

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>9<sup>th</sup> March 2011</b>		
<b>Application Number</b>	<b>N/10/03072/FUL</b>		
<b>Site Address</b>	<b>Land at Stanton, Chippenham, Wilts</b>		
<b>Proposal</b>	<b>Use of Land for the Stationing of Touring Caravans and Tents</b>		
<b>Applicant</b>	<b>Mr Ridout</b>		
<b>Town/Parish Council</b>	<b>Stanton St Quintin/Seagry</b>		
<b>Electoral Division</b>	<b>Kington</b>	<b>Unitary Member</b>	<b>Cllr Howard Greenman</b>
<b>Grid Ref</b>	<b>392395 179784</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706642</b>	<b>tracy.smith@wiltshire.gov.uk</b>

## Reason for the application being considered by Committee

The application has been called to Committee by Cllr Greenman to consider the scale of the development, visual impact and the environmental/highway impact.

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Stanton St Quintin Parish Council raise objections and Seagry Parish Council express concerns.

Some 151 objections have been received together with a petition containing some 211 signatures.

## 2. Main Issues

The application site has been the subject of various planning applications and an appeal against enforcement action. Planning permission was allowed at appeal in 2001 in respect of 00/01776FUL and following an enforcement appeal in respect of the bunds, these have been completed in accord with the 2000 application to the satisfaction of the Local Planning Authority. The appeal decision which allowed and related to 100-130 caravans, camper vans and tents is a material consideration and the following the main issues must be considered in this context as to whether or not there have been any significant policy, highways, landscape, drainage considerations since 2001:

- Scale and location of tourism development
- Impact on highways
- Impact on landscape
- Ecological considerations
- Drainage/contamination considerations

### 3. Site Description

The site lies some 600m to the east of the A429 on the Seagry Road, immediately to the north of the M4 motorway. The land has been the subject of significant landscaping with the formation bunds to the periphery of the site. To the southern boundary with the M4 the bunds rise to approximately 5.0metres and around 3.0 to 4.0 metres elsewhere. The bunds are authorised following enforcement action in 2004 (see below).

### 4. Relevant Planning History

The following history is of most relevance:

Application Number	Proposal	Decision
00/01776FUL	Use of land for the stationing of touring caravans and tents.  The scheme was for some 100-130 caravans/motorhomes and tents (details confirmed at the Hearing). A copy of the appeal decision is contained in Appendix I.  The Inspector found the appeal proposal acceptable on all grounds.	Allowed at appeal.
04/00350FUL	Use of land for the stationing of touring caravans and tents (revised landscaping and access details).  The application was refused solely on the grounds of the scale of the landscape bunds which were between 2 and 3 metres higher than approved by the Inspector.	Refused.
04/03083ENF	Appeal against enforcement – importation and deposit of waste, including earth and other construction waste, construction of bunds and other engineering operations.	Upheld

### 5. Proposal

The application is for the change of use of the land from agriculture to use for the stationing of touring caravans and tents.

For clarification:

- The 2000 permission has lapsed and cannot be renewed.
- The bunds, which comprise an engineering operation in their own right, have been constructed to the satisfaction of the Local Planning Authority following an enforcement appeal in 2004 being upheld.
- The access to the site has been constructed in accordance with the approved 2000 scheme and this subsequently enabled the import of materials in respect of the bund.
- The material importation was done so in conjunction with the Environment Agency.

- The change of use from agriculture relates to its original use since no other change of use has been implemented. Due to the changes that have taken place the land has no agricultural value.

## **6. Planning Policy**

National Guidance:

PPS7 Sustainable development in rural areas 2004

DCLG Good Practice Guide for Planning for Tourism July 2006

Wiltshire and Swindon Structure Plan 2016 – Policy RLT10

North Wiltshire Local Plan 2011 Policies C3 and NE15

## **7. Consultations**

Stanton St Quintin Parish Council – there are some significant differences to the original application despite what the applicant says. The original plan had no mention of tents. No need demonstrated, especially as there is a site one mile down the road in Seagry also owned by the applicant. There is a lack of compliance with the original agreement which allowed six months for the building of the bunds around the site which took 7.5 years and then were massively above the original height. The height was later reduced but the bunds were widened and no actual waste was taken off the site. There has been no contamination report despite the tons of waste tipped here. There are no amenities and the evidence does not say anything about employees so we would ask who would be running the site to oversee bookings, taking money etc.

