



Committee and Date
Northern Planning Committee
8th June 2021

Item
11
Public

Development Management Report

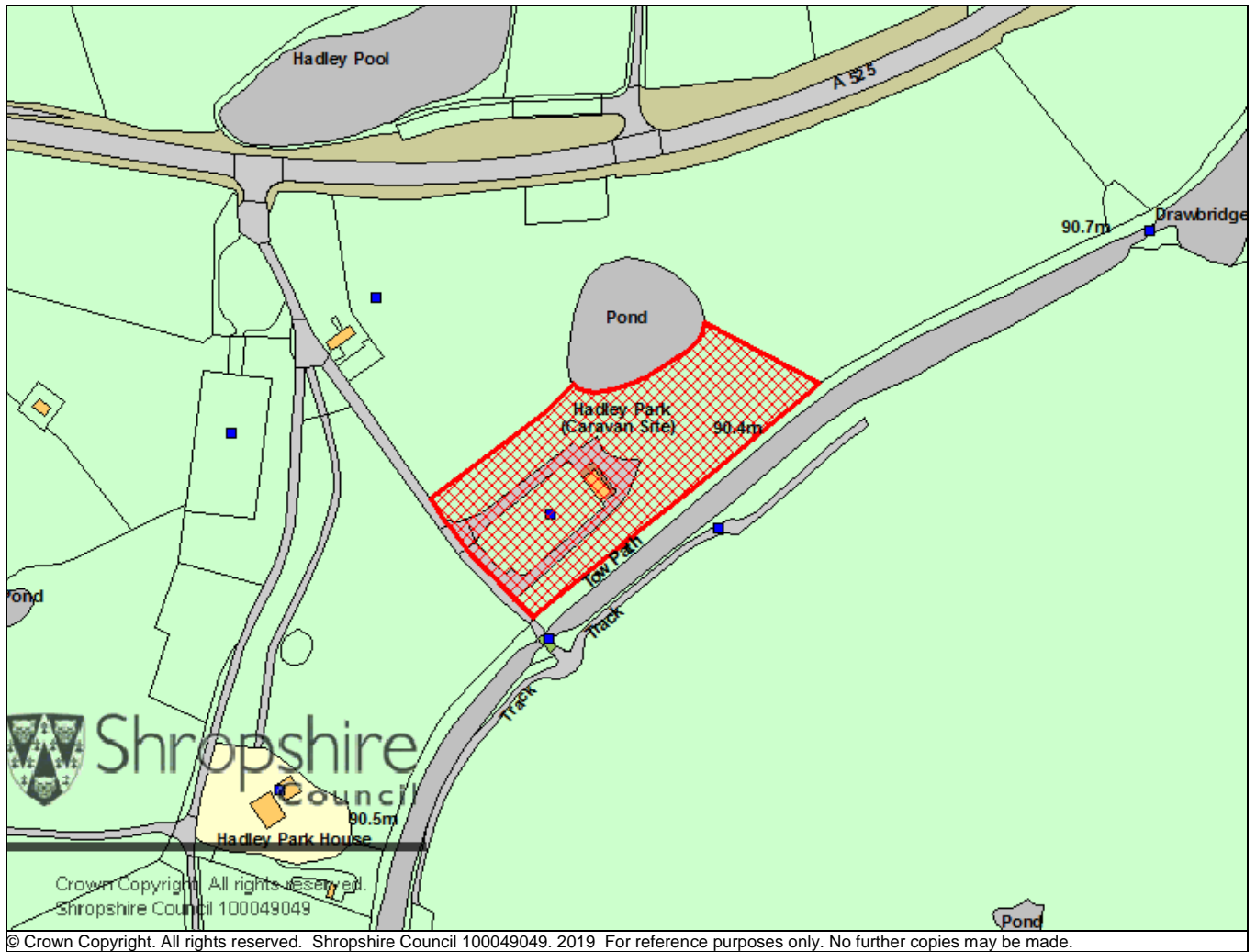
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/03940/FUL	Parish:	Whitchurch Urban
Proposal: Siting of Shepherds huts and Glamping Pods as part of existing tourism development		
Site Address: Caravan And Camping Site Hadley Farm Wrexham Road Whitchurch Shropshire		
Applicant: Mr P Wynn		
Case Officer: Jane Preece	email :	planning.northern@shropshire.gov.uk

