

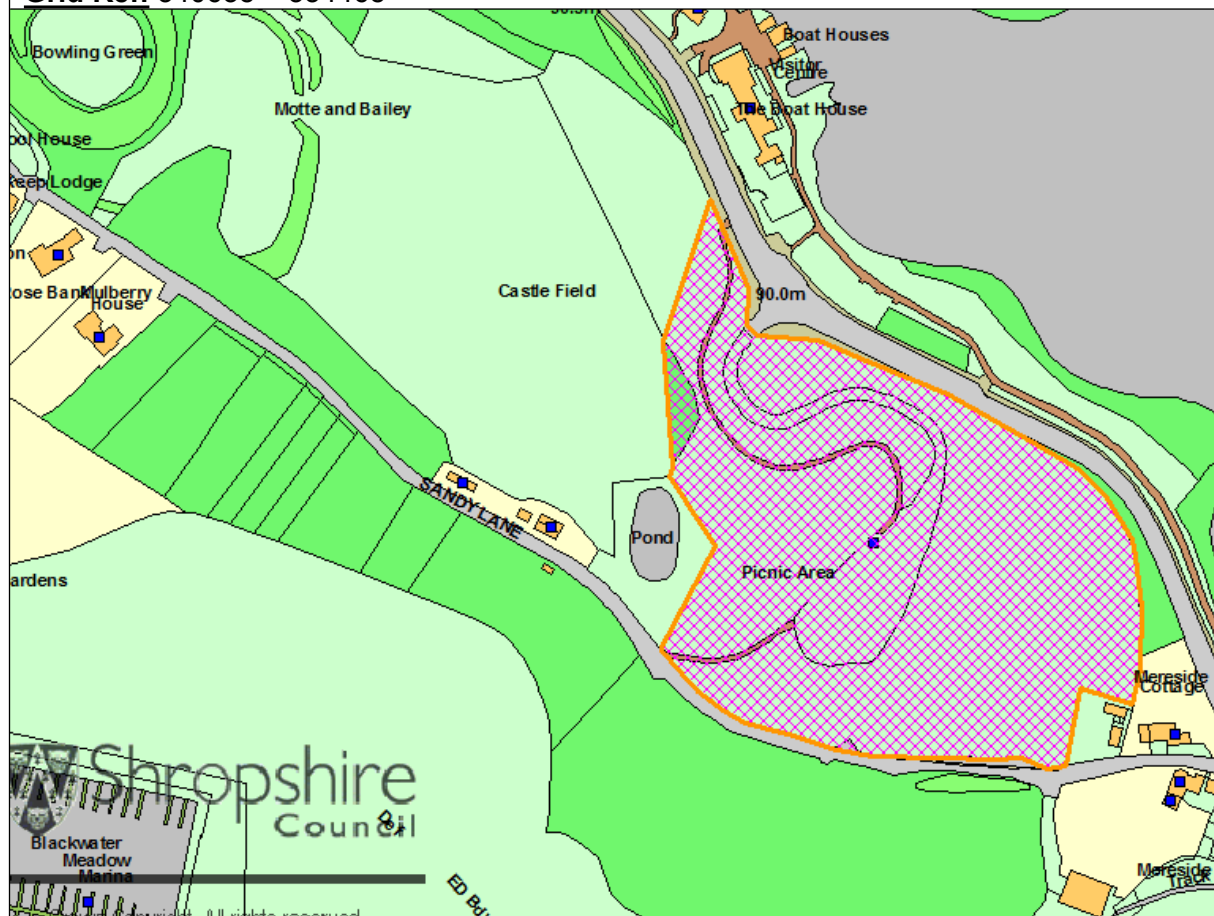
Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/02681/FUL	Parish:	Ellesmere Urban
Proposal: Change of use of existing car park to a holiday park of 20. no. lodges		
Site Address: Castlefields Car Park Mereside Ellesmere Shropshire		
Applicant: Euro Source And Find Limited		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 340635 – 334465



Recommendation:- Refuse.

Recommended Reasons for refusal

1. The proposed development site is in a sensitive location being within the Ellesmere Conservation Area, close to a Scheduled Ancient Monument and within a relatively undeveloped area which has High Level Stewardship of the land. In addition given the topography of the site the proposed lodges would be visible from outside the application site and have a significant visual impact from the adjacent footpaths and as such will detract from the overall rural landscape and the setting of the Mere and its surrounding area. There are also concerns in relationship to the economic impacts with concerns about the loss of the car parking facility. Therefore the proposal is considered contrary to the NPPF, policies CS5, CS6 and CS16 of the Shropshire Core Strategy and emerging Policy MD11 of the Council's SAMDev.
2. Insufficient information has been submitted with the application to comply with the requirements of the NPPF. This results in it not being possible to fully assess the impact of the proposal on the heritage asset and its setting together with the setting of the Conservation Area. . Therefore the proposal is contrary to the NPPF and policy CS17 of the Shropshire Core Strategy.
3. Insufficient information has been submitted with the application to fully assess the impact the proposal will have on the natural environment of the site and its surroundings. In particular the impact on protected species and their habitats and the botany of the area and the Higher Land Stewardship requirements. This is contrary to the requirements of the NPPF and policy CS17 of the Shropshire Core Strategy.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of the existing car park to a holiday park consisting of 20 no. lodges.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the southern edge of Ellesmere adjacent to the A495 with The Mere on the opposite side of the highway. This is an area outside the development boundary for Ellesmere but within the Ellesmere Conservation Area. To the west of the site is the site of the Ellesmere Motte and Bailey which is a Scheduled Ancient Monument. The topography of the site is such that it is higher than the highway and leads upwards to the north and west with the existing parking area located in the "sink hole" below the higher level land. The existing access winds its way through the grounds to minimise the visual intrusion. Apart from the car park, access road and footpaths no other development has been carried out on the site and it is generally grassland with various botanical species. The area has been in Higher Level Stewardship and re-seeded in order to provide a species rich grassland.
- 2.2 To the north west of the site is the castle field and the Motte and Bailey with a few houses along Sandy Lane which passes to the south of the application site. To the south and west there are highways and a few cottages with car parking also being provided for visitors to The Mere. A visitor centre and The Boat House are

to the north adjacent to the Mere. As the A495 is a main entrance into the town it is highly trafficked and this area is highly visible.