The contours of the site are not as the original plan which stated that topsoil would be brought in. No topsoil has ever been brought in.

The road leading to the site is a narrow country road with no appropriate passing space for larger touring caravans or camper vans. There is also no mention of camper vans on the application. In fact, the entire site has lacked compliance with the original planning application, in spite of stating that there is no change to the original permission.

Seagry Parish Council - raise no objections on highways grounds but have serious concerns with the road to the site from the A429 Malmesbury Road which is considered to be poorly delineated at the junction and narrow with local drivers having difficulty making this right turn without either cutting the corner or ending in the hedge. Cars towing caravans would find this manoeuvre catches them unaware with potentially dangerous repercussions. In addition, the left hand bend at Clanville Mowers is set at a sharp angle, is blind to traffic approaching from Seagry and suffers from severe reverse camber.

In respect of the bunds/site management, the Parish Council seeks reassurance that the material imported prior to the previous application declared inert by the Environment Agency has recently been tested and is not toxic. Conditions are required in respect of toilet/washroom facilities for tent users in particular and that waste and water disposal proposals are adequate. A strong management plans to avoid unacceptable noise or anti-social behaviour which would affect nearby neighbours is needed. Details of the sketched shop and any other buildings should be available for the Parish Council to comment.

Highways Officer – no objection subject to conditions. The Highways Officer comments as follows in response to one detailed objection on highway safety matters:

“Since that date (of the 2001 appeal decision), traffic flows on the A429 has remained fairly constant, in fact, flows in 2009 were about 5% lower than in 2001.

The local safety scheme mentioned by the objector was implemented 5 years ago and since then there has been a significant reduction in accidents at the junction, from an average of 3 injury accidents per year down to only 1 injury accident in the last three years. This was the 4 vehicle accidents referred to, a four vehicle shunt.

The motor cycle fatality occurred between Corston and Malmesbury near the junction with Grange Lane (nowhere near Stanton St Quintin). It was a loss of control in the early hours with no other vehicles were involved.

The fire service log only refers to one matter of A429 at Stanton. There was one other incident at Stanton, location unspecified, and all other A429 references are at Malmesbury or north thereof.

The recent speed limit review proposed no changes to the speed limits on this section of A429.

In order to recommend refusal on highways grounds it would be necessary to be able to demonstrate significant changes since the Inspector's decision. Such changes that have occurred have been for the better, not adversely affected highway safety."

Principal Ecologist – No objection subject to a condition to secure an Ecological Habitat and Management Plan for the site. This is due to the biodiversity of the hedgerows and adjacent grassland.

Environment Agency – objected originally but following the submission of a flood risk assessment have now withdrawn their objection subject to conditions in respect of surface water drainage and foul water disposal

Environmental Health – no objections. Confirmed that a site license will need to be applied for and information relating to drainage and other matters will be needed for any license to be issued regardless of whether or not planning permission has been granted. Actual numbers will also be controlled via the site license.

Drainage Engineer – no objections.

Highways Agency – "have reviewed the application and its associated documentation and have concluded that the proposal would have no detrimental impact on the strategic road network; therefore we are offering a no objection response to this application."

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. The consultation period was also extended to allow for additional consultation at the request of Parish Council's, landowners and residents in surrounding villages.

With the exception of the failure to consult Seagry Parish Council at the outset of the application, the consultation was considered to be appropriate and compliant with national requirements having regard to the nature of the development, previous consultations associated with previous applications and the appeal decision.

Neighbouring Parish Council's have also provided comments:

Sutton Benger Parish Council – the original condition requiring closure between November and February to prevent permanent occupation should be imposed as a strict and enforceable condition. It should also be useful to include a maximum period of occupation, say 2-4 weeks. Should planning be approved, if the concerns of Stanton St Quintin Parish Council have not been addressed and the conditions associated with 00/01776 are not included, then in co-operation with the PCs of the affected villages, SBPC will seek to have the decision called in.