Grid Ref: 351882 - 341055



Recommendation:- Approve, subject to no objection from the Canal & Rivers Trust and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the ‘Siting of Shepherds huts and Glamping Pods as part of existing tourism development’ at Hadley Farm, Wrexham Road, Whitchurch
- 1.2 During the consideration of the application the description of development has been amended by deleting a previous inclusion for the siting of static caravans.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the north east of the existing caravan park (known as

Hadley Park) and is adjacent to the Shropshire Union Canal. Access to the site is off the A525 Wrexham Road and then via a private driveway which is surfaced in stone.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is made in the name of Mr P Wynn. Mr P Wynn is the Local Member for Prees and Chairman of the North Planning Committee. Decisions in respect of planning applications made, by or on behalf of, or relating to the property of Members are to be determined by the relevant planning committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SC Ecology – Re-consultation comments (3)**: No comments received

Re-consultation comments (2): Updated SC Ecology comment of ‘No further comments to make’

Re-consultation comments (1): Recommendation: Conditions are recommended.

Are records of great crested newts, otters, water voles, badgers and polecats in local area. Site sits within an Environmental Network corridor.

Is very disappointing that the [ground] works have been carried out with no regard to protected species, canal or pond.

Because works have been carried out, an ecological survey would not be valuable. Will, however, expect greater than usual ecological enhancements to compensate. Hedgerow, tree and shrub planting should be carried out around boundaries of site and consist of native species of local provenance.

Lighting scheme for site should be sensitive to bats (and other wildlife) and follow Bat Conservation Trust’s guidance.

Following conditions are recommended for inclusion on decision notice:

- Landscaping Plan condition
- Lighting Plan condition

Original comments: Survey work is required to support planning application. Ecological survey work and consideration of Environmental Network is required. In absence of additional information recommend refusal since it is not possible to conclude that proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and/or Wildlife and Countryside Act 1981 (as amended).

- 4.1.2 **SC Highways – Re-consultation comments (2): Recommendation:** No Objection – subject to development approved being constructed in accordance with Proposed Site Plan Drawing No. MW_024 Rev B published on 09.05.2019.

Comments/Observations: Additional traffic associated with current proposal is not considered to be significant and is likely to occur outside of traditional weekday peak traffic periods and at weekends. Existing access arrangements are considered acceptable to serve proposed additional shepherd huts and glamping pods.

Re-consultation comments (1): Recommendation - No Objection subject to development approved being constructed in accordance with Proposed Site Plan Drawing No. MW_024 Rev B published on 09.05.2019.

Observations/Comments: The application proposes additional tourist accommodation in the form of 2 shepherd huts and one extra glamping pod to existing approved accommodation under planning permissions 14/00344/COU and 17/01662/FUL.

Site is situated at end of private road which connects with A525 via an existing junction, which serves number of other facilities, including a café, equestrian facilities and fishing pools.

Additional traffic associated with current proposal is not considered to be significant and is likely to occur outside of traditional weekday peak traffic periods and at weekends. Existing access arrangements are considered acceptable to serve proposed additional shepherd huts and glamping pods.

Informative notes:

- Works on, within or abutting the public highway

Background:

Highway Advice Note date 05.10.2019

Planning applications 14/00344/COU, 15/00352/COU, 17/01662/FUL

Original comments: Recommendation - No Objection – Subject to development being carried out in accordance with approved details.

Comments/Observations: Is considered proposed development is only modest increase to established adjacent uses and can easily be accommodated by existing access junction onto Wrexham Road (A525).

- 4.1.3 **SC Rights of Way** – No comments to make.

- 4.1.4 **SUDS – Re-consultation Drainage Comment (7 - Final):** The proposed drainage is acceptable.

