to the setting and significance of the identified heritage assets.
- 4.15 SC Ecology: Note that an Ecological Appraisal was carried out on this site in April 2018 and offer the following detailed comments:
- 4.16 Habitats: That there are a number of opportunities for habitat enhancement including the following:
- Enhancement of the existing hedgerows through sensitive management and establishment of new standard trees using native species appropriate to the local area;
 - Provision of new opportunities for movement of wildlife within and around the site through strengthening of existing tree lines and hedgerow corridors and associated semi-natural habitats and/or provision of new linear habitats including hedgerow, tree and scrub planting. Where possible these should complement off-site areas of connective habitat;

- Inclusion of other habitats of high nature conservation interest within areas of open space including rough and meadow grassland and native species-rich scrub habitats, ideally in locations where they complement existing habitats and/or improve connectivity around the site and the wider area;
- Prioritising the use of native species typical of the local area in landscape planting where appropriate to do so and avoiding invasive species and cultivars. Where possible these should be sourced from stock of local provenance;
- Use of nectar and pollen-rich and fruit and nut-producing species within formal landscaping schemes to benefit species including birds, invertebrates, bats and foraging Badgers;
- Creation of sympathetically designed new wetland habitats such as ponds, ditches, swales, reedbeds and/or wet grasslands, either as standalone features or as part of the site surface water drainage strategy, complementing the existing aquatic habitats in the wider area. These should be of wildlife friendly design including gently shelving margins and native aquatic/marginal planting.

- 4.17 Bats: That the existing café building, which is to be retained, offers low roosting potential; and that all the other existing structures offer negligible roosting potential, as do all trees within and adjacent to the site boundary. The SC Ecology recommend that bat boxes should be erected in suitable locations on the site to provide potential roosting opportunities for bats and that the lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.
- 4.18 Badgers: That an outlying Badger sett is identified within the southern part of the site, adjacent to the treeline, in an area of the site proposed for public open space. The sett consists of one well used hole but is not considered to be in 'current use' No other evidence of Badger activity was recorded within or adjacent to the site during the field survey.
- 4.19 The amenity grassland within the site offers suitable foraging habitat for Badgers, but due to the site's small size, and the abundance of similar and higher quality foraging habitats within the surrounding area, it is considered highly unlikely that the site as a whole, is of importance to the local Badger population.
- 4.20 The sett is located more than 30m from the proposed development area adjacent to a treeline. Subject to sensitive landscape design in its vicinity (e.g. scrub planting and avoidance of paths within 10m of the sett) it would be expected to remain viable for use by Badgers during both the construction and operational phases, should it become reoccupied, and would not require closure under licence.
- 4.21 SC Ecology however advise that Badgers are very mobile animals and occasionally setts may be abandoned, and old setts reclaimed. It would therefore be prudent to resurvey the site prior to works commencing to confirm that no new setts have been dug that have potential to be affected by the proposals. If any new active setts could be affected by the proposals a licence for sett closure would need to be obtained from Natural England prior to construction works affecting any active setts commencing.
- 4.22 As the site may be used by Badgers, during the construction phase any steep sided holes left open overnight during the course of construction works will be equipped with a mammal ladder (a reinforced plywood board >60cm wide set at an angle of no greater

than 30° to the base of the pit) and temporarily open pipes with a diameter of >150mm will be plugged to prevent entrapment of Badgers and other wildlife.