2.3 Along part of the boundaries of the site there are bands of woodland with hedgerows also along some of the boundaries.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application has been made on land that is within the ownership of the Council and the proposed use does not fall within the statutory functions of the Council. Therefore the application is required to be considered by the Planning Committee under the terms of the Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 Consultee Comments

4.1.1 Ellesmere Town Council: Object

Ellesmere Town Council's Planning, Economic Development and Land Committee met on Thursday 6th August. Councillors agreed to extend public question time to allow as many of the 70 members of the public in attendance time to make comments on this application. Following this, members of the PEDaL Committee then voted and a unanimous decision was made to object to this application.

The Town Council has many concerns regarding this application as they did with the applicant's previous application (15/00948/FUL).

Material Planning Reasons are:

- It is considered that the proposal conflicts both with CS Policies CS3, CS5, CS16 and CS17 of the adopted Core Strategy.
- Conflict of Interest with Shropshire Council being the landowner and the Planning Authority making the decision on this application.
- The building of the utilities block is outside the 'existing' recognised development boundary, the Town Council (and recognised in the latest SAMDev proposals) seeks to take the existing development boundary elsewhere around the Mere further away from the Mere side to protect and enhance the ecological, tourist and economic interests of this important natural, environmental and tourist resource for the long term benefit of the town and future generations.
- This application is counter and potentially undermining to the planning policies of Shropshire Council for the Ellesmere area within the SAMDev. Provision for a significant number of log cabins of this nature has been made with the locally supported development site ELL003 this could well undermine the commercial feasibility of that proposed site. There is also a current application being submitted to the west of the Town as part of an extension to an already established caravan park and there are also a number of sites within three or four miles of the Town where planning approval has been granted for this type of development and there has not been sufficient demand for these to proceed to completion.

- The Design and Access Statement clearly states the lodges will have views of the Mere, of course this means the site will be viewed from the Mere and this in turn will have an adverse effect on tourism which would affect the economic development of the town as it would restrict visitors from coming in the future. Also to be able to position the lodges in the proposed positions of the site plan will require earth movement to site them.
- The site is wholly within the Conservation Area and as such any development should be of high quality and contribute to and compliment the historic environment setting. **Shropshire Council's**, The Mere at Ellesmere Management Plan 2010 – 2020, 2.3 Heritage Context gives a summary of the heritage significance of the Mere stating “ The Motte and Bailey, a scheduled ancient monument is of national significance and occupies what was once one of the most significant positions in the County.” The provision of log cabins or static caravans presented as such as in this case does not make a positive contribution and would detract from the quality of the conservation area's environment.
- Castlefields car park currently offers 50 parking spaces, for which there is a very high demand, due to the increasing number of tourists to the area. If this application were to go ahead those 50 car parking spaces would be lost (along with loss of income to the local economy), leaving inadequate parking for the large volume of tourists that visit the town and making the town less appealing to day visitors.
- The Castlefields site is a former kettle hole which has been capped and hollow underneath, when it was sold to Shropshire County Council in the early 1990's it was only deemed suitable for car parking and nothing heavier, in light of this we feel that a land survey and a historical survey should be undertaken. The bowl of the carpark is also prone to flooding due to drainage problems.
- The Town Council believes that the application will have a detrimental effect on the ecology of this conservation area. The Mere is unspoilt, beautiful and a very important site in terms of ecology, it is a local wildlife site which supports a wide range of protected species and habitats; Roach, Bream, Carp, Eel, Perch, Pike and Hybrids of Roach can be found in the Mere and Red-breasted goose, Goosander, Barnacle goose, Cormorants, great-crested grebes, kingfishers, goldeneye, gulls, ruddy duck, tufted duck, Canada geese, little grebe, song thrush, sand martins, crows, wood pigeons, mallards, coots, moorhens, Muscovy ducks are only some of the many birds to be seen on the Mere.
- Ellesmere is famous for its Heron Watch which is run by volunteers of Shropshire Wildlife Trust, in a report carried out for this application it suggests that there will be no impact on the Herons however we have been advised that the Herons are very sensitive and if disturbed they may stray too far from their nest and may never return to their young. There have also been recent sightings of otters crossing from the Mere and accessing Castlefields, which is being investigated further by Mere's and Mosses. The Town Council has no desire to see an area of such natural beauty

commercialised. The grassland on the Castlefields site is managed as a wildflower meadow with summer shows of native plant life includes vast numbers of common spotted orchid. The Ecology Assessment that was carried out under the former application (15/00948/FUL) was carried out in the month of February 2015, which is not an ideal time of year to be completing an assessment of this nature, we ask that a new Ecological Assessment be conducted.

- There is a footpath across this site which has been used as a public right of way for many years and Councillors would not want to see this restricted in any way.

Shropshire Council's, The Mere at Ellesmere Management Plan 2010 – 2020, states that their vision is:

"Shropshire Council will work with partners and the local community to develop and manage the Mere at Ellesmere, a regionally significant park of cultural value within a nationally significant wetland landscape. It is a well-used community facility and a visitor destination of regional importance: a place of value to wildlife, local residents and visitors alike. Through the provision of access, facilities and interpretation visitors to the Mere at Ellesmere are provided with a unique and enjoyable experience and the information to help them explore the landscape and local attractions for themselves."

Shropshire Council's, The Mere at Ellesmere Management Plan 2010 – 2020 states that their Overarching objectives for the park are:

"To conserve and enhance the heritage value of the park, including the natural heritage of the landscape which is of national significance and the cultural landscape and buildings which are of national, regional and local significance."

Shropshire Council's, The Mere at Ellesmere Management Plan 2010 – 2020 Section 2.4.4 Designations, Archaeologically Sensitive Area makes extremely interesting reading particularly it states "The Motte and Bailey, the Garden Terrace and the northern section of Castlefields is designated an Archaeologically Sensitive Area. As such any planning applications for works within these areas need to be accompanied by an archaeological evaluation. It also explains that the Motte and Bailey is listed as a Scheduled Ancient Monument, the Government called for Localism in 2011, which is about listening to the members of the public, it is supposed to give sway to local people and it is very clear that the residents of Ellesmere are against this application, the Town Council are here to support their views and protect their town its heritage and the ancient monument sites within that.