Re-consultation Drainage Comment (6):

On amended Drainage Layout Plan Drg. No. JO1445/A1/001 REV E, sizing of

drainage fields should be revised as follows:

1. Number of persons used in calculations should be 75 same as population used in design of package sewage treatment plant.
2. Maximum width of drainage fields used in calculations should not exceed 0.90m in accordance with Approved Documents H2.
3. On amended Drainage Plan, location of cesspool has not been shown. Building Regulations state a cesspool should be of sufficient capacity to hold 45 days worth of effluent. Sizing calculations of cesspool should be provided. High level alarms are required in order that level in cesspool can be monitored and to ensure it does not overflow.

Re-consultation Drainage Comment (5):

1. Full details and sizing of existing septic tank and drainage fields should be provided including previously carried out percolation tests to ensure can cater for additional usage. British Water 'Flows and Loads: 4' should be used to determine loading for septic tank and sizing of septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

2. On amended Drainage Plan, location of cesspool has not been shown. Building Regulations state a cesspool should be of sufficient capacity to hold 45 days worth of effluent. Sizing calculations of cesspool should be provided..

High level alarms are required in order that level in cesspool can be monitored and to ensure it does not overflow.

Re-consultation Drainage Comment (4):

1. British Water 'Flows and Loads 4' advises flow per person for non-serviced static caravan site is 100 litres per day and 150 litres per day for fully serviced site. Full details and sizing of proposed treatment plant should be submitted for approval including Foul Drainage Assessment Form (FDA1 Form).

2. British Water 'Flows and Loads 4' also advises a cesspool may be installed to receive chemical toilet waste for separate disposal. Should be demonstrated that package treatment plant can treat chemical toilet disposal.

3. Confirmation is required that receiving watercourse has continual flow all year. If watercourse is occasionally dry, treated foul effluent should discharge into drainage field.

Re-consultation Drainage Comment (3):

Details of existing foul drainage system should be provided together with calculation demonstrating is sufficient capacity in existing system to cater for

additional loading. British Water 'Flows and Loads: 4' should be used to determine number of persons for proposed development and sizing of treatment plant.

Re-consultation Drainage Comment (2):

1. British Water 'Flows and Loads 4' advises flow per person for non-serviced static caravan site is 100 litres per day and 150 litres per day for fully serviced site. Figure of 75 litres per day should be revised accordingly.
2. British Water 'Flows and Loads 4' also advises a cesspool may be installed to receive chemical toilet waste for separate disposal. Should be demonstrated that package treatment plant can treat chemical toilet disposal.
3. Confirmation is required that receiving watercourse has continual flow all year. If watercourse is occasionally dry, treated foul effluent should discharge into drainage field.
4. Confirmation is required of route and flow direction of watercourse as it is unclear from drawing.

Re-consultation Drainage Comment (1):

No new drainage information have been provided.

Our drainage comments dated 5 September 2018 remain same.

Original Drainage Comment:

Condition:

No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. A sustainable drainage scheme for disposal of surface water from development should be designed and constructed in accordance with Council's Surface Water Management: Interim Guidance for Developers document.
2. Proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with local water authority and foul water drainage system should comply with

Building Regulations H2.

4.1.5 **Canal & Rivers Trust –**

CRT re-consultation comments (7) – Submitted drainage details are unclear. Understood submitted plan shows cesspool to south of site, adjacent to canal. Is an annotation of ‘waste disposal point to discharge into septic tank’ which is located at SW corner of the toilet/shower block and now arrows on lin between cesspool and toilet block.

As such, is not clear if this is indicating there is a dedicated waste disposal point for touring caravans in toilet/shower block which will flow into the cesspit (which is incorrectly annotated as septic tank) or is indicating cesspit would flow into septic tank in toilet/shower block which would then flow to treatment plans at north of site. Trust would request further clarification on this matter.

Trust has no concerns regarding proposed cesspool in location shown, subject to this being a sealed underground tank which is properly maintained and emptied regularly with waste being disposed of offsite. Measures should be put in place to ensure it does not overflow and as such use of alarm is welcomed.

CRT re-consultation comments (6) -

Trust understands Chemical toilets will be discharged directly to cesspit and will not be discharged to soakaway. This will be emptied to landfill and certificates will be available if requested, this will ensure is no pollution of canal. Therefore have no further comments to make.

