

PROVISION FOR 50 NO. CAMPING PITCHES AND AMENITY BLOCK AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON

Grid Reference: 315350.126185

Replace an Extant Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

- 1 There has been no material change in policy guidance or material considerations since the previous permission was granted on 9 May 2008, reference 27/06/0023, for the camping facilities and amenity block. It is therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission is acceptable. The proposal accords with Taunton Deane Local Plan Policies S1, S2, S7, EC25 and EN12 and guidance contained within PPS1, PPS4, PPS7 and Good Practice Guide on Tourism.

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policies S1, S2 and EN12.

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 4. Prior to the commencement of the development, details of a strategy for dealing with foul water and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be implemented in accordance with the approved details prior to the amenity block being brought into use and the site used for camping and thereafter retained.

Reason - To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy EN26 and guidance contained within PPS25.

- 5. No works shall commence until the applicant has undertaken a wildlife survey (including an assessment of the badger sett on site). The results of the survey shall include full details of any mitigation plan containing measures for the avoidance of harm, mitigation and compensations, to be submitted to and agreed in writing by the Local Planning Authority. The mitigation plan shall be implemented in strict accordance with the agreed mitigation strategy.

Reason: To protect the badger sett(s) from damage or disturbance during development operations bearing in mind the animal and its sett are specially protected through the Protection of Badgers Act 1992 and wildlife in accordance with relevant guidance in PPS9

- 6. No site clearance works or development works shall take place between 1 March and 31 August unless any variation is agreed in writing by the Local Planning Authority.

Reason – To ensure that wild birds building or using their nests are protected in accordance with Taunton Deane Local Plan Policy EN3 and guidance contained within PPS9.

- 7. Before the use hereby permitted commences, the access arrangements to the B3227 included in the scheme permitted under reference 27/06/0015 (renewed under 27/09/0020) shall be completed in accordance with the details

shown on drawing 18274/001/SK01 dated 11 July 2006.

Reason – In the interests of highway safety in accordance with Policy 49 of Somerset & Exmoor National Park Joint Structure Plan.

Notes for compliance

1. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. The Authority will require evidence that no breeding birds would be adversely affected before giving any approval under condition No. 6 bearing in mind that all birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).
3. The applicant is advised that authorisation for any changes to the surface of footpath WG9/5 must be obtained from Somerset County Council Right of Way Group.

If the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Right of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

PROPOSAL

Permission is sought for the renewal of planning application 27/06/0023 for the

provision of No. 50 camping pitches, amenity block and associated access.

Changes to the procedures for extending the time limit of existing planning permissions were introduced on 1st October 2009 by virtue of the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009. The legislation provides a mechanism for existing planning permissions, granted on or before October 1 2009, to be replaced before they expire in order to allow a longer period for implementation (although the previous permission will not be revoked, rather a new permission granted subject to a new time limit). The guidance sets out that only one extension of time will be permitted.

This application seeks to renew the extant permission.

The application is before Planning Committee as the applicant is a Borough Councillor.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land to the south of the B3227, located to the east of Oake.

Planning permission, reference 27/06/0023, was refused for the erection of No. 13 chalets, 50 camping pitches, amenity block and associated access. An appeal was lodged and the Inspector allowed the camping and amenity block with associated access only. The chalet element was dismissed.

Planning permission, reference 27/09/0020, was granted for a renewal of application 27/06/0015 for a horticultural nursery located to the north of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – Oake Parish Council objects to this application on the same grounds as previously. We are still very concerned about pedestrians and vehicles leaving this site, there is no footpath on the B3227 leading to the village, there are no speed restrictions on the area of road and we are concerned about the visual and environmental impact.

ECONOMIC DEVELOPMENT – Tourism is a very important part of Taunton Deane's economy and is likely to experience significant growth in the future. I support this application but would encourage the applicant to develop a strong eco-tourism element to their offer.

HIGHWAY AUTHORITY – See previous comments. The proposal is on land served by access granted permission in September 2006. The fact that this site has an access which has been granted permission makes it unreasonable to object to this development in principle. In detail, I am content that the permitted access is technically suitable to serve both the nursery and the camping site as the transport assessment submitted for the previous application devaluated the capacity of the proposed junction for both developments.

I have been made aware of concerns expressed by local residents regarding the lack of footways in the area and the fact that any pedestrian movements would be alongside a live carriageway with adequate footways. This is obviously a concern but we have no way of knowing the likely number of pedestrian trips that may be generated to shops and public houses in the vicinity.

In conclusion, despite my concerns over the location of the site, I do not proposed to raise a highway objection to the development, subject to suitable conditions being attached preventing the commencement of any work on site in respect of this application until the junction granted permission under planning application, 27/2006/015 shall have been completed and open to traffic and to suitable internal roads, together with adequate on-site parking and turning facilities, shall have been provided in order to adequately serve the proposed development.

COUNTY RIGHTS OF WAY – I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development at the present time. If any changes to the surface of footpath WG 9/5 are to be carried out authorisation for these works must be obtained from SCC Rights of Way Group.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

STRATEGY AND COMMUNICATIONS UNIT – The appeal on the original application 27/2009/023 (13 holiday chalets, 50 camping pitches and amenity block) deemed that the permanent buildings would have a significant urbanising effect on the rural area and would cause harmful to the visual impact. The inspector ruled that although the transit camping use and modest facilities building could be viewed from the footpaths they could be satisfactorily assimilated into the landscape and may have economic benefits and contribute to wider national tourism initiatives.