An application of this magnitude should, in my view have been circulated to nearby villages earlier. This would have avoided finding out via rumours of a petition raised by Stanton St Quintin Parish Council leaving little time to respond.

Kington Langley Parish Council – object on the grounds the proposal is contrary to Policies C1, C4, T1, BD4, TM1.

James Gray MP – has written on behalf of his constituents objection of grounds of no need for tourism; proximity to the M4 would make it an unattractive destination; highways congestion and safety; covert application for gypsy and traveller encampment in the future.

Some 151 letters of objection have been received together with a petition with 211 signatures objecting on the following grounds:

- Highways impact on the road network
- Highway safety and junction and due to condition of roads suitable for towing caravans
- Potential for Gypsy and Travellers
- No need/demand
- Inappropriate/poor location – adjacent M4, no footpaths
- Too large
- Lack of detail re waste/electricity/amenity/shop etc
- No information of length of stays
- Impact on existing infrastructure and schools due to new residents
- Double existing population
- Rigorous enforcement needed so as to avoid being unlike Burton Hill site.
- Poor consultation
- No benefit to the local community
- Existing touring sites available in the vicinity
- Contrary to Policies C2, C3, C4, T1, H9 and TM11 of the local plan
- Lapse of previous permission due to failure to comply with conditions
- Materials dumped on site – health and safety concerns
- Loss of agricultural land
- Impact of countryside/landscape

## **8. Planning Considerations**

The application is seeking permission for the use of the land for the stationing of touring caravans and tents. Based on the previous permission the site is capable of accommodating between 100 and 130 caravans and tents.

The application has been submitted with very basic information since no end user/operator is known at this time. The plans show indicatively that a shop and reception building is to be provided. This would require a separate planning application.

Other details not available at this time are not considered to be crucial to the consideration of the application and can be conditioned. It should be noted that a Site Licence will be required for the operation of the site and the development will be required to also comply with the relevant legislation set out in the 1960 Caravans Act (as amended). This includes number of caravans etc on the site, on-site facilities including foul and surface water waste and overall site management.

The previous permission which was allowed at appeal is a key material consideration in the determination of this application, a copy of which is contained in Appendix I. In light of this the proposal needs to be considered in the context of whether there have been any significant changes in policy since that decision in October 2001.

### Scale and location of Tourism Development

The Inspector in 2001 considered the proposal against Policies RLT10 of the Structure Plan and Local Plan Policy RTM2 in addition to national guidance contained in PPG7 and PPG21 "Tourism".

All the above documents have been superseded by more recent policies and national guidance outlined above in section 6.

Local Plan Policy RTM2 was replaced by Policy TM1 in the 2011 North Wiltshire Local Plan. As part of the review of the Local Plan through the Local Development Framework, Policy TM1 has not been saved and is no longer relevant in the determination of planning applications.

Policy RLT10 remains in a very similarly worded form in the 2016 Wiltshire and Swindon Structure Plan on the grounds that it was merely an alteration to the 2011.

Policy RLT10 relates to proposals for the development of additional camping and touring caravans and requires that such developments should have regard to their impact on the countryside.

In this respect the application remains the same as the previous appeal proposal which was considered by the Inspector to not have a harmful effect on the visual qualities and rural character of the surrounding area compliant with the then Policies RLT10 and RTM2. It is noteworthy that that decision was made in the context of both the use and the bunds, the latter now being in place and lawful.

Furthermore, its scale and location was not objectionable on sustainability grounds or having regard to its positioning adjacent the M4 and associated noise issues for potential occupants.

Objections arising regarding noise and nuisance commensurate with the scale were not considered to be an issue by the previous Inspector and as nothing has materially changed, the proposal cannot be considered to be objectionable on these grounds.

In both National, Structure and Local Plan policies, the need for this development is not a planning consideration.

Standard conditions can be imposed to ensure the site is not occupied as permanent residence; such conditions are applied to tourism developments across Wiltshire and are compliant with national guidance in this respect.

Accordingly, the principle of tourism development is policy compliant.

