

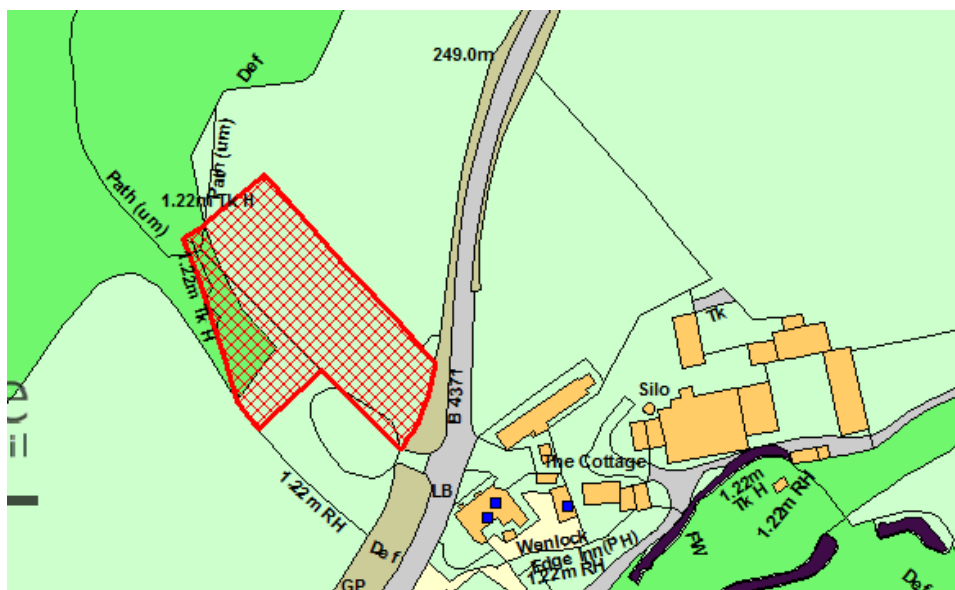
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/04033/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Stationing of 3No holiday letting units, supporting infrastructure and installation of package treatment plant and associated works (Amended Description)		
<u>Site Address:</u> Wenlock Edge Inn Easthope Much Wenlock Shropshire TF13 6DJ		
<u>Applicant:</u> Mr Alf Murray		
<u>Case Officer:</u> Richard Fortune	<u>email</u>	: richard.fortune@shropshire.gov.uk