In regard to the new permission, the relevant Local Plan Policy EC25 – Touring Caravan and Camping Sites; states such development will be permitted provided that the proposal:

- (A) would not harm the landscape and would be adequately screened;
- (B) has good access to the main road network;
- (C) is not situated in a floodplain or area at risk of flooding

It should also be noted that the emerging Core Strategy Policy DM2 – Development in the Countryside; states that outside of defined settlement limits the following issues will be supported:

- (B) Touring caravan and camping sites with good access to the main road network and the site is not located within a flood plain or area at high risk of flooding,

C) Tourism and recreation facilities provided that increased visitor pressure would not harm the natural and manmade heritage.

We would not object to the new application for 50 camping pitches and amenity block, as per the original application. For avoidance of doubt the amenity block on the original application is for separate Male and Female W.C's and Showers only. We would not support any retail additions.

NATURAL ENGLAND – The ecological report that was undertaken as a result of that application in 2006 stated that there were badgers on the site. It is very likely that badger activity has changed, therefore, NE's advice is that an up to date survey is required in accordance with good practice guidelines, and we recommend that you request the additional survey information from the applicant before this application is determined. If protected species are impact upon the report should include an avoidance of impacts and mitigation strategy. A license from Natural England may be required.

NATURE CONSERVATION & RESERVES OFFICER – No wildlife surveys were submitted with this application so I have referred to the surveys submitted with the previous application for this site – 27/06/0023.

The site would appear to be of low ecological value comprising of arable and improved grassland with species poor hedgerows. At the time of survey, a badger sett on site was confirmed as disused. The current status of the sett should be confirmed immediately prior to any development of the site. If the sett has become active the applicant may need to apply to Natural England for a license.

The development would appear to include the removal of a small section of hedge. This work should be carried out outside of the bird nesting season. Although the previous application did not make any reference to lighting on the site, I consider that any lighting should be sensitively designed to avoid any impact on bats foraging along hedge lines. Conditions recommended re: wildlife report; no site clearance between 1 March and 31 August.

LANDSCAPE OFFICER – See previous comments. The main concerns relate to the landscape impact of the chalets and shower block and tents within the camping site from local public footpaths. The above are mostly visible from the south and south west but the chalets and shower block will also be visible above the hedgerows from the north especially during the winter months. It may be possible to reduce the impact with significant landscaping and by moving the shower block further down the slope.

ENVIRONMENT AGENCY – No comments.

DRAINAGE OFFICER – No drainage details included with this application – these should be forwarded prior to any approval being given.

Representations

8 letters of OBJECTION have been received. Summary of objections: -

- Unsuitable location accessed from busy road, immediately following a

- blind bend, with no footway;
- Many 'short-cuts' are available that would result in increased likelihood of trespass;
- Is the access suitable (to cope with the horticultural business and tourism movements)?
- Blot on the landscape – out of character and detract from visual amenities of the area;
- No local tourism attractions – giving rise to additional car based movements;
- Public transport provision is poor, especially given proposed reduction in services;
- Lack of local facilities;
- What has happened to a horticultural centre on this land?
- Application should be referred to Planning Committee;
- There are a number of badgers that forage in the fields and lots of bats feeding in the area;
- Tourists would expect to see a shop on site, if not initially proposed, this would fail to contribute to the viability of our local shop;
- Question the contribution that this development would add to our local village community both socially and financially;
- Concern the site may develop from camping use only to caravan and motorhome use, which would be far more unsightly for local residents and passers-by alike.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG13 - Transport,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP23 - S&ENP - Tourism Development in the Countryside,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN12 - TDBCLP - Landscape Character Areas,
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,
 GPGT - Good Practice Guide on Planning for Tourism,
 EC25 - TDBCLP - Touring Caravans and Camping Sites,

DETERMINING ISSUES AND CONSIDERATIONS

The primary issue in the determination of this application is whether there has been any material change in policy or circumstances since the Inspector's appeal decision.

The guidance associated with the legislation states that 'Development proposed in an application for extension (of time) will by definition have been judged to be

acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. In doing so, it will be particularly important to ensure the development is consistent with the Government's planning policies on climate change'.

The merits of the scheme have previously been covered by the Inspector. For information, the following extracts from the appeal decision refer to the assessment of the scheme on landscape and highway matters:

'The camping area would be a transient use, occupied largely in the summer when landscaping would be more effective in minimizing its impact. It would have a relatively small facilities block around which it would be straightforward to achieve a satisfactory landscaping scheme. Whilst the access track way would be visible from the footpaths and, to a limited extent from the B3227, it seems to me that the camping element of the scheme would not be unduly prominent. I conclude that, whilst the proposed chalets would harm the character and appearance of the area and would be contrary to Local Plan Policy EC23 and the guidance in PPS7, the camping facility would be acceptable and would comply with the Local Plan.'

With regards to highway safety the Inspector acknowledged that:

'the scheme might result in potentially hazardous extra pedestrian traffic on the B3227 which has no footways but I do not consider that the extent to which holidaymakers would make the journey along the road by foot would be significant. Whilst additional use of the local footpath network might lead some visitors to trespass, especially along the old railway line to the south of the site. I consider this is a matter for land management that would not itself justify withholding permission for the scheme.'

The concerns of the Parish Council and local residents are noted. However, there has been no material change to planning policy that would give rise to a different decision being reached, having regard to the Inspector's reasoning.

In order to assess any changes to ecology on the site it is recommended that a condition be imposed to require an up to date wildlife report prior to the implementation of the permission.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr A Pick Tel: 01823 356586