**APPLICATION NUMBER:** WD/D/20/001703

**APPLICATION SITE:** Land Adjacent to Buckland House, Buckland House Lane, Buckland Ripers DT3 4FT

**PROPOSAL:** Use of land to site toilet/shower block and erection of decking and steps (retrospective)

**APPLICANT** – Higher Moor Farm

**Case Officer** – Emma Telford

**Ward Member(s)** – Cllr J Dunseith & Cllr J Worth

**Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.**

**1.0 Summary of Recommendation**:

1.1 Grant subject to conditions.

**2.0 Reason for the recommendation**:

- The toilet/shower block would serve the existing, authorised camp site.
- The toilet/shower block is acceptable in its design and general visual impact subject to conditions.
- It is not considered to result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**3.0 Key planning issues**

| **Issue** | **Conclusion** |
|---|---|
| Principle of development | Toilet/shower block to serve camping site. |
| Visual Amenity | Would not have an adverse impact on the visual amenity of the site or locality. |
| Residential Amenity | No significant adverse impact on the living conditions of occupiers of residential properties. |
| Contamination | Environmental Health made no comments. |

| | |
|---|---|
| Highway Safety | Highway raised no objections. |
| Trees | No damage would have been done to the hedgerow. |
| Biodiversity | Further planting enhancement would be conditioned. |
| Community Infrastructure Levy | Not CIL liable. |

## 4.0 Description of Site

4.1 Planning permission was granted under the reference WD/D/18/002905 for the piece of land located adjacent to the access track leading to Buckland House to be used as a camping site during July and August. This application relates to the toilet/shower block positioned adjacent to the western boundary of the field close to the vehicular access.

4.2 The application site is located outside of a defined development boundary.

## 5.0 Description of Proposal

5.1 As part of the previous application for camping, permission was also granted for a smaller toilet/shower block that would be removed from the site when it wasn't being used for camping. Instead a larger unit was erected on the site and this application seeks retrospective permission for a toilet/shower block and the associated decking and steps to remain on the site all year round.

## 6.0 Relevant Planning History

| Application No. | Application Description | Decision | Date of decision |
|---|---|---|---|
| WD/D/19/002872 | Use of land as camping site during July and August only (Variation of Conditions 1 & 4 of Planning Approval WD/D/18/002905) | Withdrawn | - |
| WD/D/18/002905 | Use of land as camping site during July and August only | Approved | 10/07/2019 |
| WD/D/18/000360 | Change of use of land for camping site including the stationing of 8 shepherds huts (6 one bed units & 2 no. toilet/shower units) | Withdrawn | – |

## 7.0 Relevant Constraints

Contaminated land buffer
Outside of a defined development boundary

## 8.0 Consultations

8.1 Natural England – *The application falls within the scope of the Dorset Biodiversity Protocol, recommended by your authority which requires the submission of a Biodiversity Plan (BP) for all developments of this nature. Natural England therefore recommends that permission is not granted until a BP has been produced and approved by the Dorset Council's Natural Environment Team (NET). Provided the BP has been approved by the DC NET and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required.*

8.2 Highways – *The proposal is for the installation of welfare facilities to an existing campsite. The Highway Authority has no objection to the proposal.*

8.3 Countryside Access Team – *The proposed works are in the vicinity of a public right of way, as recorded on the County Definitive Map and Statement of rights of way. However, I am unaware of any unrecorded paths that may be affected.*

*I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.*

*The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.*

8.4 Trees Officer – *The hedgerow immediately behind the facilities trailer is comprised of elm regeneration and elder for the most part. The development is sufficiently distant from the boundary, and I'm satisfied that no damage will have been done.*

*In terms of landscape impact, I can see that there are one or two spots from where the unit is rather prominent. That being the case, if you're minded to approve the scheme I'd suggest imposing a planting condition so that we can address that.*

8.5 Environmental Health – *No comment*.

8.6 An additional comment was made by Environmental Health:

*Environmental Health has received a complaint in relation to the toilet / shower block which hasn't been fully investigated at this time. The toilet shower / block facilities*

*should not be sited in proximity to other premises so as to cause a Statutory Nuisance and Environmental Health has a duty to investigate any such complaints under the Environmental Protection Act.*

8.7 Environment Health were contacted regarding the comments made and the case had been closed off and there was nothing outstanding.