Grid Ref: 357028 - 296285



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Recommendation:- Grant Permission, subject to receipt of satisfactory Unilateral Undertaking tying holiday let accommodation to the Wenlock Edge Inn and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application as originally submitted proposed the stationing of four holiday letting units on this site, together with the installation of a package treatment plant and associated works including parking spaces. The number of units has subsequently been reduced to three and the parking and drive area adjusted so that none of the proposed development would encroach into the adjacent site of special scientific interest (SSSI).
- 1.2 The three holiday lodges would form a staggered row in the eastern portion of the application site, close to the north-eastern site boundary but with a sufficient gap for a screen of new planting along that boundary. There would also be new tree planting on the eastern boundary between the end of the chalet row and the B4371. The existing vehicular access serving the Inn car park to the south would be used, with a short drive formed to serve the three pairs of parking spaces for the holiday units. The package treatment plant would be at the end of the drive and to the west of the chalet group and north of the Inn car park, with an outfall to an existing watercourse. The existing area of woodland in the western portion of the application site would be retained.
- 1.3 The proposed holiday units would comply with the definition of a caravan used in planning legislation. Illustrative details have been submitted showing that it is intended that they would have the appearance of timber cabins with shallow, dual pitched tiled roofs.
- 1.4 The supporting statement with the application states that the proposal is to substitute timber chalets (Now three rather than the four originally proposed) for the two buildings (Which would have contained seven holiday lodges and a meeting room) contained in the implemented planning permission. It explains that the reason why works at the site have been delayed and effectively mothballed for the last three years has been due to the need to resolve development proposals on the sister public house which is The Longville Arms at Longville. The form of holiday accommodation now proposed would comply with SAMDev Plan policy MD11 which at point 8 states that such accommodation should be provided either through the conversion of existing buildings or by structures that conform to the legal definition of a caravan, which is the case with this proposal. The supporting statement comments in connection with the appeal approved development that all conditions were discharged including those relating to drainage; landscaping and hard-surfacing and materials and were taken into account in the installation of the footings of the buildings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises of a parcel of land to the west side of the B4371 (Much Wenlock - Church Stretton Road). Opposite the site is the Wenlock Edge Inn, a public house which is currently closed and owned by the applicant. The land is relatively flat and made up of a gravelled area and open grass land. To the north-west and north-east sit open fields which are part of the Wenlock Edge Site of Special Scientific Interest (SSSI). An open wire fence with sparse tree planting defines the boundary. This land slopes gently up away from the site to Ippkins Rock which gives views across the landscape towards Hughley and Church Preen. To the south-west are further open fields, the boundary is defined by a mature row of trees. A Shropshire County Wildlife site is to the north-west of the small coppice of trees which lie between the uppermost section of the site.
- 2.2 The application site itself falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the B4371 road, resulting in the pub itself being outside the AONB.
- 2.3 The nearest neighbouring residential properties are located alongside and to the rear of the Wenlock Edge Inn.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Local Member request for Committee determination submitted with 21 days of electronic notification of proposal; Town and Parish Council views contrary to Officer recommendation. The application is therefore one to be determined by Committee due to the local member call-in.

4.0 Community Representations

Consultee Comment

- 4.1 Much Wenlock Town Council - Object:
Insufficient information has been provided to allow Town Councillors to make an informed decision.
- 4.2 Easthope and Stanton Long Parish Council - Object:
-This is a new application and not an amendment to the existing consent 14/02184/FUL for a different type of accommodation.
- There should be reports such as ecology, traffic management, visibility splay etc.
- There are no elevations or floor plans included, just a screen shot of a chalet/lode, location plan or block plan.
- No indication on how waste water will be dealt with from four holiday lets.
- The planning statement indicates that the Wenlock Edge Inn has capacity for a certain number of covers at one time. The Wenlock Edge Inn is currently derelict with no indication of works starting to renovate. Therefore there are no covers for food serving available at this time.
- 4.3 SC Highways - Comment:
Seek information to compare how the proposal compares with that approved under

appeal reference 15/02291/REF, APP/L3245/W/15/3065822.

Informatives recommended advising of the need to ensure that visibility splays are provided; highway to be kept clear of mud during construction works; no drainage to discharge to the highway; appropriate waste collection facilities should be provided.

4.4 SC Drainage - Comment:

Recommend informative on any permission advising A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.5 SC Ecology - Comment:

The proposed development site lies within Wenlock Edge Site of Special Scientific Interest and in close proximity to Blakeway Coppice Ancient Woodland and Wenlock Edge Local Wildlife Site. The site has been classified as 'Unimproved species rich calcareous grassland', which is a priority habitat. The site also forms a core area of the Environmental Network.

Do not support development of this site and recommend refusal as being contrary to Core Strategy policy CS17; SAMDev Plan policy MD12 and the NPPF which seeks to protect and enhance biodiversity and geodiversity.

Should application be progressed there should be an appropriate buffer between any works and the Ancient Woodland; details of the proposed foul drainage; ecological impact assessment; botanical, dormouse and badger surveys and Consultation with Natural England.