- 4.23 Herptile: That the closest pond to the site is located approximately 210m to the north of the site, but that given the small size of the site, its distance from the pond and the presence of an intervening road, if Great Crested Newts are present in the off-site pond, it is extremely unlikely that they would use the site during terrestrial phases.
- 4.24 The only other waterbodies within 300m of the site are a drainage ditch located approximately 45m to the west of the site and the River Teme located approximately 240m to the south of the site. Drainage ditches are rarely suitable for breeding Great Crested Newts due to low water levels, flowing water and/or the presence of fish. Rivers are similarly regarded as unsuitable for Great Crested Newts due to the presence of flowing water and predatory fish. It is therefore considered highly unlikely that either of these waterbodies support breeding Great Crested Newts.
- 4.25 Limited areas of potential reptile habitat occur within the site in association with the treelines, hedgerows and ephemeral and short perennial vegetation and it is conceivable that low numbers of common and widespread species of reptile such as Slow-worm occur in association with these habitats. In view of the limited extent of these habitats, it is unlikely however that the site as a whole supports notable reptile populations in a local context.
- 4.26 A full reptile survey of the site is not proposed due to the potential for only very small numbers of reptiles to be present and the existence of contiguous suitable reptile habitat adjacent to the site. In view of this it is recommended that a precautionary approach is taken to clearance of any suitable reptile habitat affected during construction in order to ensure that reasonable measures to avoid contravention of legislation protecting common and widespread reptile species (i.e. protection against injury and killing) are employed.
- 4.27 Birds: That the buildings, trees and hedgerows provide potential nesting opportunities for birds. Demolition of the buildings and any vegetation removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.
- 4.28 Bird boxes should be erected on the new buildings to provide replacement and additional nesting opportunities for birds. Boxes suitable for starlings (listed as 'red' on the list of Birds of Conservation Concern), house sparrows (red), swifts (amber) and/or house martins (amber) would be most valuable.
- 4.29 Other species: That although the hedgerows and treelines bordering the site are suitable for Dormice, they are limited in extent with poor diversity and have limited connectivity with other higher quality areas of habitat in the wider area. It is recommended that log and brash piles be provided around hedgerow and treeline edges to provide habitat for invertebrates, amphibians and reptiles. Where appropriate, gaps should also be left in the boundary fencing to allow movement of wildlife such as Hedgehogs around the site.

- 4.30 The SC Ecology recommends the inclusion of a number of conditions and informatives including conditions to ensure the protection and enhancement of habitat and protected species, the undertaking of a pre-commencement badger survey, including the submission of a landscape plan, the provision of bird and bat boxes and the submission of a lighting plan.
- 4.31 Environment Agency: The Environment Agency offers no objection but offers the following comments and recommends conditions be applied to any permission granted as set out below:
- 4.32 Flood Risk: This site is (partially) located in Flood Zone 3, which is the high-risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.
- 4.33 However approximately 50% of the site (northern portion), including the proposed static caravans, falls within Flood Zone 1 (low risk). There is a hydraulic model for the River Teme which does include this area. However, the model was undertaken in 2006 and does not include updated climate change allowances.
- 4.34 Sequential Test: The NPPF details the requirement for a risk-based Sequential Test in determining planning applications. Paragraph 158 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying the Sequential Test. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.
- 4.35 Further detail is provided in the NPPG which states that 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (see Paragraph 159 of the NPPF).
- 4.36 The Environment Agency notes that a sequential approach to the site has been undertaken with all proposed units situated on the area of the site at the lowest risk of flooding.
- 4.37 In relation to the Flood Risk Assessment the Environment Agency advise that it states that the information supplied by the Agency has given a projected 1 in 100 year plus climate change level. This, it states, is not the case, however, the model was produced before the introduction of the latest climate change guidance. For a development of the scale proposed, it states, it would normally be expected that the Flood Risk Assessment would demonstrate that the residential element would allow for the latest climate change allowances and would involve producing a new hydraulic model or re-running the existing model.
- 4.38 In the absence of this information, and in acknowledgment that proposed units are shown on the Flood Map to fall within Flood Zone 1, the Environment Agency advises that the applicant may wish to apply its nominal figures for climate change for the River Teme based on extrapolation and interpretation of existing model data within the region.

