



Committee and date

South Planning Committee

12 March 2019

Development Management Report

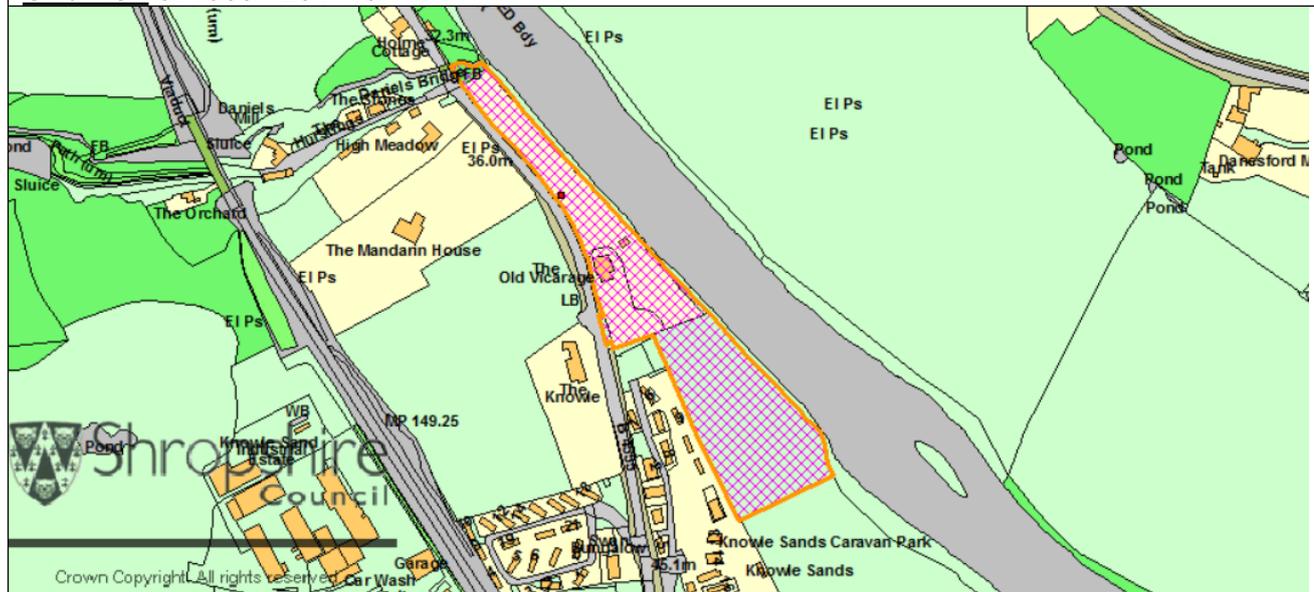
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/03509/FUL	Parish: Eardington
Proposal: Change of use of land and the siting of 10 glamping tents plus one staff tent; formation of car park area; conversion of building to shower/amenity block; use of land for residential activity courses for health and fitness training and outdoor activities (part retrospective)	
Site Address: Proposed Camping Site And Amenity Block Adj The Old Vicarage Knowlesands Bridgnorth Shropshire	
Applicant: Kirbycraft Ltd	
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk

Grid Ref: 371965 - 291719



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

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the change of use of land for residential health and fitness training and outdoor activity courses, the siting of 10 glamping tents plus one staff tent, the formation of a car parking area and the conversion of building to an existing shower/WC block (part retrospective).
- 1.2 The north-west of the site provides accommodation for visitors in the form of 'glamping tents', the central area of the site is the dwellinghouse known as The Old Vicarage, and the south-eastern area of the site is used for activities in connection with the outdoor recreational 'boot camp'. It is understood that when the boot camp is in use, participants use the bell tents as overnight on-site accommodation. When the boot camp is not in use, the bell tents are marketed to the general public.
- 1.3 It is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process and is governed by its own rules and regulations.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within the settlement of Knowlesands, an area defined by planning policy to be open countryside approximately 1 mile south of the market town of Bridgnorth. Knowlesands does not have its own development boundary.
- 2.2 The Old Vicarage is a large detached dwelling which sits centrally within a long narrow strip of land nearest to the river bank of the River Severn, and lies within the sensitive landscape of the Severn Valley. The site is accessed via the B4555, which is an important vehicular route linking Bridgnorth to the settlement of Highley. The site falls away from the roadside towards the river.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council recommendation is contrary to the Officer recommendation. The Chair and Vice Chair of the Committee, in consultation with the Principal Officer, consider that material planning issues have been raised which warrant consideration by the South Planning Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 **Consultee Comments**