4.6 Natural England - No response to consultation sent 08.09.2021.

4.7 Shropshire Fire and Rescue - Draw attention to Fire Safety Guidance available.

4.8 AONB Board - No response to consultation sent 08.09.2021.

Public Comments

4.8 Site notice displayed 10.09.2021.

The full text of comments received may be viewed on the Council's web site and

are summarised below:

1 letter of support:

- The Wenlock Edge re-opening would be a huge boost to the area in terms of jobs and also socially.
- Given that previous application was successful on appeal, surprised that this has been refused by local councils; standalone buildings would be a far safer option in this 'covid' era.
- Objections raised (ecology, traffic management, visibility etc) has already been covered and accepted in the previous application appeal; waste of time, resources and taxpayers' money to trawl over this again when the only change is to the building itself.
- Pub renovations are underway and are looking very impressive.

1 Objection:

- Not a variation to the consent on appeal 14/02184/FUL; it is an entirely new and separate application for lodges under the static caravan legislation and should be assessed as such.

Much Wenlock Civic Society - Object:

- Endorse Town Council and Parish Council objections.
- Despite previous assurances the site has too long been left an eyesore.
- Speculative nature of application as an adjunct to the closed Inn does not give confidence in long term viability.
- Application should not be approved until the Inn has reopened and proved itself a viable enterprise.

National Trust - Object:

- Application lacks information on where chalets would go, what else would be on the site, how anything relates to the Wenlock Edge SSSI and how the proposals relate to securing the reopening of the Wenlock Edge Inn.
- Applicant should supply a layout plan for the current proposals showing the chalets and sewage plant outside the SSSI as in the layout approved by the appeal Inspector.
- Comparison between the visual impact of the approved development and what is now proposed is more finely balanced than the supporting statement suggests.
- There should be landscaping along the north east field boundary.
- The Inspector considered the unilateral undertaking submitted with the previous approval to retain the Inn and the accommodation as one land holding to be necessary, relevant and reasonably related to the development, but no new Undertaking is mentioned in the supporting statement.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Highway Safety

Biodiversity and Drainage

Residential amenity
6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
- 6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high-quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in specified areas which include tourism and leisure. Much Wenlock Neighbourhood Plan policy EJ7 supports proposals for recreational and tourism activities provided the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.
- 6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan.
- 6.1.4 A significant material planning consideration applicable to the principle of the proposed development in this case, and also a number of the detailed matters considered in the other sections of this report below, is the grant of planning permission on appeal on 25th November 2015 for the erection of two visitor accommodation blocks, removal of derelict function room and creation of new parking area, change of use of outbuilding (letting room) to site shop and installation of sewage treatment plant at the Wenlock Edge Inn. (Application

reference 14/02184/FUL). The planning permission granted on appeal is subject to a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act which states that whilst the Wenlock Edge Inn shall trade as a public house, the sites of the Inn and the proposed accommodation blocks shall be retained as one whole and indivisible land holding and the two tourist blocks shall not be sold separately. The Inspector concluded with respect to the UU:

"It is appropriate that the accommodation blocks and the Inn be kept as a single unit in order for the benefit of the development to the viability of the Inn to be realised in perpetuity. The UU to retain the sites of the Inn and the accommodation as one land holding is thus necessary, relevant and reasonably related to the development in terms of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended."

The agent has submitted a similar Unilateral Undertaking for the proposals contained in the current planning application, which at the time of writing this report is being checked by the Council's Legal Team.

6.1.5 The pre-commencement conditions which form part of that grant of planning permission relating to surface and foul water drainage; materials; landscaping; construction method statement were discharged under reference 16/02200/DIS on 12th October 2016. Building Control records confirm that works were done to implement planning permission 14/02184/FUL within the three year time period from when the appeal was allowed. The holiday units now proposed would overlap the footprint of the buildings contained in the scheme allowed on appeal, preventing both being implemented. Given that the Unilateral Undertaking discussed in 6.1.4 above is being prepared and the extant permission could continue to be built at any time in the future on the area proposed for the holiday units in this application, which would utilise the drainage arrangements and landscaping scheme already approved by the discharge of planning conditions, and the access arrangements to/from the public highway are unchanged, it is only the aesthetics/landscape impact of the form of holiday accommodation now proposed (Which is compliant with current SAMDev Plan policy MD11.8) compared to that of the extant permission, which is not compliant with MD11.8, is key issue to be considered in this application.