- A Development Management Report was produced for Shropshire Council's North Planning Committee who met on 4th August 2015 to consider application 15/00291/OUT. The report highlighted the findings of Planning Inspector from 2014 on 13/01988/OUT, many of the findings are extremely relevant and also could be used to argue the case for application 15/01389/FUL. In the conclusion of the appeal decision to application 13/01988/OUT, the investigating Inspector Neil Harrison stated "I conclude that the proposal conflicts both with saved LP Policy H5 and CS Policy CS3 in relation to the restriction of development outside development boundaries, and with the Council's overall strategic approach to delivering

sustainable development through the identification of suitable housing sites in the emerging SAMdev DPD. Significantly in the balancing exercise I have also found that the proposed development would be harmful to the character and appearance of the surrounding area in terms of its unacceptable impact on the setting of The Mere, the historic designated parkland of Cremorne Gardens, the street scene in Swan Hill, and the setting of the adjacent conservation area.” The reasons for refusal last week of 15/00291/OUT were: The proposed scheme would provide economic and social benefits including: the provision of a new homes and construction jobs, however, these benefits would be achieved regardless of where the new dwelling would be built. Also, any future occupants would play a role in the community and would be likely to support local services. Future occupiers would have convenient access to the extensive facilities in Ellesmere. However, this must be balanced against the harm that would be caused to the setting of The Mere, Cremorne Gardens, the street scene in Swan Hill, and the setting of the adjacent conservation area which weighs negatively against the proposal. It is considered that the proposal conflicts both with Policy H5 of the Oswestry Borough Local Plan and CS Policies CS3 and CS5 of the adopted Core Strategy and with the Council's overall strategic approach to delivering sustainable development through the identification of suitable housing sites in the emerging SAMdev DPD.”

Ellesmere Town Council feels that this application will have unacceptable impact on the setting of The Mere, the historic designated parkland of Cremorne Gardens, and the setting of the adjacent conservation area.

- 4.1.2 **SC Highways:** No objection in principle from a highway safety aspect. However the concern is the permanent loss of car parking associated with the Mere and its value as providing parking stock and promoting tourism.
- 4.1.3 **SC Ecology:** Objection. Further information required on the Great Crested Newts surveys, and a Habitat Management Plan must be submitted. In the absence of this additional information I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). It may be contrary to Core Strategy Policy CS17 in relation to protection of Environmental Networks and UK BAP Priority Habitat.
- 4.1.4 **Shropshire Wildlife Trust:** Objects although the footprint of the development has been reduced many concerns remain unaddressed. The applicant should be aware of the HLS status of the land and the wider area was confirmed as species rich in 2013. The proposal lacks any measures to promote preservation. It is acknowledged that the proposed development will not have a direct visual impact upon the castle as a result of the screening provided by the natural topography. It will, however, introduce a significant number of lodges (20), in the form of holiday chalets, into the open space to the east of the castle, such that it will alter the character of part of this area. This change to the setting of the monument will in turn have an effect upon people’s ability to experience and appreciate its significance as I have outlined it above. It is therefore our view that the proposed development will cause some harm to the significance of the monument through the effect it will have upon its setting, and that this impact equates to less than substantial harm.

12.10.15 – Additional Comments

The ecological assessment accepts that the development will result in the loss of an area of grassland within Shropshire's Environmental Network. The grassland is also more diverse than initially thought. However the surveys do not meet the requirements of Phase 1 and TIN110 guidance. The land is identified as MG5 grassland which is nationally scarce and should be protected. Opportunities should be taken to enhance and create this habitat type. Area E has importance as a buffer area to the Plantation Reserve. The proposed ecological enhancement is minimal and insufficient to meet CS17. There is a contradiction between the findings and recommendations in documents provided. Money has recently been spent on the site for fencing to ensure appropriate management across the site. A Habitat Management Plan should be submitted as well as details of enhancements to neighbouring habitats.

4.1.5 **SuDS:** No objections subject to informative

In the Surface Water Management Statement, it states that the base of the individual caravan plots will be constructed of permeable gravel bases, this is acceptable from the drainage perspective

4.1.6 **Historic England:** Object subject to Paragraph 128 of the NPPF The proposed site sections are welcome additional information however it does not address the concerns raised regarding the Historic Environment Assessment which should be updated in accordance with current guidance and advice.

We recommend that the application is refused or deferred until such a time as the requirements of paragraph 128 of the NPPF have been met.

4.1.7 **SC Archaeology:** Objection

It is acknowledged that the proposed development will not have a direct visual impact upon the castle as a result of the screening provided by the natural topography. It will, however, introduce a significant number of lodges (20), in the form of holiday chalets, into the open space to the east of the castle, such that it will alter the character of part of this area. This change to the setting of the monument will in turn have an effect upon people's ability to experience and appreciate its significance. It is therefore considered by officers that the proposed development will cause some harm to the significance of the monument through the effect it will have upon its setting, and that this impact equates to less than substantial harm.

4.1.8 **SC Conservation:** Objection

Whilst part of the site has been developed through the provision of the existing access paths, track and car park, the proposed development will extend beyond these areas. It therefore has the potential to impact directly on the character and significance of this part of the Ellesmere Conservation Area. The proposed development site also falls within the setting of the Scheduled Monument identified. Whilst tourism is recognised as a contributor to the local economy, in this instance we would observe that there would appear to be no evidence base as to the need for this type and scale of development at this location to justify the harm caused.

4.2 Public Comments

4.2.1 113 public representations opposing the proposal have been received, these can be found in full in the planning file, with all main considerations being summarised as follows;

Planning Policy Issues;

- Development site is outside the Development Boundary for Ellesmere as set out within the Site Allocation and Management of Development (SAMDev Plan).
- Development site as defined with Core Strategy CS5 is classed as Open Countryside, if it were to gain approval it would set a precedent for this type of development.
- Development is contrary to the development plan of the Mere itself – The Mere Management Plan.
- Classification of the land as Brownfield is incorrect, as car park occupies only 11% of the site.
- Contrary to a number of policies within the Shropshire Core Strategy, National Planning Policy Framework, the North Shropshire Local Development Plan and also the SAMDev.
- Development site is not within the recognised settlement of Ellesmere, nor is it linked to any existing business development.
- There is a tourism allocation included within SAMDev to serve the town. That is where this form of development should be located.