For this location this nominal figure would be 850mm. Taking the closest flood model node from the Teme model for the 1 in 100 year at 54.68mAOD and adding the 850mm, it advises, would give a projected 1 in 100 year plus climate change level (35%) of 55.53mAOD. It therefore advises that any proposed finished floor levels would need to be set 600mm above this to account for model inaccuracies and wave action. This would mean a finished flood level for the units of a minimum of 56.13mAOD.

4.39 The applicant may choose to undertake their own hydraulic model or re-run the existing model to dispute this projected nominal level. This would be encouraged by the Environment Agency, and under the assumption that the updated model were of a satisfactory standard then this would represent the best available data in line with the topographical survey already supplied. However, should the applicant wish to utilise the nominal allowances, in this instance, it recommends that conditions relating to the finished floor levels of the caravans being set not lower than 56.13mAOD (600mm above the 1 in 100 plus climate change level) and that there should be no new structures (including gates, walls and fences) or raising of ground levels on land below 55.53m AOD, within the 1% plus climate change floodplain or inside or along the boundary of the site.

4.40 The also advises inclusion of an informative relating to the production of a Flood Evacuation Management Plan.

4.41 Historic England: Offer no objection.

4.42 Ramblers Association: No comment.

5.0 THE MAIN ISSUES

- **Principle of the development;**
- **Siting, setting scale, landscaping and visual impact;**
- **Road Safety and Accessibility;**
- **Residential Amenity;**
- **Flood Risk and Surface and Foul Water Drainage; and**
- **Other Issues**

6.0 OFFICER APPRAISAL

6.1 Principle of the development

6.1.1 The key issue in relation to the principle of the development is that Burford is designated as a Community Hub and the site falls outside the development boundary for Burford. The main question therefore is whether it is acceptable in terms of development plan and national planning policy as development in the open countryside and relating to support for economic and tourist related development.

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 a settlement hierarchy 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 areas or “rural rebalancing”. 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.
- 6.1.5 Relevant national planning policy is set in paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) (2018). 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; the development and diversification of agricultural and other land-based rural businesses; and 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. In these circumstances 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 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 In support of Core Strategy Policies CS1, CS4 and CS5, the adopted Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policy MD1 and the supporting Schedule MD1.1: Settlement Policy Framework identifies Burford as a Community Hub, and Settlement Policy S10.2(i) that development by infilling within the development boundary identified on the Policies Map, will be permitted, to provide services and facilities for the wider area in conjunction with those provided over the county boundary in neighbouring Tenbury Wells.
- 6.1.7 The settlement Boundary on the Policies Map on the west side of Burford is drawn along the A456 to include the largely industrial areas to the north of the road, but to exclude the land to south including the site of Burford Nurseries. The site is therefore outside, but adjacent to the, settlement boundary.
- 6.1.8 Core Strategy Policy CS4 makes clear that in the rural area of the County, communities will become more sustainable by focusing private and public investment in the rural area into the Community Hubs and Community Clusters, and not allowing development

outside these settlements unless it meets the requirements set out in Policy CS5. As the site lies outside the settlement boundary Policy CS5 provides the main test.

- 6.1.9 Whilst Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside, it goes on to state that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small-scale economic development that diversifies the rural economy and/or where they relate to sustainable rural tourism and leisure and recreation proposals which require a countryside location, and are in accordance with Policies CS16 and CS17.
- 6.1.10 Policy CS16 Tourism, Culture and Leisure supports the delivery of high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities. In particular it sets out support for; new and extended tourism development that is appropriate to its location and aimed at diversifying the rural economy for tourism, that is appropriate in terms of its scale and nature, which retain and enhance existing natural features where possible, and which does not harm Shropshire's tranquil nature. It also supports the development of high-quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It makes clear that in rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements.
- 6.1.11 Under the Policy development must also meet the requirements of Policy CS17 and where possible, existing buildings should be re-used in accordance with Policy CS5. Under Policy CS17 Environmental Networks new development must identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a network of natural and historic resources. This is to be achieved by ensuring that all development: protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Policy CS5 supports the conversion or replacement of suitably located buildings for small scale economic development/employment generating use including tourism.
- 6.1.12 Policy CS16 is additionally supported by SAMDev Plan Policy MD 11 which is concerned with tourism facilities and visitor accommodation. This states that 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. It further states 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.