6.2 **Siting, scale and design of structures**

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The Much Wenlock Neighbourhood Plan good quality design policies have the same objectives (And also in respect of landscape impact discussed at Section 6.3 below). The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 130 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and

appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

- 6.2.2 While the drawing of the holiday let unit is indicative it demonstrates the design ethos for the development. The scale of the units would be controlled by their siting shown on the site plan and the size and from limitations imposed for them to comply with the definition of a caravan. (The definition of a caravan is defined by statute and can comprise of no more than two sections separately constructed with maximum dimensions, exclusive of any drawbar being length 20 metres, width 6.8 metres and a maximum internal floor to ceiling height of 3.05 metres). The timber clad tourist accommodation buildings in planning permission 14/02184/FUL comprise one building some 21 metres long by 6.5 metres wide and a ridge height of 4.4 metres and one 14.8 metres long 6 metres wide also with a ridge height of some 4.4 metres so the approved structures are of a similar scale to that which holiday units at the upper end of what could meet the definition of a caravan. The precise size/appearance/details of the holiday lodges installed, in the event of planning permission being given, is a matter which can be planning conditioned on any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. Planning conditions could also ensure that the units are only sited on the land in accordance with the site plan and that no more than three units are stationed on the land.

6.3 **Visual impact and landscaping**

- 6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.3.2 The Appeal Inspector commented that the holiday accommodation development would occupy an area that is visually contained and screened from the wider AONB by vegetation; and that the appearance of the buildings would be further softened by additional landscape planting secured through planning condition. He considered that when passing the site on the B4371, or from viewpoints to the east, the accommodation blocks would appear subsidiary to the main Inn building. He continued "*As a matter of judgement, the development would not appear significantly incongruous or unacceptably obtrusive. It would not accordingly not harm the sensitive rural landscape. Indeed it would in some measure add to its wooded character.*" He concluded it would be of a siting, scale and design that would conserve the local distinctiveness of the surrounding countryside and features of the Shropshire Hills AONB and would be in compliance with the aims of

the Core Strategy and NPPF policies to protect the AONB environment. With the control over the design and appearance of the holiday lets units which can be achieved through planning conditions and their similar positioning on the land, it is considered that there are no factors which could justify/sustain a refusal reason on the grounds of adverse landscape impact in this case.

6.4 **Highway Safety**

6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 110 requires that developments provide a safe and suitable access to the site can be achieved for all users. Paragraph 111 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Appeal Inspector found the additional use of the public house car park access by seven units of holiday accommodation would not lead to conditions detrimental to highway safety. It is considered that there has been no material change in respect of traffic to now make the access unsuitable to serve three holiday units, with the maintenance of adequate vision splays secured by planning condition.

6.5 **Biodiversity and Drainage**

6.5.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies.

6.5.2 The agent has responded to the comments made by the Council's Ecology Team at 4.5 above commenting that the need and benefit of the development accepted with the appeal being allowed remains pertinent to the current proposal revising the form of holiday accommodation; with the removal of one unit there is a buffer in excess of 65m between the proposed works and ancient woodland; with respect to a botanical survey the field is cut for sheep fodder; the ecological impact assessment carried out in 2014 showed nothing due to the car park use; mouse boxes were installed in 2014 without permission and that a badger survey is not necessary.

6.5.3 The Appeal Decision letter commented in respect of the issue of impact on the SSSI and Country Wildlife Site that:

"There is understandable further concern that the development must prevent harm to the nearby Wenlock Edge SSSI and Country Wildlife Site. However, the built development and car parking would be kept within the bounds of the present parking area and away from any direct contact with these protected sites. By imposition of a planning condition, suggested without prejudice by the Council, to secure appropriate foul and surface water drainage measures, including percolation tests and construction details required by Natural England, there is no substantive evidence that these material interests would be adversely affected by the development or its users."