8.8 Chickerell Town Council – *Chickerell Town Council recommend refusal of this application as follows:*

*The original permission was for a temporary use of the land for a campsite which was very clear in the description of the works.*

*The current application is for a structure to be permanently positioned on the site and is therefore considered to conflict with the purpose of the original permission and is considered a fundamental change.*

8.9 Dorset Wildlife Trust – *The application site (specifically access road) lies adjacent to the Site of Nature Conservation Interest (SNCI); SY68/043 Buckland Ripers Meadow, cited for its neutral grassland.*

*SNCIs are identified and selected for their local nature conservation value, acting as buffers, stepping-stones and ecological corridors for species between nationally and internationally designated wildlife sites. SNCIs often contain priority habitats and species listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of this Act states that "The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".*

*DWT consider it unlikely that the proposal will have any significant adverse impacts upon the SNCI.*

*Biodiversity Plan*
*As the application site is 0.1 hectares in area, an approved Biodiversity Plan from Dorset Council's Natural Environment Team (NET) is required in line with the Dorset Biodiversity Appraisal Protocol (DBAP). The Biodiversity Plan should include an assessment of the impacts upon biodiversity as a result of the siting of the toilet/shower block and associated infrastructure on a permanent (rather than previously temporary) basis.*

*It is vital that independent scrutiny of the Biodiversity Plan is undertaken, to ensure adequate mitigation, compensation and net gains for biodiversity is secured. DWT recommend that permission is not granted until a valid Certificate of Approval is issued by NET for any submitted Biodiversity Plan, and its implementation secured through a planning condition.*

8.10 Mineral Planning Authority – No comments received at the time of report writing.

## 9.0 Representations

9.1 Sixteen third party responses have been received objecting to the application, further responses were received from the same people who had already commented. A summary of the objections received are set out below:

Visual Amenity:

- Detrimental effects on the visual amenities of the locality
- Shower/Toilet block is highly visible from the road and the nearby public footpath
- Clearly visible from other footpaths in the area and from up on the ridgeway
- Utility building which is a blight on the surrounding countryside
- Toilet block is much larger, unnecessary excess of the minimum requirements stipulated in the site licence
- Colour chart provided shows a metallic paint
- A commercial enterprise in a quiet rural residential hamlet which is detrimental to its natural environment both visually and practically and provides no benefit to the village
- Out of keeping in the surrounding countryside
- Permission was granted for a much smaller unobtrusive construction
- Stark white colour
- Double the size of the agreed unit
- Unnecessarily large and out of keeping with the character of its surroundings
- Looks like an enlarged container unit with doors
- Decking and steps appear oversized and prominent
- The block has a very large roof, it is static, next to trees and cannot be garaged – it will be subjected to pollutants and tree sap suggesting it will soon lose its colour
- It would not cover the stairs which would remain a stark white colour
- A metallic colour appears to be that of a polished metal and will create a reflective surface
- Further exaggerate the blot on the landscape
- Bulk and intrusive size of the toilet/shower block
- Proposed covering is not fit for purpose
- Design and bulk of the unit is ugly, overbearing, out of scale and out of character in terms of its appearance
- Out of place in a rural area
- Photo of toilet/shower block was not covered in vinyl and was manufactured using green coloured materials
- The value of the visual amenity of the area was considered important enough to be considered as a factor in the planning process in 2019
- Complete unit has a total of 52 lights

Principle of Development/Process:

- It is a seasonal site so no reason to change the permission for a temporary toilet/shower block to a permanent installation
- Application is retrospective, previous conditions were not adhered to
- Campsite and its structures were only approved on a temporary basis
- Whole situation makes a mockery of the planning laws
- Structure is purpose made to be removed and disconnected easily from the site
- The unit has remained on site contravening the timeframe stipulated in the condition
- No requirement for larger unit
- Several other permanent structures on site for which no permission has been sought
- Facilities are only required for 8 weeks of camping, but will be on show for the other 44 weeks of the year
- Facilities provided are much larger than necessary for the numbers catered for
- The proposed toilet shower block fails to meet the requirements of Disability Legislation

Highway Safety:

- Increased traffic and pedestrians in a narrow country lane with vastly more traffic
- Increased traffic along the verges

Neighbouring Amenity:

- Noise – shouting and screaming heard at 1.30am
- Nuisance to nearby residents from smoky barbeques
- Site was allowed to operate this year, and given the facilities, social distance seems of little importance
- Close proximity of the toilet block and associated odours along with cooking smells and noise adversely affects the quality of village life
- Detrimental impact through increased traffic flow, generated rubbish, intrusion of walkers on private land, noise from facility and damage to habitat
- Foul water smells have been experienced on a number of occasions
- Buckland Ripers has no street lights and is far away from any form of light pollution – when the campsite is in operation it floodlights the house adjacent to the site