Eardington Parish Council

Objection

Eardington Parish Council has discussed the amendments to the above application and would like to make the following comments –

1. The Proposed Site Plan does not show the public footpath alongside the River Severn which is shown on the Shropshire Council 'Definitive Map' legal record of public rights of way in Shropshire. The planning application does not indicate how the blocked footpath will be brought back into use. Interestingly this is the only section of footpath between Bridgnorth and Bewdley that is blocked.
2. The proposed use is inappropriate for the area.
3. The planning consent was granted for a replacement dwelling which falls within Use Class C3 from which there is no permitted change of use. The proposed change of use will create a business use which will be run from the house which due to the close proximity of the glamping operation will change the main use of the whole site.
4. In order to avoid the flood plain, the Proposed Site Plan shows the bell tents being confined to a narrow shelf directly alongside the road. As a result the proposed site layout shows the inappropriateness of the proposed use.
5. The proposed site layout shows an over intensification.
6. The Site is highly visible from the River Severn (a major tourist attraction) and from the other side of the River.
7. The planning history for the Property indicates a disregard to compliance with planning conditions and enforcement notices. Given Shropshire Council's depleted resources and inability to follow up notifications of planning breaches, the Parish Council has grave concerns that any conditions attached even consent for a reduced development would not be adhered to.

Cllr Robert Tindall

Request application is called to Committee on the basis of the history of the site, the nature of the development and its location.

Shropshire Council (Ecology)

Recommend the inclusion of conditions requiring that the development is undertaken in accordance with the submitted RAMMS, and that a lighting plan, a landscaping plan and a habitat management plan is submitted; and that informatives are placed on the decision notice if minded to approve.

Shropshire Council (Highways)

Recommend the inclusion of conditions relating to parking details and gates; and that informatives are placed on the decision notice if minded to approve.

Shropshire Council (Trees)

No objection.

Shropshire Council (Parks and Recreation)

No comments to make.

Shropshire Council (PROW)

No Public Rights of Way appear to be directly affected by the application.

Shropshire Council (Regulatory Services)

No Objection.

Shropshire Council (Drainage)

Confirms that the submitted FRA is acceptable.

Bridgnorth CPRE

Objection

CPRE Bridgnorth has grave concerns about the proliferation of glamping sites in the County that is causing increasing harm to the countryside. The proposal will exacerbate this problem

The views of the Parish Council are supported. There are concerns regarding noise pollution and the disturbing effect on privacy such a development will have on local residents. There is worries about fire and flood risks and the uncertainty of monitoring the site to ensure health and safety is adequately covered. This proposal will increase the level of traffic and create unacceptable enhanced road accident risks. The damage to flora and wildlife in general is just too great to allow such a development.

On these grounds CPRE Bridgnorth object.

In addition to the comments made on 23rd October it should be taken into

account that approaching Bridgnorth on the A442 the Yurts stand out like a sore thumb and obtrusive. They can be seen from as far away as Quatt. The public footpath must be kept clear and protected. With the removal of trees and hedges the screening of the site development will be inadequate.

Shropshire Wildlife Trust

The application site is immediately adjacent to the River Severn Local Wildlife Site and there appears to have been no assessment of potential ecological impacts.

While the proposals may provide some benefits to those engaged in boot camp activities, they are likely to detract from the enjoyment of those using the Severn Way, the public footpath on the opposite bank and for river users.

The River Severn provides an important wildlife corridor through the county and we would like to see a minimum buffer zone of 20m applied to restrict any development in close proximity to it.

Environment Agency

Recommend the inclusion of conditions relating to finished floor levels, minimising the risk of flooding elsewhere and a flood evacuation plan; and that informatives are placed on the decision notice if minded to approve.

Canal & River Trust

No requirement to consult the Canal & River Trust.

Shropshire Ramblers

No objection provided that footpath 0123/7A/2 (the Severn Way) is retained for public use at all times.

4.2 **Public Comments**

A site notice was displayed on the 10 August 2018 on the site boundary and neighbours were notified.

A total of thirteen contributors have made written representations to the Council at the time of writing this Report. Of these, seven letters object to the development, 3 support it and 3 neither support nor object.