Economical Issues;

- Loss of 'Car-Park' would have a detrimental impact on to the Town's tourism trade
- There is evidence to suggest that 70% of visitors are day trippers and these are important to the economy.
- Log cabins by nature will only be affordable by the affluent, resulting in the development being unviable.
- Existing facilities for tourism at the Wharf, Marina and Hotel development will provide adequate and sufficient tourism provisions without the need of additional accommodation.
- Self-catered accommodation would create no benefit to local businesses, as tourists would bring supplies without the need of visiting local businesses.
- Development would create no economical benefit to Ellesmere.
- Lack of car parking will result in lack of visitors which will result in downfall of local surrounding small businesses which Shropshire Council actively supports.
- Development site should be used to enhance the locality, extending Sculpture Park or creating more natural tourist attractions – development that does not deter from the commercial interests of Ellesmere.
- Ellesmere is growing in popularity with tourists year on year, demonstrating a solid need for the provision of car parking.

- People who would use these lodges would not necessarily spend their money in Ellesmere as they would travel to other places. Therefore their economic value is not ensured.
- The development of the site would result in the loss of open space and walkways for use by both local residents and visitors.

Impact on Residential and Local Amenities;

- Development would harm residential and local amenity as an influx in visitors would create more demand on the current sewage disposal infrastructure, and create large amounts of extra refuse.
- The required lighting for No.20 Log Cabins will create an unreasonable amount of light pollution around the Mere area.
- Design of the proposed accommodation will be an eye-sore within its surrounding, being unsympathetic to an inherent nature and wildlife environment.
- The proposed accommodation would create strains and possibility of waste and refuse contaminating the surrounding landscape.

Other sites have been identified as potentials for caravanning sites which would deliver a more practical and sustainable development site.

Highways and Access Issues;

- Current proposal shows no provision for vehicle parking, resulting in an additional 20 vehicles requiring spaces on the already limited parking surrounding the Mere.
- Removing 50 vehicle parking spaces will create stresses with existing parking provision, ultimately having an adverse impact on tourism.
- Ellesmere lacks sufficient infrastructure to cater for added increase to traffic and tourists.
- Loss of invaluable car parking spaces will result in a significant and detrimental harm to highway safety as car owners will be forced to park on the roadside.
- The on-street parking along the front of the Mere is dangerous and if no land is allocated to make these parking spaces safer an accident will happen and then the Council will only have this car park to rely on.

Environmental Issues;

- Proposal would disrupt the local surroundings, creating a visual blot on the landscape of the protected Mere.
- Development would disrupt and destroy local habitats, especially Herons
- Development site has previously been refused permission for developments as a result of a 'Kettle Hole' on site – the added stresses from the proposed number of holiday homes would exacerbate the problem.
- Castle fields contains large amount of wildlife and flora, with development disrupting and destroying this.
- Ellesmere lacks 'nature walks', with the development site regularly frequented by tourists and residents accessing the Shropshire Wildlife Trust woodland area adjacent to the site.

- Ellesmere is within the Meres and Mosses Nature Improvement Area – one of only 12 similarly designated area within England.
- Castlefields has recently obtained 'Higher Level Stewardship' funding for its maintenance and up-keep – allowing it exponentially expand in relation to its flora and fauna.
- The current rich grassland is subject to a Habitat Action Plan as included within the Shropshire Biodiversity Action Plan – further to this, watercourses on site may be home for European Protected Species (Great Crested Newts).
- Night-time and anti-social hours will affect and disrupt the local wildlife and its habitats.
- To construct the platforms on which the lodges are to be located will require significant earthworks extending beyond the developed area to provide stable slopes.
- No details have been provided as to what will take place on the land between the caravans and the application site boundary.
- In order to meet the Caravan Site Licence requirements it would be necessary to regularly cut the grass and vegetation around the lodges.

Visual Impact and Landscaping Issues;

- Proposed accommodation would be seen for long distances.
- Extending the existing 'Moors' car park would encroach on the appearance of the Mere and would provide an insufficient number of parking spaces.
- The "lodges" will not be timber lodges but caravans

Drainage Issues;

- The site is on land which is prone to flooding during winter months, so much so that the current car park is currently constructed on a special membrane which prevents water seeping through – resulting in HGV's unable to gain access – if gained approval construction vehicles would face obstructions and difficulties in accessing the site.
- Mereside Development Project has recently made improvements to the site; improved drainage for the car park site, tarmacked footpath and steps connecting Castlefields with Sandy Lane, approval would prevent use of these recent improvements.
- The drainage of the site must be appropriate.

Archaeological Issues;

- The site has recently been described as a Site of Historical Interest by the Council and should therefore be exempt from development.
- Castlefields contains a Scheduled Historic Monument.

Conservation Issues;

- Development site is within the Ellesmere Conservation Area, as such the proposal would not enhance nor maintain the unique environment and landscaping.

Other Issues;

- No demonstrable need or solid justification for the development has been submitted with the proposal.
- Increased number of events in the town together with the residential and economic development that is being undertaken will require the support of more parking.
- Development site is frequently used by outdoor activity groups.
- Discrepancies with the submitted application form; applicant selected 'no' in the section for 'Biodiversity and Geological Conservation' despite watercourses and environmental habitats on site.
- Approval of current application, will give way to future developments for further types of accommodation on site.
- Justification is needed for the reason as to why Shropshire Council wish to make the public car park available for alternative usage.
- Further clarification is needed in relation to the economical benefits the development will create – creation of direct and indirect jobs.
- Conflict of interest between Shropshire Council and applicant.
- No justifiable need for additional holidaying sites.
- Approval will give way to further residential accommodation once the demand for log cabins dissipates.
- There is no evidence to suggest that the land is stable enough to be developed.
- The site is incorporated within the Country Park and forms part of the Green Flag award. Loss of the facility would be contrary to the criteria for this.
- Any loss of parking may affect existing businesses which may cause the loss of more than the 3 part-time jobs promised by this development.
- The proposed BBQ area is shown on higher ground in an area where there are currently picnic benches and tables. Presumably this area will be for the use of the occupants of the lodges and not the general public.
- The continued use of the footpath across the site by the public would need to be secured and this has not been indicated.
- A large amount of money including grants has been spent on this site to make it the beautiful and wildlife rich area it is and one which provides a vital facility to the town.
- This proposal is for financial reasons for the Council with little regard to the impact on the town, tourism and ecology.
- The land should be sold to the community who could manage and carry out limited changes decided upon by a Charitable Trust.

