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| APPLICATION NO: 15/P/2174/F | CASE OFFICER: Mike Cole |
| APPLICANT: Mr Clayton Penfold | |
| PARISH/WARD: Puxton/Congresbury and Puxton WARD COUNCILLOR(S): Cllr T C Leimdorfer | TARGET DATE: 18 November 2015 |
| SITE ADDRESS: Land at Heathfield, Weston Road , Hewish , | |

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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9. **Section 1: 15/P/2174/F Use of the land for the stationing of caravans for residential purposes for 5 no. gypsy caravan pitches together with the formation of additional hardstanding and ancillary day rooms at Land at Heathfield, Weston Road , Hewish.**

**RECOMMENDATION IN CONFLICT WITH OBJECTION FROM STATUTORY
CONSULTEE**

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site comprises a former field located immediately to the west of the Moorland park caravan site (an authorised gypsy site). The site fronts the A370 where a substantial earth bund has been constructed. To the west that land comprises open farmland. The land in this area is flat and low lying.

The Application

Full permission is sought for:

- Formation/retention of 5 pitches for gypsy use
- Retention of vehicular access to the site via an entrance from the A370 located within the north Western corner.
- Retention of landscape bund to south of access drive and west of pitches
- Retention of utility/day rooms

Relevant Planning History

| Year | Reference | Proposal | Decision |
|-------------|------------------|--|--|
| 2008 | 08/P/2851/F | Change of use from agricultural land to gypsy/traveller site for 4 pitches to include access road, hardstanding, cesspit, and earth bund and landscaping | Allowed on appeal Temp permission granted. Expired in 2013 |
| 2005 | 05/P/2309/F | Retrospective permission for Change of use from agricultural land to | Refused. Appeal dismissed |

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gypsy/traveller site for 4 pitches to include access road, hardstanding, cesspit, and earth bund and landscaping

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|------------------|--|---------------------------|
| 2003 03/P/1283/F | Change of use from agricultural land to gypsy/traveller site for 4 pitches to include access road, hardstanding, cesspit, and earth bund and landscaping | Refused, Appeal dismissed |
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Policy Framework

The site is affected by the following constraints:

- Outside settlement boundaries for Congresbury & Puxton
- Within flood zone 3a
- Greater Horseshoe Bat habitat

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

| Policy Ref | Policy heading |
|-------------------|---|
| CS1 | Addressing climate change and carbon reduction |
| CS3 | Environmental impacts and flood risk management |
| CS4 | Nature Conservation |
| CS5 | Landscape and the historic environment |
| CS11 | Parking |
| CS18 | Gypsies and travellers and travelling show people |

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The next stage is the examination of the other remitted policies.

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North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

| Policy Ref | Policy heading |
|-------------------|---|
| GDP/3 | Promoting good design and sustainable construction |
| ECH/9 | Forest of Avon |
| ECH/11 | Protected species and their habitats |
| ECH/14 | Wildlife and geological sites and local nature reserves |
| H/8 | Residential development in the countryside |
| T/6 | Parking standards |
| T/10 | Highway safety, traffic and the provision of infrastructure associated with development |

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

| Section No | Section heading |
|-------------------|--|
| 6 | Delivering a wide choice of high quality homes |
| 10 | Meeting the challenge of climate change, flooding and coastal change |
| 11 | Conserving and enhancing the natural environment |

National Planning Practice Guidance (from March 2014)

Planning Policy for Traveller Sites (August 2014)

Emerging Development Plan

The Sites and Policies Plan Part 1: Development Management Policies is currently out for consultation on the proposed Main Modifications following the examination hearings in November 2015 and the Inspector's interim report which was received on 13 November 2015. The consultation on the proposed Main Modifications ends on 2nd March 2016 and, following this, the Inspector's final

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report was received on 26 April 2016. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following policies are particularly relevant to this proposal:

| Policy | Policy heading |
|---------------|---|
| DM1 | Flooding and drainage |
| DM8 | Nature Conservation |
| DM10 | Landscape |
| DM24 | Safety, traffic and provision of infrastructure etc associated with development |
| DM28 | Parking standards |

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- 2012 North Somerset GTAA
- Draft North Somerset GTAA 2015

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties:

No comments received.

Puxton Parish Council:

No comments received.

Congresbury Parish Council:

No comments received.