The key points raised by objectors which are material planning considerations are listed as follows:

- Cars/quad bikes are driven around the field, there is a road access to the field via the BAA car park and associated track, which was resurfaced in 2017
- Proximity of the development to Knowlesands Caravan Park/Loss of privacy/Anti-social behaviour/Noise/disturbance during the day until late at night
- Activities should take place in front of the Old Vicarage to the north
- Development should be sited to the south side of the Old Vicarage, a seasonal tented camping site was in use here from the 1940s-2001
- Campers leave litter
- The development commenced on 12 June 2017 and no planning permission has been granted
- Highly visible/prominent in the landscape, not in-keeping with surroundings, detracts from the natural beauty of the Severn Valley
- Detrimental to ecology, character, appearance and function of the river
- Loss of privacy, the site lies within very close proximity to the Knowlesands Caravan Park
- A licence has been obtained from the Camping and Caravanning Club for five camping pitches. More than five tents have been pitched.
- Campers pitch their tents and park over the Severn Way
- The development is both a private and public statutory nuisance
- Will lead to further applications in order for the business to expand and survive
- Object to the use of the field for boot camp activities
- Suggest that participants in the field and woodland activities confine their movements to the footpath of the Severn Way when going to the activities at the far end of the field, that vehicular traffic in the field cease completely and use the road access, and that there should be no activities at all in front of the caravan park
- Fires have been observed in the woods above the meadow where there was a caravan fire the year before
- Rifle shooting witnessed last year by campers

Neutral comments

- The route of the existing right of way should be clearly marked to discourage camping, driving and parking on it

- The diversion of the Severn Way from the riverbank onto the road and around the new build Old Vicarage should be actioned via an official Diversion Order, understand this has never been done
- A fence has been erected along the roadside with a row of leylandii trees next to it. The fence has reduced the width of the pavement and is now dangerous for pedestrians. The trees are fast-growing and within close proximity to the road.
- There is a history of accidents on this stretch of road; recently a vehicle travelling from the Highley direction veered off the road and went straight through the fence, rolled and ended up on the riverbank. Had the tents been occupied at the time, there could have been a serious incident.
- The 40-mile an hour signpost is now obscured as the fence has been erected in front of it.
- The painted 40mph sign on the road is no longer visible
- This section of the B4555 carries a high volume of traffic, not only with cars but also lorries from the nearby quarry.
- Speeding along this road is a serious issue and therefore I am concerned about any increase in traffic and also the siting of the tents from a safety point of view.
- Severn Way provides a vital route for the public to enjoy our outstanding countryside and we need to ensure that we minimise disruption to the flora and fauna and also protect the habitants of the riverbank.
- If the application is approved could a height restriction to the trees and traffic calming measures be implemented

Support

- The tents are not intrusive
- Will bring additional visitors to the area
- Good for local businesses
- Good to see the fields being used for useful purposes

5.0 THE MAIN ISSUES

- Principle of development
- Tourism considerations
- Design and visual impact of the development
- Letters of representation
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2019) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.4 Part 6 'Building a strong, competitive economy' of the NPPF states that the planning system should place 'significant weight' on the 'need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development' (Paragraph 80).
- 6.1.5 This is echoed within Policy CS1 'Strategic Approach' and CS13 'Economic Development, Enterprise and Employment' of the Shropshire Core Strategy. These policies seek to promote Shropshire as an attractive location for enterprises to establish themselves and subsequently grow and prosper for the benefit of the vitality of the local area and wider Shropshire county.
- 6.1.6 Paragraph 83 specifically encourages sustainable rural tourism and leisure developments which respect the character of the countryside, particularly:
- 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;
 - sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of

worship

- 6.1.7 This is expanded upon within Policies CS8 'Facilities, Service and Infrastructure Provision' and Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Council Core Strategy. Policy CS16 'Tourism, Culture and Leisure' and SAMDev Policy MD11 'Tourism facilities and visitor accommodation' also recognises the importance of tourism, leisure and food and drink within the county.
- 6.1.8 Paragraph 91(c) of Part 8 'Promoting healthy and safe communities' of the NPPF additionally emphasises that development should 'enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'
- 6.1.9 This is expanded upon within Paragraph 92 which encourages local planning authorities to:
- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 6.1.10 Shropshire Council's Core Strategy also encourages development to enable 'Access to new and improved facilities and services' within the county and 'Opportunities for local people of all ages to enjoy active, healthy, safe and secure lives'. Specifically, Policy CS6 'Sustainable Design and Development Principles' states that development should amongst other matters 'Contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities'.