CRT re-consultation comments (5) -

Whilst we are pleased to note ‘portaloo’ waste is now showing as being discharged into ‘septic tank’. additional information provided is contradictory with regard to type of unit this actually is. Appears to be referred to as both cess pit and septic tank, although it may be confusion related to attempt to describe both units on one form. Clearer way of doing this would surely be to deal with description of each unit separately.

If ‘septic tank which received ‘portaloo waste is fully sealed unit, installed in accordance with manufacturer’s instructions, properly maintained and is emptied regularly by specialist contractor then Trust will have no objection to use of this tank. Applicant could provide more details of type of tank installed, i.e. its reference and manufacturer etc which will hopefully clarify matters.

With regard to septic tank dealing with general waste water, as this does not appear to impact canal, Trust has no further comment.

CRT re-consultation comments (4) -

Trust has no comment to make on proposal.

CRT re-consultation comments (3) -

Note latest revision relates to provision of three additional units. Trust has no objection to increase in number of units per se. However, note detail requested in our letter of 8th January 2019 still has not been provided. Applicant provided additional detail on drainage in December 2018 but that information indicated discharge from treatment plant goes to an existing ditch course. This was not consistent with previous information submitted which indicated discharge was to ground and prior to that foul drainage was indicated as 'unknown'.

Applicant indicates ditch course is existing though it does not appear on OS map or aerial photos. Also appears to be existing pond on line of ditch course though this is not shown/acknowledged in submitted details.

As advised previously foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for the site.

Whilst change in ground levels is noted, canal is protected drinking water zone and considering highly sensitive nature of canal, Trust are not satisfied information provided to-date is sufficiently clear to demonstrate that drainage strategy for site will not have adverse impact on water quality.

Further details on drainage strategy, in particular ditch course, are therefore still required. Detail should include information showing exact location of ditch, where it goes, its relationship to existing fishing pond and whether ditch ever runs dry. Applicant should also demonstrate why consider an Environmental Permit from Environment Agency is not required for drainage system.

CRT re-consultation comments (2) -

Submitted detail relates to site drainage. Indicates discharge from treatment plant goes to existing ditch course. This is not consistent with previous information submitted which indicated discharge was to ground and prior to that foul drainage was indicated as 'unknown'.

Submission indicates that ditch course is existing though it does not appear on OS map or aerial photos. Also appears to be existing pond on line of ditch course though this is not shown/acknowledged in submitted details.

As advised previously, foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for site.

Whilst change in ground levels is noted, canal is protected drinking water zone and considering highly sensitive nature of canal, Trust are not satisfied information provided is sufficiently clear to demonstrate drainage strategy will not have adverse impact on water quality.

Further details on drainage strategy, in particular ditch course, is therefore required. Detail should include information showing exact location of ditch, where it goes, its relationship to existing fishing pond and whether ditch ever runs dry. Applicant should also demonstrate why they consider an Environmental Permit from Environment Agency is not required for drainage system.

CRT re-consultation comments (1) -

Trust previously made comments in relation to visual impact of static caravan. Additional information has clarified existing site situation. On basis that existing landscaping is retained then, on balance, Trust consider visual impact would not be significant.

With regards to provision of robust barrier to canal, where there is a change in ground level, agree this would not be necessary.

Additional detail submitted provides more information on existing site drainage arrangements. though details still do not state where existing system is or its capacity. Letter from JNM Engineering is referred to though copy of this does not appear to have been submitted.

Previously foul drainage was indicated as 'unknown'. Additional details suggest is to package treatment plant/soakaway. Foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for site. Whilst change in ground levels is noted, canal is protected drinking water zone. Is therefore considered drainage details should be fully clarified.

Details should be submitted to identify location of existing soakaway, clarify whether chemical toilet waste from touring caravans is also discharged into package treatment plant and volume discharged per day. Should also be confirmed whether an environmental permit is in place for discharge to ground.

