lpc
TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

24 December 2008

Our Ref: CJD.LPC.2364

Mr. S. Herbert
South Gloucestershire Council
Development Control East
Planning, Transportation and Strategic Environment
Civic Centre
High Street
Kingswood
South Gloucestershire
BS15 9TR

Dear Mr. Herbert

Homefield, Hall End, Wickwar, South Gloucestershire, GL12 8PD
"Change of use of agricultural land to use for the siting of 5 no gypsy caravan pitches, with construction of 5 no hardstandings, driveways, access and works. Erection of 5 no associated day rooms"
Planning Application Ref: PK08/2703/F
Representation on behalf of the Hall End Action Group

As you will be aware from our recent telephone conversations LPC Ltd have been engaged by the Hall End Action Group to submit a representation in respect of the above planning application submission. In preparing this representation we have worked closely with Waterman Boreham Transport Planning who have separately assessed the Transportation implications of the proposal. This representation should therefore be read in conjunction with the enclosed correspondence dated 17th December prepared by Waterman Boreham Transport Planning. In reaching the conclusions as set out in this representation we have undertaken the following Tasks:

- A thorough analysis of the planning application documents.
- A detailed site visit.
- A review of the consultation responses received to date.
- An analysis of the scheme in relation to the Development Plan Policy Context that is relevant to this proposal. This is primarily set out within the adopted South Gloucestershire Local Plan, with Policy H12 relating to proposals for new gypsy facilities. In addition to Policy H12, Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" is a material consideration together with the companion guide, "Designing Gypsy and Traveller Sites (published by Communities and Local Government in May 2008). As part of the production of the South Gloucestershire Local Development Framework (LDF) the Council is at the very early stage of

LPC (Trull) Ltd
Trull ■ Tetbury
Gloucestershire
GL8 8SQ
Tel:01285 841433
Fax:01285 841489

DIRECTORS: SWL CHAMBERS BSc (Hons) MA MRTPI . AD MILES Dip TP MRTPI . REGISTERED IN ENGLAND AND WALES No.03259960. REGISTERED OFFICE: TRULL TETBURY GLOS

adopting a Development Plan Document (DPD) specifically relating to Gypsy and Traveller Sites. The initial production of the DPD commenced in January 2007 and the final document is presently scheduled for full adoption in December 2010. This will follow the submission of the DPD to the Secretary of State in November 2009 with an Independent Examination scheduled for June 2010. The present stage of the process is Public Consultation on suggested Preferred Options and Proposals. It is clear from the above that given the early stage in the adoption process (with the draft proposals of the DPD yet to received full public consultation scrutiny and Independent Examination) the contents of the Draft DPD have extremely little weight.

My conclusion having undertaken the above analysis is that this planning application should be **REFUSED** and I will now articulate my reasoning for this position.

The starting point for the assessment of this planning application must be the planning history whereby two separate Appeals have been dismissed. Given the recent nature of this Appeal decisions, together with the similar form of development, the conclusions reached by the Appeal Inspectors are highly material to the planning issues raised by the current proposal. The salient points arising from this planning history are as follows.

In September 2003 an Enforcement Notice was issued in respect of the following, *"The material change of use from agricultural purposes to use for the stationing of caravans not for agricultural purposes, operation of a transport business and creation of a track and hard-standing not for agricultural purposes".* This Notice was issued on the grounds that; the development was outside of a settlement boundary contrary to Policy H3 of the South Gloucestershire Local Plan, was harmful to the landscape qualities of the locality and was unacceptable on transport grounds. An Appeal (Appeal A) was lodged and Dismissed in April 2004. The Inspector strongly rejected the Appeal with the decision focusing on the inappropriate nature of the residential development outside of a settlement boundary and the harmful impact on the local landscape. The Enforcement Notice was Upheld and the Council pursued action to secure compliance. This eventually cumulated in a High Court Order dated 14 July 2008 requiring the land owner to comply with the terms of the Notice.