6.1.11 Policy CS8 'Facilities, Services and Infrastructure Provision' of the same document goes on to state that 'As well as the wider social and health benefits from taking part in cultural and leisure activities and active recreation such as walking, cycling and horse riding, interaction with Shropshire's assets can in turn promote an understanding and appreciation of the natural and built environment. This interaction is a two way process which can also help to protect these resources and produce community benefit.' This is generally repeated within Policy MD12 'Natural Environment' of the SAMDev Plan which seeks to encourage development that appropriately conserves, enhances, connects, restores or recreates natural assets.

6.1.12 The principle of the development is therefore acceptable, subject to further material planning considerations.

6.2 Tourism considerations

6.2.1 Policy CS5 'Countryside and Green Belt' of Shropshire Council's Core Strategy states that 'New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. However, Policy CS16 'Tourism, Culture and Leisure' of the same document explores the advantages of high quality, sustainable tourism and how development of this type should be seen to benefit local communities and visitors, and be sensitive to Shropshire's intrinsic natural and built environment; as well as benefitting the local economy.

6.2.2 The site lies around 1 mile south of the market town of Bridgnorth, which hosts a good range of facilities and amenities, and tourism attractions such as the Severn Valley Railway. Bridgnorth is accessible from the site by road and on foot, however the site also provides opportunities for visitors to engage with the wider open countryside through walking and other outdoor recreational activities.

6.2.3 Policy MD11 'Tourism Facilities and Visitor Accommodation' of the SAMDev Plan considers that there has to be an acceptable balance between the positive benefits and potential negative impacts of tourism development in the countryside. The design of any scheme for the purposes of tourism should be influenced by the character and special qualities of that site's immediate surroundings, and explicit reference and allowances must be made to the preservation and where appropriate enhancement of the visual quality of the area and natural on-site features - without constituting overdevelopment of the site.

6.2.4 Most pertinently, Point 10 of Policy MD11 makes it clear that 'New sites for visitor accommodation and extensions to existing chalet and park home

sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites’.

6.2.5 This application proposes the siting of ‘glamping tents’ within the Severn Valley, and not chalets or park homes. By virtue of their temporary nature this development cannot therefore be considered as unacceptable under this point of Policy MD11 of the SAMDev Plan. However, it is clear that the Severn Valley is regarded by local planning policy as an important and sensitive landscape where any development should be carefully designed and considered for its visual impact.

6.3 **Design and visual impact of the development**

6.3.1 SAMDev Policy MD2 ‘Sustainable Design’ and Core Strategy Policy CS6 ‘Sustainable Design and Development Principles’ require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.3.2 Part 12 ‘Achieving well-designed places’ of the revised NPPF (2019) emphasises good design as being a core aspect of sustainable development. Paragraph 127 requires new development to:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.3.3 This is discussed further within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment; and Policy CS17 'Environmental Networks' of the Core Strategy.
- 6.3.4 The tourism element of this application is focussed largely to the north-west of the site and at the time of writing is being actively marketed online to the general public. Due to the part-retrospective nature of this application, some works have already taken place including re-grading of the land to facilitate 10 bell tents and a 'staff tent'/communal area. These structures are set back from the immediate riverbank and on higher ground, on a similar level to that of The Old Vicarage. At the time of the Officer site visit, limited views of the tents could be seen from the B4555 owing to a dense hedgerow, however they were visible from a considerable distance on the opposite side of the riverbank, including from the A442 linking Bridgnorth and Kidderminster, around 370 metres north-east.
- 6.3.5 Despite this, the tents are of lightweight construction and it would be reasonable to assume that they would be removed when they are not required or when the weather was poor. It is also reasonable to expect that the River Severn would attract such camping ventures as this for the benefit of the tourism economy of Bridgnorth. Officers note that despite their prominence the bell tents are of the same design and scale, are neatly ordered and are confined to this section of the site only.
- 6.3.6 The extent of permanent features proposed as part of this development are limited to the formation of a car park for ten vehicles, and the re-use of an existing brick outbuilding into an amenity block. No additional permanent structures are proposed as part of this application. Officers consider the re-use of the brick outbuilding to be appropriate and would have a minimal impact upon the visual amenity of the wider site and the setting of the Severn Valley. The car parking area is similarly considered to cause minimal harm to the wider landscape by virtue of its nature and scale, and an appropriate landscaping plan could aid in softening the extent of hard surfacing and any vehicles parked here.
- 6.3.7 It is noted that Shropshire Council's Highways team have queried whether the provision of ten spaces are sufficient, however no objection has been raised from this perspective and a condition requiring details of the parking has been recommended should the application be minded for approval. If additional car parking is required here in the future this would need