One letter of support has been received.

- The proposal will help local shops, restaurants and businesses
- Tourists would enjoy staying a night or two and not be restricted to day trips.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways

- Ecology and Landscape
- Drainage
- Historic Environment
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Policy & 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that 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. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Para 28 of the NPPF supports the principle of sustainable rural tourism and leisure developments provided they benefit businesses in rural areas, communities and visitors and which benefits the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.1.3 Policy CS16 of the Shropshire Core Strategy also supports this principle, subject to a number of criteria including that development must be appropriate in terms of location, scale and nature which retain and enhance the existing natural features whilst also understands and engages with the landscape, cultural and historic assets.
- 6.1.4 It is also a requirement of CS16 that the development should comply with policy CS5 countryside and greenbelt. This policy advises that proposals must be on appropriate sites which maintain and enhance countryside vitality and character. The policy does support the principle of sustainable tourism development in rural locations provided it complies with policy CS17.
- 6.1.5 CS17 relates to Environmental Networks and requires development to identify, protect, enhance, expand and connect Shropshire's natural, built and historic environment. It is also a requirement that the proposal does not affect the visual ecological, geological, heritage or recreation values and functions of these assets, their immediate surroundings or their connecting corridors. In addition the policy requires the development to contribute to the local distinctiveness and have regard to the landscape, biodiversity and heritage assets.
- 6.1.6 Policy CS3 relates to the Market Towns and Other Key Centres. Whilst the site is defined as being in countryside, it is close to the town of Ellesmere. Policy CS3 does allow for development that enhances the role of market towns in providing facilities and services. However, this must recognise its high quality landscape

particularly the environmental and historic assets of the Meres and the canal.

- 6.1.7 A significant number of objections have been received in connection with the proposed development from the local community, including the Town Council, in relation to the principle of the scheme. It is argued that far from increasing the viability for the town the proposed development would have a detrimental impact on the area. This is mainly due to the importance the site currently has as a car park that serves visitors to the town and its attractions. The site is also well used as a place to walk and enjoy the beauty and character of the area including the setting of The Mere, the Scheduled Ancient Monument and the surrounding landscape.
- 6.1.8 Many consider that the loss of the parking area and the damage caused by the development will not only spoil the character of the area but also reduce parking which is considered to be an issue due to the limited parking available within the town. The objections also consider this would cause more of a financial deficit to the town and cause problems for existing businesses than would be generated through the use of the site for holiday lodges.
- 6.1.9 A Planning Statement has been submitted with the application which includes facts and figures relating to the comparisons of spending in connection with overnight stays to day trip visitors. Much of the information provided relates to either the Country or the Oswestry and North Shropshire areas. The Statement also points out that development at Castlefields fits within five of the six product themes proposed by the Visitor Economy Strategy 2012. It also fits the Visitor Economy strategy's promotion of the Meres and Mosses character of North Shropshire.
- 6.1.10 Concerns have been raised by local residents that the proposed development would have a significant impact on the economic future of the town through a reduction in the number of day trips that may be made through the loss of the parking area.
- 6.1.11 It should also be noted that SAMDev includes an area of mixed use that is being looked at to provide tourism accommodation. A current application 14/04047/OUT is being considered which would provide a hotel, boating marina, leisure complex, pub/restaurant, residential development, holiday cabins and touring caravans. This would be in a site close to the town in an area that the local population and community have agreed is acceptable. It is understood that this proposal is deliverable and overall would be the preferred option for development of this type.
- 6.1.12 In terms of sustainability it is claimed within the Planning Statement that the proposed holiday lodges would make a positive contribution to the local economy through increased trade for local services and facilities. The development of tourist accommodation is also likely to generate employment opportunities both on the site and in businesses benefitting from the increased trade. It is also stated that the increase in accommodation would help support the local services and facilities which would maintain the upkeep of valued services within the town and surrounding area. The applicant also considers that the sensitive design of the development will not have a significant impact on the natural, built and historic environment within Ellesmere and its surrounds.

- 6.1.13 Officer opinion is to agree that there could potentially be some economic benefits as a result of the development. It is noted that paragraph 28 of the NPPF on ‘supporting a prosperous rural economy’, refers to supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Officers consider that impacts have not been adequately established, and are also concerned with regards to the potential impact on ‘day trippers through loss of car parking on site as well as the visual impact of the development. This information would have been helpful in order to adequately assess the application. It is noted from public comments made that nearly all the business premises in the town centre are occupied and as such Ellesmere appears to be presently relatively viable.
- 6.1.14 It is agreed that the proposal could potentially have some social benefit but again insufficient information accompanies the application in order to establish impacts. Evidence provided does not sufficiently demonstrate how 20 lodges would impact on the local community and visitors to the area.
- 6.1.15 From an Environmental aspect there are major concerns which the application has failed to address. Whilst these will be discussed in more detail further in the report, Historic England and the Council’s Historic Environment Team have objected to the proposal due to a lack of information as have the Council’s Ecologists. The creation of the platforms on which to place the lodges will also impact on the glacial landscape as well as the general landscape. Therefore it is considered by officers that this aspect outweighs the potential benefits from economic and social aspects and as such it is considered by officers that the proposal does not meet the criteria for sustainable development
- 6.2 **Design, Scale and Character**
- 6.2.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 ‘Requiring Good Design’ of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Policy CS5 ‘Countryside and Green Belt’ sets out the criteria for development in the countryside. It requires development to be carried out on appropriate sites which maintain and enhance countryside vitality and character.
- 6.2.2 The proposal includes the installation of 20 lodges set within the lower section of the landscape in the kettle hole and will include the provision of access drives to the units. In the Planning Statement it is identified that these will be caravans under the statutory definition. They will be positioned on concrete plinths, timber clad and coloured brown or green to help limit any visible impact.