Other Comments Received:

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Environment Agency:

The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. This proposal is therefore not in accordance with the National Planning Policy Framework (NPPF). Recommend that the application is refused on this basis.

However, given that the site has previously been awarded permission at appeal for a fixed period of time, should the Local Planning Authority (LPA) wish to permit this development against the Agency's advice, we would recommend that conditions and informatives are included requiring the mobile homes and day room finished floor levels to be set at 600mm above ground level and requiring the mobile homes to be tethered to concrete slabs with tensioned chains. Various informatives are also suggested.

North Somerset Levels IDB:

Request that a condition be added to any approval requiring the submission of full drainage details for surface water disposal.

Principal Planning Issues

The principal planning issues in this case are (1) The principle of development in this location, (2) landscape impact, and (3) flooding issues.

Issue 1: The Principle of Development in this Location

Policy CS18 of the Core Strategy states that suitable sites will be identified to meet the needs of gypsies and travellers as set out in the West of England Gypsy and Travellers Accommodation Assessment (GTAA) and any subsequent reviews. The policy then sets out a number of considerations that need to be taken into account in the determination of sites including landscape impact, sustainability, landscape impact, and highway safety.

Whilst the new gypsy site at Old Junction and the extension to Willowmead has provided 26 additional pitches, there remains a continuing shortage of pitches across the District. The GTAA work undertaken to date (draft 2015) identifies a maximum need for the provision of 41 additional pitches across the District. However this number is likely to be reduced once the amended definition of gypsy status contained in the Planning Policy or Gypsy Sites (Aug 2015) is applied. Notwithstanding this it is recognised that if this site ceases to be available (for example through enforcement of the previous expired permission) there would be a need to replace these lost pitches elsewhere. The shortage in pitches led the Council to grant a temporary permission for the Moorland Park

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extension located to the east of the current proposal in 2014 (under Ref; 05/P/2124/F).

Assessing the merits of the proposal in the light of the planning history of both this and the adjoining Moorland Park site and taking into account the appeal decision that granted temporary planning permission for three years in 2010 (under Ref; 08/P/2591/F), it is concluded that, given the identified shortage of such sites, there is merit in granting a further temporary permission for this.

Any such a consent should be timed to expire on the same date as the Moorland Park extension on the 30/4/2019. Such a decision would then allow the review of the status of both sites at the same time, taking into account any further, planned provision that has been brought forward in the interim.

The application is considered therefore considered to be in compliance with policy CS18 of the Core Strategy on the basis of a temporary approval subject to the consideration of the further issues below:

Issue 2: Landscape Impact

Policy CS5 of the Core Strategy states that the character and distinctiveness of North Somerset's landscape will be protected and enhanced by careful management and design of development. The North Somerset landscape Character Assessment SPD identifies this part of the District as being located within the Kingston Seymour and Puxton Moors landscape character area characterised by largely low lying grassland and intermittent hedgerows and a network of waterways. Policy DM10 of the Sites and Policies Plan Part 1 states that all development proposals should not have an adverse effect on the landscape character of the District. Where some impact is unavoidable but the development is otherwise deemed beneficial, positive mitigation measures should be secured by condition as necessary.

In his previous decision letter in respect of the appeal in respect of application 08/P/2591/F the inspector considered that the area along this stretch of the A370 is affected by various commercial uses including car breaking and caravan storage. He also noted that there was a large gypsy site (Moorland Park) which he considered to be more prominent in the landscape than this site. He concluded that whilst the earth bunds that screened the site from the main road, were an uncharacteristic feature, other intrusions in the landscape meant that this smaller gypsy site would not cause such harm that it would be unacceptable in landscape terms.

In the interim period the planting on the bund has grown and this is now a more naturalised feature that offers a greater screening effect from the road. This

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factor is considered to be significant and further reduces the landscape impact of the development.

It is concluded that the landscape impact of the development is not of such significance as to warrant a refusal of permission and that the proposal therefore complies with policies CS5 and DM10.

Issue 3: Flooding Issues

Policy CS3 of the Core Strategy states that development in zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the NPPF and associated Technical Guidance. Policy DM1 of the Sites and Policies plan Part 1 states that all development must consider its vulnerability to flooding taking into account all sources of flood risk and the impacts of climate change.