- 6.1.13 There is therefore an extensive policy basis, which in this case is clearly supportive of tourism related development of an appropriate scale in just the kind of location proposed in this instance. The Burford Nurseries site whilst outside of the development boundary at Burford is still very well located in relation to both Burford and Tenbury Wells, which are established community centres with a wide range of local facilities and well within easy walking distance of the site. The site is also on Bus Route 731 between Tenbury Wells and Ludlow and other services to Kidderminster and Leominster, where connections can be made with the national rail network.
- 6.1.14 The development in this case will be on an existing developed site which is due to close down and will make use of the existing café/reception building. The site, although in a visually prominent location, is well screened by the existing high and mature hedges around three of its sides, and it is proposed augment these with additional planting along the northern boundary where the site is currently visible from the A465. The existing environmental features in terms of trees and hedging are to be retained and enhanced.
- 6.1.15 For a site that is outside the development boundary, there is no doubt that it complies with the key policy criteria in terms of the principle of the development, and in fact the site is notable for meeting the criteria as well as it does. In terms of the principle of the development on the Burford Nurseries site there is therefore no issue that the development is compliant with relevant development plan and national planning policy. Compliance with Core Strategy Policies CS17 and SAMDev Plan Policies MD7b, MD12 and MD13 is considered below.

6.2 Siting, setting, scale landscaping and visual impact

- 6.2.1 Concerns about the landscape and visual impact, including the potential impact of lighting arising from the use of the site as a static caravan holiday park is understandable and is raised as an issue in the comments from the Parish Council and public comments.
- 6.2.2 Relevant policies include Core Strategy Policies CS5 and CS17 and SAMDev Policies MD2 and MD7b which seek to ensure that new development maintains and enhances countryside character and local distinctiveness, is appropriate in terms of scale and design and maintains its natural features. In addition, SAMDev Policy MD11 specifically in relation to tourism and visitor accommodation requires that all proposals should 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. Paragraph 170 of the NPPF advises that new development should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 6.2.3 In this case it is intended that the park will comprise forty 12m/40ft standard static caravans. These inevitably cannot in themselves be considered site sensitive as new development, but what is key is the way in which they are sited including the location, setting, and proposed landscaping.
- 6.2.4 A location within and adjacent to the floodplain of the River Teme at Burford, which is generally relatively flat and open, would not seem like an obviously sensitive location.

However, in this instance the site, is already well screened with existing high and mature hedges, which will be substantially retained and enhanced with additional landscape planting, albeit that these may in relation to the replanting of the northern and southern boundaries of the site take several years to mature. The landscaping details have nevertheless clearly been given thought in the application, which includes an indicative landscape strategy, and which in principle is acceptable, subject to the submission of a more detailed landscaping plan. No specific lighting details are included with the application, although the applicant's agent has in response to the representations received advised that low level bollard lights will be used which will not be visible from outside of the site. These would if used be unlikely to have any significant impact. Again, the submission and approval of any lighting details can be conditioned.