CRT Original comments:

Main issues relevant to Trust are:

- a) Impact upon water quality and structural integrity of canal.
- b) Impact upon ecology.
- c) Impact upon rural character of locality.
- d) Potential for vehicles to cross towpath and enter canal water.

Impact upon Trust as affected neighbouring landowner is also considered.

Our substantive response is that suitably worded conditions are necessary to address these matters. Our advice/comments are detailed below:

Impact upon the Water Quality Structural Integrity and Ecology of Canal

Proposal is forth upon site within past four years. Previously Council have attached pre-commencement conditions regarding surface and foul drainage, but given erection of toilet/wash block and provision of large areas of hardstanding Trust consider there has been significant information provided through discharge of condition applications (although not available upon Council's website) upon:

- Location of, type and calculations for means of dealing with foul water/chemical toilet disposal within site
- Location of surface water soakaway/s and information upon what is connected to this system/s

Application form states means of disposing of foul water is "Unknown". Is clearly some form of system operating upon site currently. Surface water drainage is indicated to be 'soakaway' though no further details are provided.

Drainage methods of existing and new developments can have significant impacts on structural integrity, water quality and biodiversity of waterways. Is important to ensure no contaminants enter canal from foul or surface water drainage. As submission does not include any detail on proposed operation of surface water and foul discharge systems, cannot be determined if they are 'fit for purpose' and will not result in adverse impact to structural integrity, water quality or ecology of canal.

Is noted WSP UK Ltd have commented a further pre-commencement condition would deal with surface and foul water drainage from site, but assessment and reason for this fails to consider existing systems or proximity of canal as potential recipient of overflows. Policy MD12 of SAMDev will protect natural environment by "*Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on ecological networks will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.*" Trust considers increasing scale of tourist accommodation provision proposed of relevance to policy MD12, as supported by paragraph 170 of NPPF 2018. Should be considered by officers in assessment of proposal. Paragraph 170 is also relevant to land stability and water pollution.

To ensure protection of canal's structural integrity, water quality and ecological value, Trust request further information upon how existing system is operating, if it can accommodate additional loading, how proposed system will operate, and details of any additional maintenance required. If Council determine this can be satisfactorily achieved through pre-commencement condition they should be content is clear justification under paragraph 56 of NPPF 2018 for provision of information post rather than pre-decision. Trust would wish to be consulted upon any further details regarding surface and foul drainage. Following condition and reason is suggested:

Condition

- Drainage details; pre-commencement drainage condition for the prior approval of foul and surface water drainage.

A scheme such as landscaping and boundary treatments to prevent blown litter from entering canal environment should also be considered.

Landscape Impact

Proposal represents intensification of existing use and proposes static caravans which would have all year-round visual presence within landscape and as viewed along canal. Static caravan located to southern edge would form separate element of year-round built form from existing toilet block and other proposed static caravans within centre. By locating forth static adjacent to other statics, number of separate blocks of year-round built form would be reduced, especially as precited in views from canal and mitigation through landscape screening would be easier to achieve.

Policy MD11 of the SAMDev considers impacts of proposals upon rural landscape and need for landscaping. Opportunity exists to provide native species hedgerow with trees appropriate to locality along western part of southern boundary to assist in mitigation of proposal upon public views within countryside. Landscaping scheme could be secured through landscaping and boundary treatment conditions.

Public Safety

Proposed arrangement of parked vehicles perpendicular to neighbouring towpath and canal has potential for vehicles to roll into water, risking public safety and water quality. Inclusion of robust barrier, such as post and rail fence as boundary treatment would prevent this and could be secured through boundary treatment condition.

The Trust as Neighbouring LandownerInformative:

- Applicant/developer is advised to contact Canal & Rivers Trust to ensure any necessary consents obtained and works are compliant with Trust's "Code of Practice for Works Affecting the Canal & River Trust".

- 4.1.6 **Shropshire Fire and Rescue** – As part of planning process, consideration should be given to information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'. Link provided.

Specific consideration should be given to following:

If proposed use of premises is as holiday let or guest accommodation then

premises would fall within scope of Regulatory Reform (Fire safety) Order. As such may require additional fire precautions incorporated into design of building. Current layout may be deemed inappropriate under Fire Safety Order. Fire Risk Assessment will be required to assess suitability of automatic fire detection and means of escape.