The foul and surface water drainage measures were subsequently approved through the discharge of condition application 16/02200/DIS and identical drainage measures to what has been approved are proposed to serve the holiday units in this application. The proposal therefore has a neutral impact in comparison with the extant permission which could continue to be implemented as the fall-back position.

6.5.4 No response has been received from Natural England and the proposed development as amended does not encroach into the SSSI. It is acknowledged that an update to the ecological appraisal would have been preferred, but the development contained in the extant permission could continue without the Local Planning Authority being able to enforce such an update. There remains the obligation on developers, regardless of whether works require planning permission, to ensure that separate wildlife protection legislation is adhered to. It is considered the local authorities duty to have regard to this legislation in the exercise of its statutory functions in the context of the extant planning permission on this site and the similarity of the proposals with essentially just a change in the form of holiday accommodation in the same location on the land with the same drainage arrangements, can be met by appropriate ecology informatives on any planning permission issued.

6.6 Residential Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. It is acknowledged that properties in the vicinity may experience some disturbance for a temporary period while the proposed works are carried out. These temporary impacts can be mitigated on any approval issued by conditions controlling construction times.

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the built form of holiday letting accommodation contained in the extant planning permission 14/02184/FUL being replaced with the stationing of three holiday letting units which comply with the definition of a caravan used in planning legislation. It is a change which would bring the form of holiday accommodation into alignment with SAMDev Plan policy MD11:8 which today resists the new built form of holiday accommodation contained in planning permission 14/02184/FUL and requires holiday let development to either conform with the legal definition of a caravan or be the conversion of existing appropriate rural buildings. The Unilateral Undertaking will ensure the same linkage to the Wenlock Edge Inn that the Appeal Inspector found to be necessary.

7.2 The appearance of the proposed holiday letting units can be controlled through planning conditions to ensure that they do not detract from the visual amenity and rural character of the area. The drainage arrangements would match those already approved for the site as would the landscaping scheme. The proposal would not be detrimental to highway safety or unduly impact on residential amenity. Ecological interests are safeguarded by the revised site layout with the reduction in the number of units from four to three and by informatives advising the developer of their legal responsibilities to adhere to wildlife protection legislation.

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 Core Strategy and SAMDev Plan Policies:
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
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

14/02184/FUL Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) REFUSE 10th December 2014

16/02200/DIS Discharge of Conditions 4 (drainage), 5 (materials), 6 (hardsurfacing & landscaping) & 8 (construction method statement) relating to planning permission

14/02184/FUL (allowed on appeal) - Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) DISAPP 13th October 2016

16/02780/AMP Application for non-material amendments to planning permission 14/02184/FUL (allowed on appeal) for the erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage

treatment plant GRANT 22nd August 2016

18/03090/FUL Erection of single storey dining room extension, erection of single storey disabled access/wc extension and relocation of first floor fire escape, demolition of existing conservatory, provision of 2 no. disabled car parking spaces, connection to recently approved treatment plant GRANT 25th February 2019

21/00337/DIS Discharge of Condition 3 (Landscaping Management/Tree Protection) associated with planning application number 18/03090/FUL NPW 23rd February 2021

21/01051/DIS Discharge of Conditions 3 (Landscaping/Tree Protection) and 4 (Stone/Materials) associated with planning application number 18/03090/FUL DISPAR 16th April 2021

21/04033/FUL Stationing of 3No holiday letting units, supporting infrastructure and installation of package treatment plant and associated works (Amended Description) PDE