6.3 Road Safety and Accessibility

- 6.3.1 Road safety and accessibility are potentially the most significant issues that have been raised in the comments from the Parish Council and objectors. There is a particular concern that the proposed access is outside the 40mph speed limit through Burford and that there have been a number of accidents along the A456, including a number of fatal accidents, although there is no suggestion that any of these have occurred directly in conjunction with the operation of the application site as a garden centre.
- 6.3.2 The application is accompanied by a Transport Statement and proposes relocating the access to the north east corner of the site, which will bring it closer to the 40mph speed limit and improve visibility. In addition, it is proposed to replant the hedge along the front site by locating it further away from the road, thereby improving visibility in a westerly direction.
- 6.3.3 Relevant policy potentially includes Core Strategy Policies CS6, CS7 and CS8 which requires that new development is well designed, safe and accessible and SAMDev Policies MD2 and MD8 which require that new development is sustainably designed, and that existing infrastructure is acceptable or improved as necessary.
- 6.3.4 In addition the NPPF paragraph 108 advises that in applications for new development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can if necessary be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.3.5 A key point in the consideration of this application, as is made clear in the Transport Statement is that the existing use of the site already generates a degree of traffic. Whilst this may have decreased to some degree in recent years with a decline in visitors to the garden centre, the levels of vehicular traffic have in the past, the Transport Statement suggests, been greater than would now be generated by the proposed holiday park use. As such it cannot be considered that there would be a significant overall increase in traffic if any, as a result of the development. This is most likely a

correct analysis. As such there is no basis for considering the traffic impacts to be so unacceptable as warrant refusal of planning permission. The proposed changes to the access arrangements and the improvements in visibility are likely to make access and egress from the site safer.

- 6.3.6 Car parking provision on the site includes spaces for up to two vehicles with each caravan, with additional visitor and check-in parking at the site reception. There will also be provision for cycle storage with each caravan to encourage cycling.
- 6.3.7 In terms of overall accessibility, the site is within easy walking distance of both Burford and Tenbury Wells both along the A456 and potentially along the public footpath to the south of the site, although as noted above the link to this footpath, has not as yet, been agreed with the adjoining landowner. The site is also as noted above, close to bus stops for several local bus routes running through Burford and Tenbury Wells.

6.4 Residential Amenity

- 6.4.1 Both the Parish Council and neighbouring residents have raised concerns regarding the impact the holiday park, particularly in relation to noise, light and visual impact.
- 6.4.2 The nearest residential properties are sited 70m west of the site, 100m south west of the site and 125m north east of the site. It seems that there have in the past been concerns about the impact of floodlighting erected at the existing garden centre.
- 6.4.3 Core Strategy Policies CS6 and SAMDev Policies MD2, MD7b and MD11 are variously concerned with ensuring that the visual and amenity impacts of the new development, including new tourism and visitor accommodation development are minimised or mitigated and that new development should not give rise to unacceptable residential amenity impacts.
- 6.4.4 The visual impacts of the development are addressed above and as detailed, the application includes a well thought out Indicative Landscape Strategy and landscaping proposals further details of which can be secured by condition, as can control over any lighting proposed as part of the development.
- 6.4.5 Noise can be an issue particularly during evening and unsociable hours on holiday accommodation, although less so on sites of the type proposed. The applicant has advised that the site is sufficiently distant from the nearest residential properties that the noise environment is likely to be dominated by traffic on the adjacent A456 and neighbouring industrial estate. With the retention of the existing high hedges, particularly on the west side of the site, it is unlikely that noise would be a significant issue. There is no reason to think that this would not be the case and that this is essentially a correct assessment of the noise impact from the development.

6.5 Flood Risk and Surface and Foul Water Drainage

- 6.5.1 There is both a flood risk issue and concerns about surface water and foul drainage expressed by objectors.