- 6.2.3 A number of objections have been made to the proposal on the basis that these are not lodges but caravans which are totally out of keeping with the character of the area. It is also considered by objectors that the proposal will be visually unacceptable and will spoil the beauty of the site and its surroundings.
- 6.2.4 Officers have assessed the sections which demonstrate that although the lodges would be positioned on lower land they would still be visible from The Mere and from the surrounding higher ground including the Motte and Bailey and Sandy Lane. It is the opinion of Officers that although it would be possible to colour them brown or green which would help with reducing their visibility this would still detract from the existing character of the area.
- 6.2.5 Emerging policy MD11 of SAMDev provides further policy information on development of this nature. It is a requirement that all development should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural screening and on site features. It is also noted that static caravans, chalets and cabins are recognised as having a greater impact on the countryside and should therefore be well screened.
- 6.2.5 It is the opinion of Officers that the proposal would be visually intrusive from outside the site and in particular from the higher ground and from The Mere. Therefore the proposal overall does not comply with policies CS5 or CS6 of the Shropshire Core Strategy and policy MD11 of the emerging SAMDev which is now considered to have significant weight.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Comments have been received that the proposal relates to the development of land that is used for walking and recreation purposes not only for visitors but also for residents of the area. In particular the various footpaths that cross the site and the existing picnic places.
- 6.3.3 There are no residential properties immediately adjacent to the site so there would be no loss of light or privacy to the occupiers of dwellings nearby. However the impact of the loss of the amenity has to be considered. The Planning Statement confirms the intention of the applicant to retain the footpaths for use by the public. However if people are unable to use the car park this may limit the potential use of the area for recreational purposes. It is also considered that the development as proposed will have a significant detrimental impact visually from these footpaths.
- 6.4 **Highways**
- 6.4.1 Concerns have been raised by the local community that the proposed use would have a detrimental impact on traffic safety and parking for the town. This includes the impact the loss of the car park will have on visitors to the town and the ability anyone will have to park. Photographic evidence has been provided by local residents to demonstrate that the car park is in regular use and how busy it can be particularly during the summer months and when there are events on in the town.

- 6.4.2 The Council's Highways Development Control Officer has not objected to the proposal as it is considered that the access to the site is appropriate for the proposed use. However it has been noted that Ellesmere does have a problem with parking and no information has been provided with the application to demonstrate the impact the loss of the car park will have on the area.
- 6.5 **Ecology and Landscape**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. In addition CS3 also requires development to recognise the high quality landscape particularly the environmental and historic assets of the area. Emerging policy MD12 of SAMDev also deals with the natural environment. Therefore the application has been considered by the Council's Ecologist.
- 6.5.2 A number of objections to the proposal have been received in respect of the impact the proposal will have on the ecology and biodiversity of the area. The site is being promoted for a Green Flag Award and large sums of money have been spent on the land to meet the Higher Level Stewardship. The area is peaceful and a haven for wildlife both in terms of flora and fauna which would be lost as a result of the development. Comments received from objectors also refer to the future maintenance of the land particularly if they are to meet the requirements of Caravan Site Licences will damage much of this.
- 6.5.3 **Protected sites**
There are two Local Wildlife Sites around 10m from the application site boundary to both north and south, The Mere and The Plantation. The application site forms part of the Environmental Network linking them (see below).
- The closest European site is White Mere SSSI/Ramsar at 1.5km, with Cole Mere SSSI/Ramsar and Clarepool Moss SSSI/Ramsar/SAC around 2.5km away. Natural England consultation is not triggered by Impact Risk Zones. Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.
- 6.5.4 **Environmental Networks and Priority Habitats**
Turnstone has provided an adequate botanical survey sufficient to judge whether any UK 'priority habitat' will be lost to the development, although it was carried out later than the recommended May to August period and may have missed early flowering species. This concludes that all the grassland affected by the development is essentially in the NVC-MG5 grassland sub communities and presently in 'unfavourable' condition. Approximately 0.3 hectares of grassland would be directly lost however to install flat plinths will involve cutting into the slope, particularly on the western side.
- If the management of the remaining grassland can be secured to ensure it is enhanced as BAP priority lowland meadow by a management plan under condition, the Council's Ecologist would be satisfied that the proposal can demonstrate that the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' under Policy CS17.

Turnstone recommends that a Habitat Management Plan is produced. To give confidence that management as hay meadow will remain practicable, the type of management which will take place on the remaining public open space should be specified as per the current Higher Level Stewardship scheme i.e. grazing, mowing etc. To retain as much of the remaining grassland as possible it would be necessary that tree planting be restricted to the immediate area of the caravans.

Once an acceptable Habitat Management Plan has been submitted, this can be conditioned. But there is a concern that if the tree planting is to be restricted this in itself have a detrimental visual impact that cannot be mitigated against.

6.5.5 Great crested newts

The updated Turnstone report from September 2015 indicates the location of the four ponds assessed and confirmed this does not include The Moors, where there is an historic record of great crested newt (GCN) at The Moors. The table below has been compiled by the Council's Ecologist to summarise the survey results.

The information provided is summarised in this table:

Pond	Distance from site	HSI	Suitability	Survey effort	Survey results
1	25m	0.57	Below Average	Torching & netting 3 times. Egg search 4 times	Incomplete due to low water levels
2	175-225m	0.49	Poor	Torching & netting 2 times. Egg search 4 times.	Peak count 2
3	175-225m	0.62	Average	Torching & netting 2 times. Egg search 4 times.	GCN egg present
4	175-225m	0.69	Average	Torching & netting 2 times. Egg search 4 times.	Negative
The Moors	165m approx			None	2005 and 2006 GCN eggs present

It should be noted that it was not possible to complete the six surveys needed to gain a population count figure for any ponds as water levels had dropped too low by the 9th June. The Council's Ecologist requested from the agent why The Moors was not included in the survey and asked for photos to demonstrate the ponds had dried up.