A further planning application was made in 2005 for the retention of a mobile home (Application Ref: PK05/0395/F). Following a refusal an Appeal (Appeal B) was lodged. This was Dismissed in September 2005 following a Hearing. The Inspector in this case considered that the residential form of development proposed was counter to Policy H3 and that there were no special circumstances put forward by the applicant to justify the development. Indeed, in an associated

decision the Inspector awarded Costs against the Appellant on the grounds of unreasonable behaviour because an Appeal had been pursued with no reasonable grounds of success.

In my strong submission this Appeal history is highly material to the consideration of the current planning application. Whilst it did not relate to a gypsy proposal the form of development (in respect of the stationing of a caravan) is clearly very similar. I am also very concerned that in reviewing all the Council's consultation responses that have been received to date, not one consultee has referred to the Appeal history and the relevance of the Inspectors conclusions. I strongly request that when this application is eventually determined by the Planning Committee the full history of this case is included together with the full contents of the Inspectors Decisions appended to the Committee Report.

I will now turn to the key planning issues raised by this scheme (and where appropriate make reference to the Appeal decisions as set out above).

Transport

In order to full evaluate the Transport issues raised by this scheme we have worked in association with Waterman Boreham Consulting Transport Planning. Their separate correspondence sets out a full analysis of the Transport Issues, with the key focus being on the Sustainability Credentials of the site and the highway safety implications of the proposed new access arrangements onto Hall End. The clear conclusions reached are:

- The site is in a highly unsustainable location where there are no local services or facilities within convenient walking or cycling distance. Accordingly, all visits to such services will be via private car. This is contrary to the contents of the recently published *"Designing Gypsy and Traveller Sites"* Good Practice Guide which offers relevant guidance on the selection of permanent sites in Chapter 3. Relevant extracts state as follows:

  3.1 Selecting the right location for a site is a key element in supporting good community relations and maximising its success. As with any other form of housing poorly located sites, with no easy access to major road or public transport services, will have a detrimental effect on the ability of residents to:

  - *Seek of retain employment*
  - *Attend school, further education or training*
  - *Obtain access to health services and shopping facilities.*

3.2 Easy access to local services, and to social contact with other residents in the community, should help deal with the myths and stereotypes which can cause community tension and instead encourage a greater sense of community with shared interests.

3.4 Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites provides advice on site location and selection. It identifies factors which are important for the sustainability of a site, for instance:

- *Means of access, availability of transport modes and distances from services*
- *Promotion of integrated co-existence between the site and local community*
- *Easy access to General Practitioner and other health services*
- *Near to bus route, shops and schools*

3.6 Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings.

- The access proposed will result in unacceptable access and turning manoeuvres onto and off of Hall End. The crucial point here is that the application has been submitted with an inadequate visibility splay of 2.4m x 75m (which is not even acceptable for a 30mph limit). Most unfortunately this has been indicated by the Council's internal Transport consultation response (memo from Transportation Development Control dated 7th November) as being acceptable. As clearly pointed out by Waterman Boreham Consulting Transport Planning this distance is not appropriate. The appropriate visibility splay (given the de-restricted 60mph nature of the road) is 2.4m x 215m). Such a splay will need to be provided to achieve a technically safe access. However, the provision of a splay of these dimensions does raised two associated issues. Firstly, the land affected is not all within the ownership of the applicant. Without the land being secured the access cannot be provided. Secondly, the extent of visibility splay will require a substantial removal of the existing mature boundary along the southern boundary of the site.

In considering the Transport issues I would also add a further comment in relation to the contents of the Transportation Development Control dated 7th November. As set out earlier the Council in September 2003 issued an Enforcement Notice with a key part of the "Reasons for Issuing the Notice" being

the totally unacceptable nature of the unauthorised residential development that had taken place. The merits of this use was tested at two Appeals, Dismissed both times and the Council pursued Enforcement Action to eventually remove the unathorised residential caravan this summer. None of this important history is given any analysis whatsoever by the Council's Transport assessment, or indeed any justification to explain why a single caravan justified rigorous Enforcement Action in 2003, yet why a scheme now for 5 gypsy (family) pitches is acceptable.