separate planning consent and would be subject to the standard consultation process.

6.4 Letters of representation

6.4.1 At the time of writing this Report, seven letters of objection have been received in relation to this development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.

6.4.2 Cars/quad bikes are driven around the field, there is a road access to the field via the BAA car park and associated track, which was resurfaced in 2017

This comment is noted. The supporting statement does not indicate any requirement for the use of quad bikes or any other motor vehicle to drive around the full extent of the site, however the formation of a car parking area as is proposed within this application should negate the need for vehicles to drive on the grass.

In any event, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any noise or other disturbances which have occurred as a direct result of this camping licence are separate to this planning application and cannot be considered as part of this proposal.

Antisocial behaviour should be reported to the relevant authorities.

6.4.3 Proximity of the development to Knowlesands Caravan Park, Loss of privacy, Anti-social behaviour/noise/disturbance during the day until late at night

The agent has submitted a number of itineraries which demonstrate a typical day of activities undertaken by the boot camp element of the proposal. It is noted that a typical day would begin at 7am and cease at 7pm, however the activities would make full use of the site as a whole and would not be concentrated to one area. The nearest dwelling to the bell tents outside of the application site is The Knowle, which lies in excess of 60 metres to the south on the opposite side of the road. This is considered to be an acceptable separation distance.

In any event, as above, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any noise or other disturbances which have occurred as a direct result of this camping licence are separate to this planning application and

cannot be considered as part of this proposal.

Antisocial behaviour should be reported to the relevant authorities.

6.4.4 Activities should take place in front of the Old Vicarage to the north

This comment is noted.

6.4.5 Development should be sited to the south side of the Old Vicarage, a seasonal tented camping site was in use here from the 1940s-2001

This comment is noted.

6.4.6 Campers leave litter

This comment is noted. It would be the responsibility of the land owner to keep the site clean and tidy.

6.4.7 The development commenced on 12 June 2017 and no planning permission has been granted

As above, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any activity on site which has occurred as a direct result of this camping licence are separate to this planning application and cannot be considered as part of this proposal.

Notwithstanding this, Officers are aware that this application is part-retrospective and Shropshire Council's Enforcement team has been involved with this case. It has been agreed that as the works that have been undertaken directly relate to a live planning application it is not appropriate to enforce (if it is necessary to do so) until a decision has been issued.

6.4.8 Highly visible/prominent in the landscape, not in-keeping with surroundings, detracts from the natural beauty of the Severn Valley

This comment is noted and discussed further within this Report.

6.4.9 Detrimental to ecology, character, appearance and function of the river

Shropshire Council's Ecology team, the Environment Agency and the Canal and River Trust have been consulted as part of this application, who have raised no objection to the development subject to the inclusion of conditions and informatives or have no comment to make.

6.4.10 A licence has been obtained from the Camping and Caravanning Club for five camping pitches, more than five tents have been pitched

Matters that relate to a camping licence granted by the Caravan and Motor Home Club are separate to this planning application and cannot be considered as part of this proposal.

6.4.11 Campers pitch their tents and park over the Severn Way

This application proposes the siting and use of bell tents set back from any public right of way, and no objection has been raised to the development by Shropshire Council's Public Rights of Way team. The pitching of tents in an area granted consent by the Caravan and Motor Home Club is separate to this planning application and cannot be considered as part of this proposal.

6.4.12 The development is both a private and public statutory nuisance

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have raised no objection to the development.

6.4.13 Will lead to further applications in order for the business to expand and survive

This is speculation only. It is pertinent to note that every planning application is considered on its own merits and as such an approval on this site would not necessarily set a wider precedent or result in subsequent approvals in the future. Amongst other matters, the Council must be satisfied that the site is appropriate for its use and that the benefits of the proposed development outweigh any material harm.