Access for Emergency Fire Service Vehicles

Will be necessary to provide adequate access for emergency fire vehicles. Should be sufficient access for fire service vehicles to within 45 metres of every point on projected plan area or percentage of perimeter, whichever is less onerous. Percentage will be determined by total floor area of building. This issue will be dealt with at Building Regulations stage. However, Fire Authority advise early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

4.1.7 **SC Regulatory Services** – No comments

4.1.8 **Welsh Water** - WW Re-consultation comments (2): Have completed number of previous consultations for development proposals. Previously advised applicant that public sewerage system is considerable distance away from site and were unsure applicant's submission package how site was intended to be drained for foul and surface water.

Upon being further consulted, note submission of "Planning Drainage Layout" which details proposed foul and surface water strategy, with surface water discharging to ground and foul flows being treated by private treatment plant.

Therefore, on understanding development does not propose to connect to public sewer, Dwr Cymru Welsh Water has no further comments.

Should circumstances change and connection to public sewerage system/public sewage treatment works is preferred we must be re-consulted.

WW Re-consultation comments (1): Initially requested further details in regards to amount of caravans, huts and glamping pods. From reviewing further submission package have been confirmed. Request our previous comments issued are upheld

WW Original comments: Is not clear how many caravans, glamping pods and shepherd huts applicant is proposing, as well not clarifying how foul sewerage will be managed. Development site is considerable distance from public sewerage system (circa 450 metres). Require clarification if applicant proposing to discharge into sewerage network.

Request applicant confirms proposed dwelling number and how propose foul flows generated will be treated.

4.2 Public Comments

4.2.1 Whitchurch Town Council – Support

4.2.2 Public representations – None received.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Visual impact, landscaping and ecology
- Highways/access/parking
- Drainage

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Hadley Park is an existing business involving tourism and diversification of the rural economy. Several previous planning consents have been issued in this regard, including the following:

6.1.2 Ref: NS/07/01195/FUL

Description: Proposed erection of a reception cabin in association with equestrian cross country course

Decision and date: Granted 1st August 2007

6.1.3 Ref: 11/02093/FUL

Description: Provision of catering unit and toilet block

Decision and date: Granted 21st July 2011

6.1.4 Ref: 13/00656/FUL

Description: Erection of an agricultural workers dwelling and double garage

Decision and date: Granted 27th November 2015

6.1.5 Ref: 14/00344/COU

Description: Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans

Decision and date: Granted 5th June 2014

6.1.6 Ref: 15/00352/VAR

Description: Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park

Decision and date: Granted 14th May 2015

6.1.7 Ref: 15/02657/DIS

Description: Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU.

Decision and date: Discharge approved 31st July 2015

6.1.8 Ref: 17/01662/FUL

Description: Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land

Decision and date: GRANT 28th June 2017

6.1.9 In summary, Hadley Farm/Park is a diversified farm enterprise with an equestrian Cross-Country Course, a café which is open to the general public and the existing caravan and camping site.

6.1.10 Under the relevant consents listed above, permission has been granted for a total of 28 tourist accommodation units at the caravan and camping site. The units comprise of the following mix:

- 8 seasonal caravan pitches
- 10 touring caravan pitches
- 8 camping pitches
- 2 glamping pods

6.1.11 The current application is seeking to alter the mix of tourist accommodation and provide an additional 3 units, to include two Shepherd Huts and a further Glamping Pod. It is stated that by increasing the number of 'glamping' units this will return a higher proportion of higher value/more profitable units on the site.

6.1.12 The proposed shepherds huts are to be sized at 6.96 m x 2.43 m. The proposed glamping pod is to be the same style and shape as the existing pods on site but slightly larger, ie 3.66 m wide x 6.096 m long and around 2.5 m to the ridge. It is considered these sizes will conform to the sizes/units with the definition of a caravan as stated within the Caravan Sites and Control of Development Act 1960 (as amended).

6.1.13 No new physical groundworks are proposed as part of the application, for example additional hardstanding. The agent has stated that the existing hardstanding is sufficient to service the site.