Landscape

The starting point for the assessment of this particular issue must be the conclusions of the Inspector as set out in paragraph 15 of Appeal A. These are as follows:

"To my mind, all this development has a harmful effect on the rural area. The caravans and temporary structures look particularly out of place, the track and hardstanding further consolidate development on the site and as a result the appearance of the development as a whole is severely intrusive against the backcloth of the open fields, contrary to the aim of the emerging Local Plan policy to protect landscape"

The nature of the development assessed by the Inspector is very similar to the scheme submitted with the current planning application, except for one important factor. The scale of the current proposal is significantly larger than that considered by the Inspector. The present scheme involves the retention of the current large storage building on the site, together with five residential gypsy pitches. It is quite reasonable to assume that each pitch could well accommodate a main caravan, touring caravan, day room, toilet block, vehicle parking and associated domestic structures. In addition the application includes significant areas of hardstanding to create the new entrance and accesses for each plot.

Given the explicit comments of the Inspector about the harmful effect on the landscape, and the extent of works proposed by the current scheme I find the views of the Council's Architect (as set out in the memo dated 17th December) to be totally unacceptable. Firstly the analysis commences with a description that the site *"is presently grass land with a mobile home and a barn"*. This is factually incorrect. The lawful use of the land is for agriculture and no mobile home physically exists on the land. This was the subject of the Enforcement Notice and was eventually removed in the summer following the High Court Order. The survey drawing submitted with the application does refer to an existing mobile home, but this is because the drawing is dated May 2008 (before the removal of the mobile home). It is very difficult to understand why reference is made to an existing mobile home.

It is most disappointing that the conclusion reached is that no landscape harm will occur. I strongly disagree with this view. In my submission the scheme will result in a significant visual intrusion to the quiet, tranquil landscape characteristics of the present locality. Such harm will also be exacerbated by the inevitable light intrusion that will accrue from a scheme of this nature.

I do note that the acceptability of the scheme to the Council's Landscape Architect is "solely because of the level of the screening provided". Unfortunately this assessment assumes that the southern hedgerow boundary (adjacent to Hall End) will remain intact (apart from the proposed access). This is not the case due to the implications of the visibility splay that will be required. The Applicant's contention is that a splay of 2.4m x 75m is acceptable. Following a detailed site visit it is quite apparent to me that even if only this splay were to be provided there would be serious implications for the existing hedgerow. Indeed, the application does acknowledge this on the site layout plan where it is annotated, "trim hedge where required". This vague and imprecise statement is wholly unacceptable. Given the acknowledged importance of this hedgerow (both for its landscape and ecological value) clear precision must be provided on what "trim" means. My concern is that from my evaluation of measuring 2.4m back from the edge of the highway at the access point quite extensive areas of the vegetation associated with the hedgerow will need to be cut back to provide and thereafter maintain the visibility splay.

However, as confirmed by Waterman Boreham Transport Planning a much larger visibility splay is required of 2.4m x 215m. In landscape terms this will have a massive impact on the southern boundary removing a larger section of the existing hedgerow and associated trees. Such a proposal will be totally unacceptable and only exacerbates the serious landscape objections that I have to this proposal.

I therefore request that the Landscape evaluation of this scheme by the Council is reassessed in light of the need to provide an extensive visibility splay of 2.4m x 215m. Given the drastic impact on the southern boundary hedgerow I trust that the Council's Landscape Architect will re-evaluate the proposal (in the light of this information and the previous Inspectors conclusions) and recommend refusal of the application.

Drainage

It is acknowledged that the site is within a Flood Zone 1, however, not withstanding this fact it is clearly important that appropriate information is submitted regarding the detailed drainage arrangements for the scheme (given the intensive drainage requirements of the five family groups applied for). I note

that the Council, quite understandably, requested on 21st October that full details of the septic tank arrangements be provided. This was due to an Objection form the Council's Drainage Engineer on the basis that "Drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated". The Council's correspondence of 21st October requested this important information within 14 days, unless the application will be determined as submitted. Despite this reasonable request no response has been received. It is therefore quite clear that the application should be refused on the lack of satisfactory drainage details (as advised by the Council's Drainage Engineer).