6.4.14 Object to the use of the field for boot camp activities

This comment is noted.

6.4.15 Suggest that participants in the field and woodland activities confine their movements to the footpath of the Severn Way when going to the activities at the far end of the field, that vehicular traffic in the field cease completely and use the road access, and that there should be no activities at all in front of the caravan park

This comment is noted, however this application is being considered on the details submitted by the agent at this time.

6.4.16 Fires have been observed in the woods above the meadow where there was a caravan fire the year before

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have raised no objection to the development.

Antisocial behaviour should be reported to the relevant authorities.

6.4.17 Rifle shooting witnessed last year by campers

The agent has confirmed that air rifle shooting takes place on site, and at the time of writing this is being openly advertised on the applicant's website. Such an activity is strictly controlled by laws and legislation separate from the planning process.

Antisocial behaviour should be reported to the relevant authorities.

6.5 **Other matters**

6.5.2 Ecology

An Ecological Appraisal and bat activity surveys were carried out on this site in September 2018 by Salopian Consultancy.

Habitats

In relation to Habitats on site, the Appraisal breaks down the site into two separate compartments. Compartment A is described as 'a linear strip of shortly mown amenity grassland. In addition an existing three storey residential dwelling, parking and highway access is located within this area As well as brick built former shower block which is in a poor structural condition'. Compartment B is described as 'a subsection of a field of improved pasture which appears to have been topped/grazed this season'.

The site is defined as an Environmental Network corridor with the adjacent River Severn forming a core area and Local Wildlife Site. The appraisal states 'There is potential to cause direct impacts upon the LWS via the erosion of flora and contamination of the water course, potential indirect impacts may involved the increase of noise disturbance and illumination of dark corridors'.

Section 3.5 of the Report contains a reasonable avoidance measures method statement (RAMMS) which Shropshire Council's Ecology team state should be followed in full during the works. Specific enhancements have also been recommended to provide benefits to the River Severn LWS. Shropshire Council's Ecology team have stated that provided that these points are adhered to, the functions of the Environmental Network will be retained. Recommended conditions would be applied to any approval notice.

Bats

Emergence surveys were carried out on 7th, 19th and 28th September 2018 in relation to the existing brick built outbuilding. Common pipistrelles, soprano pipistrelles and noctules were seen foraging or commuting over the river during the surveys, however 'No bats were seen emerging from or entering the building'.

It has been recommended that any lighting scheme for the site must be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance, and that bat boxes should be erected on in suitable locations on the site to provide potential roosting opportunities for bats.

Great Crested Newts

The submitted Appraisal outlines that the suitability of habitats for Great Crested Newts is report. Shropshire Council's Ecology team are satisfied that the RAMMS in section 3.5 of the submitted report will ensure the protection of any amphibians that may enter the site during the works.

Birds

The outbuilding and surrounding trees are considered to provide potential nesting opportunities for birds, with the supporting Appraisal highlighting old vacant birds nests.

Shropshire Council's Ecology team consider that the demolition of the building 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.

They additionally recommend that bird boxes should be erected in suitable locations on the site 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.

Other species

The supporting Appraisal confirms that 'No historic records of reptiles were identified within 1km of the site during the desk study...Both habitats are considered unsuitable for species of reptiles and do not provide the necessary prey assemblage or refugia opportunities for these species.'

'The site does provide some foraging resources and opportunities for [badger] sett creation largely associated with the northern and eastern boundaries of the site...No evidence/fields signs of setts or scraps were identified on or immediately beyond the boundaries of the site, this species is therefore not deemed a constraint to the proposal.'

'The river banks on both sides of the River Severn provides potential opportunities for Otter to create holts. The length of the river banks adjacent to the site was walked on both sides to identify any evidence/field signs of otters with the aid of binocular. Whilst the vegetation on the river

bank is particular thick no signs, track, holts or spraints were identified.’

‘No evidence/habitats considered suitable to support other protected species such as dormice ... or water vole ... were identified on the site.’

Taking the above into consideration, Shropshire Council’s Ecology team recommend that provided that the development is undertaken in accordance with the RAMMS in section 3.5 of the report, and the conditioning of a lighting plan, a landscaping plan and a habitat management plan, to ensure that animals are protected from harm during the development and protected from disturbance in the long-term.