- 6.5.2 In relation to flood risk, the concern is that the lower part of the site is in Flood Zones 2 and 3 and therefore the issue is whether the Sequential and Exception Tests set out in paragraph 157 of the NPPF need to apply.
- 6.5.3 Relevant development plan policy which supports the approach of the NPPF includes the Core Strategy Policy CS18 on Sustainable Water Management and the SAMDev Policies MD2 and MD11.
- 6.5.4 A Flood Risk Assessment has been included with the application which concludes that the part of the site where development is proposed are located in Flood Zone 1 and is therefore outside the area of fluvial flood risk from the River Teme. The sequential test has in essence been applied in designing the development and consequently the Exception Test need not apply. Neither the SC SUDs team nor the Environment Agency have objected to the development, although as can be seen from the Environment Agency's comments set out above to allow for the latest climate change allowances, a condition should be attached to the grant of planning permission, if approved, requiring that the finished floor levels of the caravans be set no lower than 56.13mAOD (i.e. 600mm above the 1 in 100 plus climate change level). They also advise the inclusion of a condition preventing the erection of any new structures (including gates, walls and fences) or the raising of ground levels on land below 55.53m AOD, within the 1% plus climate change floodplain.
- 6.5.5 The Flood Risk Assessment also identifies that the site is at moderate risk from groundwater flooding over its whole area, but that if the static caravans are raised, as they would be, by approximately 600mm, that no additional mitigation would be required. This requirement would in any event have to be met in complying with the recommended conditions requested by the Environment Agency.
- 6.5.6 In relation to surface and foul water drainage, a Surface and Foul Water Drainage Plan has been submitted with the application. The adequacy of surface and foul water in the area has been raised by objectors. The Surface and Foul Water Drainage Plan identifies that soakaway tests have confirmed that infiltration drainage for surface water is appropriate, but that because of the presence of a shallow groundwater table, shallow depth infiltration techniques will need to be used. It accordingly proposes a system which uses filter drains to drain the water from the roofs of caravans into the ground, permeable paving on driveways and shallow depth swales. The surface water drainage system will remain private and will be maintained by the site owner.
- 6.5.7 Foul drainage will be by a separate foul water drainage system that will discharge to Severn Trent public foul water sewer 150m north east of the site. As this will require pumping a foul water pumping station is proposed in the north-east corner of the site. Despite the objections there have been no technical objections to the proposed drainage arrangements and a pre-application enquiry has been submitted to Severn Trent to agree the connection and discharge rate. It has confirmed that foul flows from the development would be acceptable. In terms of surface and foul water drainage the application does not therefore raise any significant issues in terms of relevant development plan, i.e. Core Strategy Policy CS18 and SAMDev Policies MD2 and MD11.

6.6 Other Issues

6.6.1 There are four other issues that have been raised by the objections and consultation responses. These concern the following:

- Retention of the Existing Horticultural Use and Other Alternative Uses;
- Mineral Safeguarding;
- Ecology;
- Heritage.

6.6.2 Brief comment on each of these issues is according appropriate:

6.6.3 Retention of the Existing Horticultural Use and Other Alternative Uses: As set out above Parish Council and objectors have raised a number of related points in relation to the existing horticultural use, including its management, viability, retention and the possibility of other uses in preference to the proposed holiday park.

6.6.4 The short answer to these concerns is that on the one hand there is no overriding development plan or national policy presumption in favour of the retention of the existing horticultural use and conversely there is development plan policy and national planning policy, as set above, that positively supports tourism and visitor accommodation in appropriate rural locations close to existing settlements. The application as such has to be considered in this context, and there is no reason for refusing consent based on an alternative economic use for the site in preference to the holiday park use proposed, whether this be the existing horticultural use, industrial development or another business related activity.

6.6.5 One of the objections, correctly raises the point that occupation of the caravans as holiday accommodation needs to be conditioned to control and prevent their occupation as permanent residential units. The occupation of the café, similarly, should be conditioned, to tie its occupation to that by the warden of the site, only for as long as the site is operational.

6.6.6 Mineral Safeguarding: Because the northern part of the site falls within a Mineral Safeguarding Area, a Mineral Assessment has been included with the application in compliance with the requirements of Core Strategy Policy CS20 and SAMDev Plan Policy MD16.

6.6.6 The assessment identifies that 1.28 ha of the site could potentially yield mineral, but that the mineral resource is unproven. However, if it also concludes that if there was a proven mineral reserve, this would yield no more than 70,000 tonnes of material, which it would not be economically viable to work and process. In these circumstances the development would accord with the criteria set out in SAMDev Plan Policy MD16. The assessment in any event also identifies that the proposed use of the site for holiday caravans would not be permanent and would still leave open the possibility of extraction in future and would not therefore sterilise the mineral resource.