Using the known GCN records for Pond 2 and for The Moors the Natural England Rapid Risk Assessment result is as follows:

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.5 - 1 ha lost or damaged	0.3
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
	Maximum:	0.3
Rapid risk assessment result:	AMBER: OFFENCE LIKELY	

Impact of the development on great crested newts will arise from the earth movements necessary to create flat concrete plinths on the sloping ground. The reports mention rabbit grazing but it is not stated whether there are rabbit or other mammal holes on the application site. Such features could support hibernating amphibians.

From the information provided the Council's Ecologist is not convinced that adequate survey work has been carried out or a full assessment carried out of the impacts of the development to confidently state the proposals will not result in an offence.

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (Government Circular 06/2005).

6.5.6 Bats

The mature trees on the site boundaries and a mature oak and horse chestnut were identified as having bat roost potential. No plan is included in the report showing the trees with bat potential, however the Design and Access Statement says that existing large trees will be retained. The boundary tree lines are likely to be important for bat foraging and commuting and Turnstone recommend provision of bat boxes and controlling lighting. Root Protection Zones for trees should be protected.

6.5.7 Reptiles

Turnstone state that suitable reptile habitat is limited to scrub and boundary vegetation. They advise that safe working methods are put in place to ensure no reptiles are harmed during works.

6.5.8 **Badgers**

No evidence of badgers was recorded in the survey however Turnstone recommends another check for setts 8 weeks before development starts.

6.5.9 **Nesting birds**

The Mere Local Wildlife Site immediately adjacent is known to support large numbers of wintering and nesting birds. Turnstone note that there is bird nesting habitat on the site. Existing trees and nesting habitat should be retained on site wherever possible. Any removals should take place outside of bird breeding season.

6.5.10 The Shropshire Wildlife Trust has also objected to the proposed development. They have raised concerns in relation to both the impact of the proposal on the High Land Stewardship of the site but also it has identified that the land is of MG5 standard which is a nationally scarce resource and should therefore be protected, enhanced and created. They also raise concerns that the findings and recommendations that have been put forward contradict one another. Another issue is the lack of a Habitat Management Plan and details of enhancements to neighbouring habitats such as the Plantation.

6.5.11 In view of the above it is considered that there is a lack of information to demonstrate that the proposed development will not have a detrimental impact on Great Crested Newts or their habitats. In the absence of this additional information (detailed below) Officers recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). It is also contrary to Core Strategy Policy CS17 in relation to protection of Environmental Networks and UK BAP Priority Habitat and emerging policy MD12.

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.6.2 Information has been provided by local residents that the car park is prone to flooding particularly during periods of heavy rain. Therefore any drainage systems installed would need to overcome this problem and not exacerbate the situation in other areas.

6.6.3 The Council's Drainage Engineer has considered the application and has raised no objection to the proposal. However, it is recommended that should planning permission be granted, that a condition be included requiring full details of the drainage systems to be installed. This will ensure that any installation is robust enough to deal with the site and its intended use.

6.6.4 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.7 Historic Environment

- 6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration of all development in connection with its impact on the historic environment.
- 6.7.2 A number of concerns have been received regarding the impact the development will have on the character of the Conservation Area and the setting of the Scheduled Ancient Monument.
- 6.7.3 The proposed development site is located c.175m south-east of the Scheduled Monument of Ellesmere Castle (National Heritage List ref. 1019303), and wholly within the Ellesmere Conservation Area. The north-western part of the site boundary lies partially within the putative extent of the castle, based on the Central Marches Historic Towns Survey, as recorded on the Shropshire Historic Environment Record (HER PRN 01004).
- 6.7.4 Ellesmere Castle was established as a motte and bailey castle on a ridge of glacial moraine. It is thought to have been constructed by Roger de Montgomery, 1st Earl of Shrewsbury, shortly after 1086. After Roger's son's forfeiture in 1101 it was confiscated by the Crown. Its seignorial history thereafter was complex; it was granted to William Peverel of Dover by Henry I in 1138, and by Henry II to the Welsh prince Dafydd ab Owain in 1174. Thereafter it was held intermittently by the Crown until it was granted to the Le Strange family in 1263 and subsequently passed by descent to the Stanleys, Earls of Derby. The castle's significance derives from its evidential and historical values as an example of a Marcher castle, which was held at varying dates by the Crown and some of the principal families in the county. Its aesthetic values stem from the way in which its partially tree covered earthworks provide a landmark above the historic market town of Ellesmere, whilst it has communal value as a result of the way in which the summit of the bailey has been made into a bowling green and the eastern bailey incorporated into an area of public open space. The designation of the castle as a Scheduled Monument indicates that it is of national importance. Can some of this be summarised, it is not on or adjacent to the site.
- 6.7.5 The castle's setting includes both the town of Ellesmere to the north and west, which served it and is subsequently thought to have subsumed a western bailey beyond the Scheduled Area, and the green open space to the east. The latter contributes to the significance of the monument by enabling the prominent landscape position of the castle to be experienced and appreciated.
- 6.7.6 It is recognised that this site is only one part of the Conservation Area but development of it has the potential to harm at least two other identified character areas and therefore degrade the character of the Conservation Area as a whole. The two areas are noted as Area 2 and Area 3. Area 2: Church Street, Church Hill and Church precincts – In brief it is described as "...Dramatic contrast between open space (Area 1) and the narrowness of the entry to Church Street ..." (Ellesmere Snapshot CA, 2007). Area 3: Love Lane – described as having a wooded paddock to the west which "contributes to tranquil atmosphere". Together with Area 1: the Mere, Cremorne Gardens, Castle Mound and Castle Field (within which the application site is set) – This area is described as "Tranquil areas of high landscape quality ..." (Ellesmere Snapshot CA, 2007). Cumulatively, it is noted, that these areas are all tranquil open areas with landscape value within the

Conservation Area and as such are all contribute to the character of this part of the Conservation Area ie open green space on the edge of the town.