6.5.3 Response to neutral comments

While not specified as being objections to the development, it is noted that the points raised within neutral comments relate principally to the maintenance and legislation surrounding public rights of way, the condition of the highway, traffic calming measures and encroachment from the site onto the adjoining pavement. In this case, relevant consultees have been consulted who raise no objection to the development. In any event, such matters fall outside of what can be dealt with under this current planning application and would need to be resolved separately to it.

7.0 **CONCLUSION**

7.1 In this case, the harm that has been outlined within this Report is considered to be outweighed by the wider social and economic benefits of tourism for Bridgnorth and surrounding areas, and the provision of an important health and wellbeing facility for the local community. Critically, Officers consider that the extent of the harm to the visual appearance of this stretch of the River Severn would not be significant by virtue of the scale of the development and the lightweight and temporary nature of the bell tents, which can be removed as and when they are not needed.

7.2 It is pertinent to note that any camping licence held here granted consent by any camping and caravanning body remains separate to this planning application and the planning process as a whole, and would need to be managed accordingly by the land owner.

7.3 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Shropshire Council Core Strategy:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

09/01334/FUL Erection of a replacement dwelling following demolition of the Old Vicarage
GRANT 10th September 2009

11/00677/DIS Discharge of Conditions relating to 09/01334/FUL for the erection of a replacement dwelling 11th April 2011
 12/03818/DIS Discharge of conditions on planning application 09/01334/FUL for the erection of a replacement dwelling following demolition of the Old Vicarage DISPAR 7th August 2013
 12/04439/FUL Extension to a retaining wall GRANT 18th December 2012
 BR/APP/FUL/08/0705 Erection of a replacement dwelling WDN 21st October 2008
 17/03924/FUL Use of land for siting of 10 glamping units, conversion of an outbuilding to create a shower/WC block and additional car park to provide 10 spaces WDN 22nd January 2018
 BR/92/0890 Installation of a drainage system into existing septic tank WDN 23rd February 1993
 BR/92/0474 Provision of car parking area GRANT 20th July 1992
 BR/91/0830 Retention of and extension to existing mower shed GRANT 9th January 1992
 BR/94/0105 Installation of new drainage system WDN 25th March 1994

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement Flood Risk Assessment
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall
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.

3. 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.

4. Finished floor levels shall be set no lower than 32.56mAOD (1% plus climate change flood level).

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

5. There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 32.56mAOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of the River Severn.

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

6. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

7. The existing adjacent dwelling (known as 'The Old Vicarage') on the land outlined in red on the submitted site location plan shall provide the requisite supervision and

management of the holiday accommodation and health and wellbeing enterprise hereby permitted. As such the two shall at no time be sold separately or otherwise severed.

Reason: To ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity.

8. The number of holiday accommodation units (glamping tents) stationed or erected on the site outlined in red on the approved plans shall not exceed ten, and shall not be used as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: To define the consent and avoid an over-intensive use of the site in the interests of visual amenity of the Severn Valley and residential amenity, in accordance with Policies CS5, CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. No further development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

10. No further 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;
 - 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.

11. No further development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

12. Prior to first occupation/use of the site, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the RAMMS, as set out in section 3.5 of the Ecological Appraisal (Salopian Consultancy, September 2018).

Reason: To demonstrate compliance with the RAMMS to ensure the protection of the adjacent Local Wildlife Site, and associated wildlife.

13. Prior to first occupation/use of the site, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently 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.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), 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 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.

14. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for

evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Informatives

1. 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 by the National Planning Policy Framework, paragraph 38.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy:
CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:
MD2 - Sustainable Design
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment

3. ECOLOGY INFORMATIVES

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 the building and begin nesting, work must cease until the young birds have fledged.

4. ENVIRONMENT AGENCY INFORMATIVES

The Applicant/future occupiers should contact 08708 506506 to be set up on our 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.

Flooding from large rivers, such as the Severn, which exceed their capacity and/or from rising groundwater can often be of long duration, sometimes taking several days/weeks (or months, in the case of groundwater) to drain away, so that pumping may be required.

Mitigation measures may only delay the time before water enters a building to enable ground floor contents to be moved. In terms of the costs of damage, a limit of 12 hours can be used to differentiate between short and long floods. (Flood Hazard Research Centre, 2005).

5. HIGHWAYS INFORMATIVES

Public rights of way affected

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.