### Highways Impact

Both Highways Officers and the Highways Agency have been consulted in respect of this application. The detailed response of the Highways Officer is set out above and confirms the reasoning behind their being no highways based objection to this application.

The Inspector also considered impact on highways in his decision noting the characteristics of the area and the need for a reasonable degree of care in the operation of the site and concluded that no undue harm to highway safety would result from the proposal. The junction arrangements between the lane and the A429 were considered and concluded that an increase in turning movements would not be unduly hazardous.

### Impact on Landscape

As stated above the Inspector when considering the 2001 application for both the use and the proposed bunds considered there was no detrimental impact on the landscape.

There has been no significant change to the landscape or new specific designations arising which would enable a different conclusion to be reached in this respect.

### Ecological Considerations

No objection is raised by the Council's Principal Ecologist but a recommendation is made for an ecological management plan to be provided for the site via condition.

### Drainage and Contamination Considerations

Both the Council's Environmental Health Officers and the Environment Agency have been consulted in respect of these matters. It is acknowledged that inert materials were brought onto the site for the creation of the bunds with the full knowledge of the EA who granted the license. In the knowledge of this, the EA express no concerns in this respect subject to conditions re surface water and foul drainage.

### Other considerations

Concerns have been raised in respect of who might occupy this site with specific reference to Gypsy and Travellers. The application has not been submitted on this basis and cannot be considered as such.

As mentioned above, conditions are recommended to ensure the temporary occupation of the site for holiday use and not as a permanent residence. No conditions can be imposed on who may occupy the site within these parameters.

The imposition of enforceable conditions in turn mean that concerns raised in terms of capacity at local schools and infrastructure, are not valid planning considerations.

The application cannot be considered on what a decision may or may not lead to in the future.

In response to comments raised on the application forms, the omission of some details is addressed in the conditions listed below.

## **9. Conclusion**

The previous appeal decision of 2001 remains of significant relevance to the determination of this appeal. A full consideration of the proposals, policies and key issues such as scale, location, highways impact and drainage and contamination issue leads to the same conclusions as the Inspector's in 2001 and to diverge from this would be unreasonable in these circumstances.

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale and use would not have a harmful effect on the visual qualities and rural character of the surrounding area. The proposal would not result in any undue harm to highway safety. Accordingly, the proposed development is considered to comply with Policies C3 and NE15 of the North Wiltshire Local Plan 2011 and Policy RLT10 of the adopted Wiltshire and Swindon Structure Plan 2016.

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: C3, NE15

3. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: C3, NE25

4. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of the area.

POLICY: C3, NE15

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.



REASON: To prevent the increased risk of flooding, to improve protect water quality and ensure future maintenance of the surface water drainage system in accordance with PPS25.

6. Development shall not begin until details of foul water disposal from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be include details of construction design and materials, siting and maintenance responsibilities and schedules. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment in accordance with PPS23 and Circular 03/99.

7. Prior to the commencement of development an Ecological Habitat and Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All development shall take place in accordance with the approved details and maintained thereafter.

REASON: In the interests of ecology and biodiversity.

8. No caravan shall remain on the site between 1 November in any one year and 1 February in the succeeding year.

REASON: The site lies within an area in which caravans would not normally be permitted except for occupation as holiday accommodation only.

POLICY: C3, H4 (NWLP 2011), RLT10 (WSP 2016)

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

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C3 H4 (NWLP2011) RLT10 (WSP 2016)

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

#### Plans

Plans LDC.1397.001 and 002 dated 30 July 2010  
Flood Risk Assessment dated 29 December 2010  
Additional Supporting Statement dated 29 September 2010  
Waste Audit dated 14 January 2011

REASON: To ensure that the development is implemented as approved.

#### INFORMATIVES

1. The proposed surface water drainage scheme relies on the suitability of soils for infiltration. Usually, we would require percolation tests to be submitted prior to the planning application being determined to ensure that such a scheme is feasible. However, given the conclusions and calculations within the FRA, together with the nature of the development and the scale of impermeable area proposed, we are satisfied that such details can be agreed under a condition which will meet the relevant tests.