- 6.7.7 It is considered by Historic England and agreed by the Historic Environment Team that the requirements of the NPPF have not been met in terms of the heritage assessment. Within the Heritage Impact Assessment (June 2015) it states 'the still current advice in the notes that accompanied PPS5' (page 6, paragraph 4), this is incorrect as this guidance note as withdrawn on 25 March 2015, and was replaced by the Planning Practice Guide. Additionally the reference to the 'English Heritage guidance on the setting of heritage assets' (page 7, paragraph 1) is also incorrect as it again has been replaced by Historic England's The Historic Environment Good Practice in Planning Note 3: *The setting of Heritage Assets*. The assessment should also consider the impact of the proposed development in relation to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and additionally provide a reasoned justification for the design of the proposed development in relation to its scale, massing, materials etc.
- 6.7.8 The proposed development of 20 lodges could potentially impact on and cause harm to the significance of designated heritage assets. It is acknowledged that the proposed development will not have a direct visual impact upon the castle as a result of the screening provided by the natural topography. It will, however, introduce a significant number of lodges (20), in the form of holiday chalets, into the open space to the east of the castle, such that it will alter the character of part of this area. This change to the setting of the monument will in turn have an effect upon people's ability to experience and appreciate its significance. It is therefore the view of the Historic Environment Officer that the proposed development will cause some harm to the significance of the monument through the effect it will have upon its setting, and that this impact equates to less than substantial harm.
- 6.7.9 It is acknowledged that the site plan submitted with the application indicates that the footprint of the development will not directly impact upon the monument. However, the proposed development site boundary also falls within an area of possible earthwork remains of medieval-post medieval quarry pits excavated into the underlying glacial moraine (HER PRN 21992), although the area is also thought to have been partially landscaped in the later 20th century.
- 6.7.10 Whilst part of the site has been developed through the provision of the existing access paths, track and car park, the proposed development will extend beyond these areas. It therefore has the potential to impact directly on any archaeological remains present on the proposed development site itself.
- 6.7.11 It is noted by Officers that the sections appear incomplete/inaccurate in that although they slice through the site they do not show all the proposed caravans on that chosen section. An example of this can be seen in AA and BB sections, which are opposing yet do not show all the caravans in section AA. It is considered that these are not acceptable to enable full and proper understanding of the impact of development on this site. Together it is noted that none of the sections indeed make any reference to the wider site and area, therefore, do not give a wider appreciation of the way the proposal will sit within the overall area of the Castlefields.

6.7.12 It is considered by the Historic Environment Team that the introduction of buildings, in the form of 20 holiday chalets of underwhelming design, materials and scale will have a harmful impact on the setting of the Conservation Area. With reference to paragraph 138 of the NPPF, and the relevant guidance provided in the NPPG, the response indicates that this impact to represent less than substantial harm. When considering para 132 and 134 of the NPPF it is noted that less than substantial harm to the significance of a designated heritage asset, the harm caused should be weighed against the public benefits of the proposal. However, it is advised that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to this case and it is noted that this establishes a statutory presumption against development which does not preserve or enhance the character and appearance of a Conservation Area. It is considered that the proposed development does not contribute to preserving or enhancing of the character or appearance of the Conservation Area, in line with the requirements of Section 72 (1) of the Act 1990. Further that the decision maker should be mindful when undertaking the balancing exercise required in relation to para 132 and 134 that significant weight should be attached to Section 72(1), such that the public benefits of any development would need to be substantial in order to outweigh it. Whilst tourism is recognised as a contributor to the local economy, in this instance it is officers opinion that there would appear to be no evidence base as to the need for this type and scale of development at this location to justify the harm caused.

6.7.13 To conclude; in relation to paragraphs 128, 131 – 134 and 137 of the NPPF, Policies CS6 and CS17 of the Shropshire Council Core Strategy, Policy MD13 of the emergent SAMDev and Section 72 (1) of the above noted Act, it is advised by the Historic Environment Manager that the application cannot be supported and it is recommended that the application be refused.

6.8 **Other Matters**

6.8.1 **Stability of Ground**

A number of comments have been made regarding the suitability of the site for development given that it is a kettle hole. This is a geological feature which is formed through glaciation. It is alleged that the site has been prevented from being used by buses and coaches as this is a weakness in the ground and therefore unsuitable for heavy weights. In view of this the use of the site for stationing lodges should be questioned.

The stability of the ground for building on is not normally a matter that is assessed as part of a planning application. However, the case officer has discussed this issue with a Building Inspector and gained further information. The development would require Building Regulations as the lodges would be considered semi-permanent. As part of this it the concrete pads to be included in the application. Given the possibility of the ground conditions being unsuitable they would require a full site investigation to be carried out before giving Building Regulations approval.

6.8.2 **Inaccurate Information**

Some of the information contained within the application is alleged to be inaccurate or misleading. A resident has identified discrepancies with the submitted application form; applicant selected 'no' in the section for 'Biodiversity

and Geological Conservation' despite watercourses and environmental habitats on site. In this instance the matters have been dealt with through the submission of ecology information. However the lack of information particularly in relation to the Ecology and Historic Assessments is of more concern and is part of the reasoning for recommending this application to be refused.

7.0 CONCLUSION

7.1 The proposed development would provide additional accommodation for tourists to the area. However it is unclear from the application the full implications the proposal will have on the area both in terms of impact on the natural and historic environment and on the economy of the surrounding local area. As these areas of the proposal cannot be fully assessed due to the lack of information it is the recommendation of Officers that the application be refused. There is also a concern that the design and layout of the proposal will have a detrimental impact on the character and appearance of the surrounding area particularly when viewed from the higher ground or The Mere. As such the proposal is contrary to the NPPF and policies CS3, CS5, CS6, CS16, CS17 and CS18 of the Shropshire Core Strategy.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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 - written representations, a hearing or inquiry.
- The decision is 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 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 give 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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/14/00485 Proposed use of area as a caravan/camping/glamping park. NOOBJC 10th September 2014

15/00948/FUL Proposed change of use of existing car park to a touring and static caravan park WDN 22nd May 2015

15/02681/FUL Change of use of existing car park to a holiday park of 20. no. lodges PDE

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) Cllr M. Price
Local Member Cllr Ann Hartley
Appendices None