It is noted that the Environment Agency continues to object to this development on the basis that the site is located in an area known to be at high risk from flooding and that the form of accommodation is classified as 'highly vulnerable'. However given that the site has previously been granted a temporary permission at appeal for a fixed period, they acknowledge that the LPA may consider a further approval subject to conditions.

In the light of the continuing, pressing need arising from the lack of alternative sites in the District, it is considered that a further extension of the temporary permission can be justified in this case. In the Inspector's decision letter it was concluded that the potential risk to life and property caused by the potential for flooding on the site can be mitigated to an acceptable level by limiting the life of the permission and by certain mitigation measures. This continues to be the case given that the District does still not have sufficient alternative sites to satisfy demand as evidenced by the GTAA.

The agent confirms that the mobile homes are set at 600mm above ground level and that they are tethered to the ground. It is not considered proportionate to require the existing day rooms to be demolished and re-built to this level. No condition is therefore recommended to require this

It is concluded that whilst the development continues to be exposed to a significant degree of flood risk and therefore is in conflict with policies CS3 and DM1, there is merit in granting a further temporary planning permission to 2019 to allow further work to be done to bring forward other sites.

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Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Financial Considerations

No new homes bonus contributions will be payable from this scheme.

Conclusion

The development is considered to be acceptable in principle for a further temporary period considering the lack of alternative sites and the continuing unmet need for such sites across the District. The landscape impact from the development is not considered to be of such significance as to warrant a refusal of permission under policy CS5 and DM10. Flooding concerns remain and are significant but are mitigated to a reasonable degree by the imposition of a temporary condition.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

1. The use hereby permitted shall be for a limited period ceasing on or before the 30 April 2019. At the end of this period the use hereby permitted shall cease and within 6 months all caravans, buildings, structures, materials and equipment brought onto or erected on the land, or works undertaken on the land in connection with the use, shall be removed and the land restored to its former condition in accordance with a scheme to be approved in writing by the local planning authority.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 and due to the location of the site within Flood zone 3 on the Environment Agency flood map.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

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3. The site shall not be occupied by any persons other than Gypsies and travellers, as defined in the “Planning Policy for Traveller Sites” (September 2015).

Reason; To ensure that the site is only occupied by gypsies and travellers as unrestricted occupation would be contrary to policy CS33 of the Adopted Core Strategy and due to the flood risk.

4. There shall be no more than 5 pitches on the site and on each of the 5 pitches, no more than 2 caravans shall be stationed at any time of which only one shall be a static caravan.

Reason: To limit the impact of the development in this open countryside location in order to comply with policy CS5 of the Adopted Core Strategy.

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below

(i). within 3 months of the date of this decision a scheme for the means of foul drainage, external lighting, hard surfacing, earth mounding and soft landscaping(hereafter referred to as the Site Development Scheme)shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

(ii). Within 11 months of the date of this decision, the Site Development Scheme shall have been approved by the local planning authority or, if the local planning authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Secretary of State.

(iii). If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

(iv). The approved scheme shall have been carried out and completed in accordance with the approved timetable.

6. At the same time as the Site Development Scheme is submitted to the local planning authority. A schedule of maintenance for any proposed planting shall be submitted. It shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted, destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with

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another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy, Policy GDP/3 of the North Somerset Replacement Plan (saved policy) and DM10 of the Sites and Policies Plan Part 1 (As proposed to be modified January 2016).

7. No business activities shall take place on the land, including the storage of materials.

Reason: To limit the visual impact of the development on the levels landscape in order to comply with policy CS5 of the Adopted Core Strategy and DM10 of the Sites and Policies Plan Part 1 (As proposed to be modified January 2016)..

8. Within one month of the date of this permission, vegetation to the east of the site's access within a 2.4m x 120m visibility splay shall be cleared and thereafter kept at a height not exceeding 0.6m.

Reason: In the interests of highway safety in order to comply with Policy T/10 of the North Somerset Replacement Local Plan (saved policy), and DM24 of the Sites and Policies Plan Part 1 (As proposed to be modified January 2016).

9. Any mobile homes positioned on the pitches hereby approved shall be secured to a solid concrete slab using tensioned chains.

Reason: To mitigate the risk of the homes breaking away from their mountings in an extreme flood event causing risk to either users of the site or those downstream, in order to comply with policies CS3 of the Adopted Core Strategy and DM1 of the Sites and Policies Plan Part 1 (As proposed to be modified January 2016).