6.6.7 Ecology: As detailed above an Ecological Appraisal has been submitted with the application. This identifies the potential for habitats and protected species on and in the

vicinity of the site and specifically identifies the presence of a badger sett in the southern part of the site. The Appraisal concludes that no reduction of the ecological interest of the site is likely to arise as a result of its development and that on the contrary it has the potential to provide opportunity to enhance its nature conservation interest for a number of species through incorporation of a number of habitat retention, protection, creation and enhancement measures.

- 6.6.8 SC Ecology has offered detailed comments but has no objections to the development, subject to the inclusion of conditions to ensure implementation of the mitigation and enhancement measures set out in the Ecological Appraisal. It has not expressed any concerns about potential impacts on the River Teme SSSI. As such concerns expressed by objectors in relation to impacts on ecology can be overcome, and the development can be considered not to raise any significant issues in terms of relevant development plan and national planning policy, including Core Strategy Policy CS17, SAMDev Plan Policies MD11 and MD12 and the NPPF paragraphs 170 and 175.
- 6.6.9 Heritage: Finally, in relation heritage the application includes a Heritage Impact Assessment which assesses the impact on designated and non-designated heritage assets in the area around the site. It concludes that that the proposal to develop the Site will result in either a neutral or marginally beneficial impact to the setting and significance of the identified heritage assets. Whilst the development of the Site will change part of the broad surrounding context of some of the assets, it will maintain the overall setting of the listed buildings and the non-designated heritage assets, and therefore result in no harm to the significance to the designated heritage assets.
- 6.6.10 SC Conservation and Archaeology and Historic England have been consulted and none object to the development, subject to the inclusion of a landscaping condition as a mitigation measure to minimise impact on setting of the nearby heritage assets. There is therefore no objection to the development in terms of relevant development plan and national planning policy including Core Strategy Policy CS6 and CS17, SAMDev Plan Policies MD11 and MD13 and the NPPF paragraphs 189, 192 and 197. In determining the application, the Council must be mindful of the obligations under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

7.0 CONCLUSION

- 7.1 The proposed change of use of the site to holiday including the siting of 40 static caravans, is acceptable in terms of the principle of the development; siting, setting scale, landscaping and visual impact; road safety and accessibility; residential amenity; flood risk and surface and foul water drainage; and other issues. It is therefore in accordance with Shropshire Local Development Framework Adopted Core Strategy (March 2011), Policies CS1, CS4, CS5, CS6, CS16, CS17, CS18 and CS20, the Shropshire Council Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policies MD1, MD2, MD7b, MD8, MD11, MD12, MD13 and MD16 and the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

8.1.1 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.

8.1.2 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 (2018); and
- National Planning Practice Guidance (Updated 2018).

10.3 Core Strategy and SAMDev Plan Policies:

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS4: Community Hubs and Community Clusters;
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS16: Tourism, Culture and Leisure;
 - Policy CS17: Environmental Networks;
 - Policy CS18: Sustainable Water Management; and
 - Policy CS20: Strategic Planning for Minerals.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD1: Scale and Distribution of Development;
 - Policy MD2: Sustainable Design;
 - Policy MD7b: General Management of Development in the Countryside;
 - Policy MD8: Infrastructure Provision;
 - Policy MD11: Tourism Facilities and Visitor Accommodation;
 - Policy MD12: Natural Environment;
 - Policy MD13: Historic Environment;
 - Policy MD16: Mineral Safeguarding; and
 - Settlement Policy S10: Ludlow.