BR/APP/FUL/02/0409 Retention of conservatory GRANT 17th July 2002

BR/87/0255 CONSTRUCTION OF WALLS TO FORM ENTRANCE AND PATIO GRANT 12th May 1987

BR/88/0630 ERECTION OF EXTENSION TO OWNER'S ACCOMMODATION AND TWO LAMP COLUMNS GRANT 3rd October 1988

BR/85/0831 ALTERATIONS TO TOILET BLOCK TO FORM HOLIDAY ACCOMMODATION GRANT 14th August 1987

BR/86/0662 ERECTION OF SINGLE STOREY REAR EXTENSION TO FORM LAUNDRY GRANT 14th October 1986

BR/87/0745 CONSTRUCTION OF PUBLIC CAR PARK AND FORMATION OF VEHICULAR ACCESS REF 3rd November 1987

BR/87/0705 DISPLAY OF THREE NON-ILLUMINATED SIGNS REF 8th October 1987

BR/90/0233 ERECTION OF A DWELLING GRANT 11th June 1990

BR/96/0399 ALTERATION RENOVATION AND CONVERSION OF EXISTING FUNCTION ROOM TO PROVIDE HOLIDAY ACCOMMODATION (AMENDMENT TO PERMISSION 96/0136) REF 24th July 1996

BR/96/0137 ERECTION OF SINGLE STOREY EXTENSIONS AT THE REAR OF THE PUBLIC HOUSE GRANT 7th June 1996

BR/96/0136 ALTERATION RENOVATION AND CONVERSION OF EXISTING FUNCTION ROOM TO PROVIDE 6 SELF-CONTAINED UNITS AND MEETING ROOM GRANT 7th June 1996

BR/85/0433 The erection of a single storey side extension to form enlarged ladies toilet GRANT 6th August 1985

Appeal

09/01510/REF DISPLAY OF THREE NON-ILLUMINATED SIGNS DISMIS 21st March 1988

Appeal

15/02291/REF Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) ALLOW 25th November 2015

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QXY24LTDHMF00>

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

Planning Statement

Planning approvals 14/02184/FUL and 16/02200/DIS

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Dan Thomas

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. No more than 3 holiday let units shall be stationed on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

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

4. The construction of the holiday units shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the

length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. The development hereby permitted shall be occupied only as holiday accommodation and not as the main residence of any person. The operator of the holiday accommodation shall keep a register of occupiers and their main home addresses and shall make this information available to the local planning authority at all reasonable times.

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

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

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

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

7. Before the holiday units are first installed on the land details of their sizes, appearance, external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the holiday units.

Reason: To ensure a high quality appearance appropriate to this rural setting as sought by Development Plan policies CS6, CS17, MD2 and MD11.

8. The existing access vision splays shall be kept permanently free of all obstacles or obstructions over a height of 0.9 metres above the level of the adjoining carriageway.

Reason: In the interests of highway safety.

9. Prior to the installation of any external lighting in connection with the development hereby approved, full details of the external lighting have been submitted to and approved in writing by the local planning authority. It shall demonstrate that the proposed lighting will not adversely impact on ecological networks and/or sensitive features, and shall be designed to

take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority, and thereafter retained for the lifetime of the development.

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

10. The drainage system shall be completed in accordance with the approved details prior to the first occupation of any of the holiday lets hereby approved and shall thereafter be retained in the form approved.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

11. All hard and soft landscape works , including the screen planting for areas 1 and 2 shown on the approved drawings, shall be carried out in accordance with the details approved under reference 16/02200/DIS applicable to implemented planning permission 14.02184/FUL. The works shall be carried out in the first planting and seeding seasons following the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become 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: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. The development shall be carried out in accordance with the Construction Method Statement approved under reference 16/02200/DIS applicable to implemented planning permission 14/02184/FUL.

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

13. No construction (and/or demolition) works shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with

the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

pdf

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. 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 and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] 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.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.

If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable

precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. Badgers, their setts and the access to the setts are expressly protected under the

Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

6. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

7. 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 a new utility connection, or
- undertaking 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.

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.

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.

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.

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