Archaeology

Policy L11 of the South Gloucestershire Local Plan follows the advice in PPG16 "Archaeology and Planning" and states that, *"Planning permission will not be granted for development on sites or landscapes of archaeological interest or of high archaeological potential without an archaeological assessment and if necessary a field evaluation"*. It is clear from the consultation responses that the site is in an archaeologically sensitive area. This is confirmed by the Council's Natural & Built Environment Team in their response of 18th November which states, *"This is an archaeologically sensitive area with the Scheduled Ancient Monument of Wickwar Small Roman Town to the north and a known Roman road running along the eastern side of the proposal."* These facts are also verified by the consultation response from the Thornbury Local History and Archaeological Society. Given these circumstances it would therefore be reasonable to assume that an Archaeological Evaluation would have accompanied the application, but this was not the case. I am also surprised to note the view of the Council's Natural & Built Environment Team that due to "limited ground movement" no pre-determination investigation of the archaeological resource is necessary. I strongly disagree. It is quite clear that this scheme will involve potentially quite significant ground works to create the new access proposed, laying out the areas of hardstandings proposed and clearing the land to facilitate the five family pitches that are proposed. Accordingly, given the high archaeological potential at the site and the extent of works proposed it is quite reasonable and appropriate to expect that an Archaeological Evaluation is submitted and the findings fully assessed prior to the determination of this application.

Noise

The application site is in close proximity to a mainline railway which is located approximately 80 metres to the east of the site. Given the close proximity and potential for noise disturbance it is appropriate to consider whether the future occupiers of the site will suffer noise disturbance from the railway. As you will be aware PPG24 "Planning and Noise" sets out the various Noise Exposure Categories for Dwellings. Without the submission of a Noise Assessment

evaluating the noise implications of the railway track the Council are unable to consider whether the scheme falls within Noise Category A (noise should not prevent the grant of planning permission) or it falls within Noise Categories B – D where mitigation measures are required or permission should be refused.

I therefore request that no decision is made on this application until an appropriate Noise Assessment has been submitted and the contents fully evaluated.

An additional issue that also needs to be clarified is the future use of the existing steel barn that exists on the site. This is shown to be included within the boundary of the land covered by the planning application with no clarification on how it will be used in the future. Clearly it will no longer be used for any agricultural purpose and this raises the obvious questions why it is to be retained and for what future purpose it will be used. My concern is that this is a substantial structure which could possibly be used for some from of future commercial use leading to possible highway safety and residential amenity concerns for adjacent residential occupiers. The use of this particular building does need to be clarified.

In conclusion I trust that the contents of this representation will assist the Council in the determination of this planning application for the five gypsy pitches at Homefield, Hall End, Rangeworthy. For the reasons as set out I consider that further information is required to be submitted by the applicant prior to the determination of the application. Notwithstanding the submission of this additional information there are substantive reasons why this planning application should be refused, namely:

- The unsustainable nature of the site for the scale of development proposed.
- The harmful effect on highway safety as a result of the inadequate visibility splays proposed.
- The harmful effect on the landscape character of the locality (which would be exacerbated if the necessary visibility splays of 2.4m x 215m were to be provided.
- Dependent on whether the Application provides satisfactory information on Drainage, Archaeology and Noise these may also constitute additional reasons for refusal.

Should you have any queries at all regarding the contents of this correspondence please do not hesitate to contact me. Otherwise I would hope that this

application is determined for refusal under Delegated Powers. If this is not to be the case may I strongly request that the application is submitted to the Planning Committee for determination, and that I am informed of any forthcoming meeting in order that I can make due representations direct to the Members.

Thank you for your assistance with regard to this matter.

Yours sincerely

Chris Dance
Associate

cc Hall End Residents Action Group