6.2 Policy and principle of development

6.2.1 As an existing business involving tourism and diversification of the rural economy the proposal is supported in principle by the NPPF and development plan policies CS16 and MD11.

6.2.2 The site utilises land which has largely already received consent for caravan and camping accommodation use and the proposal is in connection with an existing tourism business, which has previously been assessed as suitable in term of location. The application proposes some modification to the existing use with an increase in the number of overall units from 28 to 31 and to include for 3 units (2 x shepherds huts and 1 x glamping pod) to provide more on-site choice and attract a higher revenue. The additional shepherds huts and glamping pod will

meet the definition of a caravan as required by adopted policy MD11.

- 6.2.3 Planning conditions are recommended for imposition, similar to those imposed on the previous consents to ensure the site is limited to the tourism accommodation and occupation as applied for.

6.3 **Visual impact, landscaping and ecology**

- 6.3.1 As stated above, the site utilises land which has largely already received consent for caravan and camping accommodation use. Landscaping in the form of an established boundary hedge bounds the site with the canal. As part of the re-consultation comments the Canal and Rivers Trust have confirmed: *'On basis that existing landscaping is retained then, on balance, Trust consider visual impact would not be significant.'* Further, hedgerow planting is shown to the north western and north eastern boundaries. Although the site boundaries extend slightly beyond that approved under 14/00344/COU; 15/00352/VAR and 17/01662/FUL, the boundary hedge line planting conforms to the boundary of the site as proposed under this current application and as in situ. Landscaping in the form of hedgerow planting was accepted under 14/00344/COU; 15/00352/VAR and 17/01662/FUL and secured by condition.

- 6.3.2 In relation to ecology, the application was submitted on the basis that it was not adding to the area consented under the previous approvals. However, the boundaries of the red edges do differ slightly as discussed above. Nonetheless, it is stated within the revised Design and Access Statement that: *'It is not considered that there is any ecological impact of the proposed development. There is no physical works required, all hardstanding has been previously approval all additional units are mobile and require no hardstanding base.'* In the circumstances, whilst originally requesting ecological survey work, the Council's Ecology Officer confirms that no ecological survey would now be valuable in acknowledgement to the fact that the previously approved groundworks have already been carried out and no further physical works are proposed. Therefore, no further comment or objection is now raised by the Council's Ecology Officer, other than the reference to conditioning landscaping and lighting. Given that lighting has not previously been conditioned, officers consider it would be difficult to now insist upon a lighting condition. As regards landscaping then it is considered that hedgerow boundary planting should continue to be conditioned as per previous approvals.

6.4 **Highways/access/parking**

- 6.4.1 The application proposals will utilise the existing access arrangements serving the existing caravan and camping site. No alterations to the access arrangements are proposed.
- 6.4.2 Consultation has been undertaken with the Council's Highway advisor on the application. In response the Highway Officer raises no objection to the application on highway grounds and considers the existing access arrangements satisfactory to accommodate the proposed development.

6.5 **Drainage**

- 6.5.1 Progress in bringing the application to determination has been delayed due to

matters associated with drainage provision. The applicant failed to discharge the pre-commencement drainage condition attached to 17/01662/FUL, hence the drainage issue has remained in need of resolving prior to arriving at a favourable recommendation in respect of this application.

6.5.2 Following on from the protracted re-submission of various revised drainage information and re-consultation upon that information, a revised scheme has now been provided that with meets with the approval of the Council's Drainage Advisor.

6.5.3 The agent confirms that: *'It is proposed to install a suitable package treatment plant that caters for the approved and proposed tourist accommodation on the site and will be discharged via an existing surface land drain into Stags Brook.'* The drainage layout plan shows that the treatment plant will be located to the outside edged of the north western boundary of the site to service the foul drainage from the existing toilet/shower block. It will be a bespoke treatment plant for 84 persons; will incorporate an environmental sample chamber and acknowledges the need for an EA permit to connect onto the existing culvert which discharges to Staggs Brook.