10.4 Relevant Planning History:

- SS/1/5913/P/ Proposed change of use of land to a nursery/garden centre
- WDN 9th August 1995;
- SS/1/4870/P/ Erection of polytunnels for horticultural use and formation of a vehicular and pedestrian access;
- PERCON 26th August 1994;
- SS/1/5408/P/ Erection of a dwelling WDN 2nd March 1995;
- SS/1/5119/P/ Erection of a polytunnel. PERCON 8th December 1994;

- SS/1/5118/P/ Erection of a portal frame barn and greenhouse. PERCON 8th December 1994;
- SS/1/5083/Q/ Amendment to access arrangements previously approved Ref. SS/1/4870/P/ PERCON 10th November 1994;
- SS/1/5612/P/ Erection of an agricultural worker's dwelling. REFUSE 11th August 1995;
- SS/1/01/12119/F Use of land for the siting of a caravan for use as an office and ancillary staff facilities WDN 29th March 2001;
- SS/1/05/16946/F Erection of a cafe/shop, staff toilet block and installation of a septic tank PERMIT 13th June 2005;
- SS/1/05/17774/F Erection of 2No. polytunnels PERCON 10th February 2006;
- SS/1/06/18296/VC Variation of condition 2 of planning permission 1/05/17774/F to permit the polytunnels to be used for the display and sale of gardening products, incidentals, accessories and requisites. (made under section 73A of the Town and Country Planning Act 1990) PERCON 20th July 2006;
- SS/1/03/14415/F Erection of a polytunnel PERCON 19th May 2003.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PC0VF9TDMT900>

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

- Planning Statement (GVA) (June 2018)
- Surface Water and Foul Water Management Plan (GVA) (July 2018)
- Flood Risk Assessment (GVA) (July 2018)
- Mineral Assessment Report (GVA) (April 2018)
- Ecological Appraisal HDA Ref: 780.4 (Hankinson Duckett Associates) (May 2018)
- Transport Statement (The Stillwell Partnership) (May 2018)
- Letter from GVA dated 18th October 2018 Re. Responses to Consultation Responses
- Heritage Impact Assessment (Iceni) (November 2018)

Cabinet Member (Portfolio Holder)

- Cllr R. Macey

Local Member

- Cllr Richard Huffer

Appendices

- APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

5. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

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

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan 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 (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved.

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

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. The proposed surface and foul water drainage schemes shall be installed in accordance with the drainage plan and detailed set out in the Surface Water and Foul Water Management Plan (GVA) (July 2018) prior to the first use of the caravans hereby approved.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

8. Prior to first occupation/use of the buildings the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species; and
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

9. 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 demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. All demolition, site clearance and development, shall occur strictly in accordance with section 8.4.4 and 8.4.5 of the Ecological Appraisal (Hankinson Duckett Associates, May 2018).

Reason: To ensure the protection of and enhancements for reptiles and badgers.

11. The development hereby permitted shall not be brought into use/occupied until the internal access road, including the new junction with the A456, visibility splay, visitor and check-in parking at the site reception and the car parking and bicycle storage for each static caravan are completed, and the existing access closed off, as shown on the approved Drawing No. 780.5.02B Illustrative Landscape Strategy dated October 2018.

Reason: To ensure completion of the internal access road and the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

13. No more than 40 caravans of any description shall be stationed on the site at any time.

Reason: To define the permission for the avoidance of doubt; in the interests of the visual amenities of the area.

14. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

15. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the first floor warden's accommodation shall only be occupied as warden's accommodation for as long as the site is operational and shall not be occupied as a separate unrelated place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

16. A register shall be maintained of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

17. Before the caravans are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

18. Finished floor levels shall be set no lower than 56.13mAOD (600mm above the 1 in 100 plus climate change level).

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development.

19. There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 55.53m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of any Main River inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

20. Demolition or construction works shall not take place outside the following times:

- Monday to Friday 07:30hrs to 18:00hrs
- Saturday 08:00hrs to 13:00hrs
- Not at any time on Sundays, Bank or Public Holidays.

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

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.

Flood Evacuation Management Plan

The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. The Environment Agency's involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

A Flood Evacuation Management Plan should identify the flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

The Applicant should contact 08708 506506 to be set up on the Environment Agency's flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

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.