6.5.4 Aside from the package treatment plant, the provision of a cesspool for touring caravan waste is also marked on drawings, positioned to the south east of the toilet/shower block and adjacent to the canal. The size of the cesspool is further noted on the plan and that the cesspool will be fitted with an alarm to monitor capacity and ensure that it does not overflow.

6.5.5 The Canal & Rivers Trust have raised no concerns in relation to the bespoke treatment plant and confirm that they have no concerns regarding the proposed cesspool, subject to this being a sealed underground tank and properly maintained and emptied. On the plan, however, reference is also made to a 'waste disposal point to discharge into septic tank'. It is this point that the Canal & Rivers Trust has raised as being unclear: *'... it is not clear if this is indicating there is a dedicated waste disposal point for touring caravans in the toilet/shower block which will flow into the cesspit (which is incorrectly annotated as septic tank) or it is indicating that the cesspit would flow into a septic tank in the toilet /shower block which would then flow to the treatment plant at the north of the site. ...'* Further clarification on the matter has therefore been requested from the applicants' agent and is awaited at the time of writing this report.

6.5.6 Therefore, and subject to satisfactory clarification on the points raised by the CRT, it is considered that the drainage objections have been resolved and the application can now move forward to a positive determination in this regard.

6.6 **Impact on residential amenity**

6.6.1 There are no residential properties immediately adjacent to the application site. In addition, the distance of the site from the nearest dwellings is considered sufficiently far enough not to cause any adverse impact on residential amenity.

7.0 **CONCLUSION**

7.1 On balance, officers consider that the proposal, as now supported by revised

drainage details and revised drainage plans that are acceptable to the Council's Drainage advisor and (subject to no objection from the Canal & Rivers Trust) is now acceptable and planning policy compliant. Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS8, CS9, CS11, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD7A, MD7B, MD11, MD12, MD13, MD16 and S18; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework.

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

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment
MD16 - Mineral Safeguarding
Settlement: S18 - Whitchurch
SPD Type and Affordability of Housing

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 20112/03675/AGR
Erection of an agricultural building for the storage of agricultural equipment and machinery
PNR 13th September 2012

13/00656/FUL Erection of an agricultural workers dwelling and double garage GRANT 27th November 2015

14/00344/COU Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans GRANT 5th June 2014

15/00352/VAR Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park GRANT 14th May 2015

15/02657/DIS Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU..
DISAPP 31st July 2015

17/01662/FUL Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land GRANT 28th June 2017

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. The approved drainage scheme for the site shall be fully implemented in accordance with the approved details and operational before the first use of the development hereby approved.

Reason: To ensure that the site is served by satisfactory drainage arrangements and in order to prevent flooding and pollution.

4. Full details of all the existing landscape features to be retained and all proposed boundary and tree planting works, including hedge and tree planting species, mixes and heights on planting, shall be submitted to and agreed in writing with the Local Planning Authority. Native species used are to be of local provenance (Shropshire or surrounding counties). The agreed landscaping details, hedge and tree planting scheme shall be carried out prior to the occupation / use of any part of the development hereby approved or otherwise in accordance with a timetable to be firstly agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: In the interests of safeguarding and enhancing the visual amenities and biodiversity value of the locality and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

5. The whole site shown within the red edging on the approved plan references MW_025 and MW_024 Rev B shall be used for no more than a maximum of 31 pitches at any one time and comprising the mix as follows: 18 touring caravan pitches, 8 camping pitches, 3 glamping pod pitches and 2 shepherds hut pitches. The site shall not be used as the sole, primary or permanent residence of any occupier. For a period of 28 consecutive days between November and February each pitch shall be completely cleared of caravans and tents.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted.

6. The site shall only be used for camping pitches and for touring and seasonal caravans, glamping pods and shepherds huts constructed and brought onto the site so as to accord with the legal definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960 and amended by the Caravan Sites Act 1968.

Reason: To define the consent and avoid the establishment of permanent new residential units in the open countryside in accordance with adopted development plan policy.

7. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development permitted does not lead to the establishment of a permanent and potentially substandard residential use in this countryside location, which would be contrary to adopted planning policies in principle and without further consideration being given to issues of residential amenity.

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