Foul Sewage:

- No reference to the cesspool installed without planning permission or building regulation approval
- Question where the drainage from this unit is being discharged
- Cess pit is grossly undersized for the number of showers, toilets and washing up points
- Cess pool installed without planning approval (cannot be permitted development) and building regulations
- Tank is not suitable for a campsite of 45 pitches where there may be 150 people
- Cesspool is probably in breach of the Public Health Act and is too small and requires emptying far too frequently by large vehicles
- Cesspool not properly vented and is repeatedly causing an unpleasant smell in the area
- Application makes use of a cesspool which does not have planning

Biodiversity:
- No reference to lighting schemes or biodiversity of the adjoining SNCI
- Previous ecology report failed to take into account both the areas of SNCI's
- BMEP did not consider the impact of a permanent rather than temporary structure
- Planting schedule not undertaken which was meant to take place between last November and March
- No ecology survey or BMEP

## 10.0 Relevant Policies

<u>West Dorset, Weymouth and Portland Local Plan</u>

ENV 1 – Landscape, Seascape and Sites of Geological Interest
ENV 2 – Wildlife and Habitats
ENV 9 – Pollution and Contaminated Land
ENV 10 – The Landscape and Townscape Setting
ENV 11 – The Pattern of Streets and Spaces
ENV 12 – The Design and Positioning of Buildings
ENV 13 - Achieving High Levels of Environmental Performance
ENV 15 – Efficient and Appropriate Use of Land
ENV 16 – Amenity
SUS 1 – The Level of Economic and Housing Growth
SUS 2 – Distribution of Development
ECON 7 – Caravan and Camping Sites
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
COM 10 – The Provision of Utilities Service Infrastructure

<u>National Planning Policy Framework</u>

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Other material considerations

Design and Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment 2009

## 11.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## 13.0 Financial benefits

13.1 None, camp site already approved under reference WD/D/18/002905.

## 14.0 Climate Implications

14.1 None, camp site already approved under reference WD/D/18/002905.

## 15.0 Planning Assessment

### Principle of Development

15.1 This application seeks permission for the use of land to site toilet/shower block and erection of decking and steps. This application is retrospective and the toilet/shower block is already positioned on the site. Planning permission was previously granted on the site under the application WD/D/18/002905 for the use of land as camping site during July and August only. This permission included a toilet/shower block which was subject of a condition to only be sited on the land between 23rd June and 8th September, inclusive, in any one year. Instead a larger unit was erected on the site which is subject to this application and permission is sought for it to remain on the site all year round.

15.2 In terms of the principle of development a toilet/shower block to serve the existing camping use is considered acceptable. A condition would be placed on any approval granted for the block to only be used in association with that use.

### Visual Amenity

15.3 This application seeks permission for the use of land to site toilet/shower block and erection of decking and steps. The toilet/shower block has already been positioned on the site. The toilet/shower block and associated decking and steps comprised of three porta cabins, one slightly larger one in the middle containing showers with a cabin joined either side each containing four toilets. The decking is positioned to the front of the block with steps at either side and in the middle. Both the blocks and the decking are white in colour. The toilet/shower block is positioned close to the western boundary of the field.

15.4 Third party concerns have been raised regarding the design of the building including that it is a utility building that is much larger and bulkier than required and in its stark white colour results in a development which is out of keeping and prominent in its surroundings. Further concerns were also raised that the shower/toilet block is highly visible from the road and the nearby public footpath resulting in detrimental effects on the visual amenities of the locality. In the months of July and August the site will be used for camping so the toilet/shower block would be viewed in the context of the tents and such a facility is expected with a camp site. In the other months of the year the block will not be viewed in that context. The toilet/shower block is visible from Nottington Lane to the north of the block. From further down Nottington Lane only the top of the block is visible as the remainder of it is behind the existing boundary hedging of the site. From the road closer to the site, slightly more of the block is visible as well as the railings of the decking to the front. The whole of the block is not visible and the orientation of the block means you are viewing the block end on. It is considered that it is the white colour that means your attention is drawn to the small part of the block you can see. It is therefore considered that from this viewpoint if the block was dark green in colour and additional planting was undertaken the toilet/shower block would not be obtrusive.

15.5 Third party concerns were also raised regarding the views of the block from nearby public footpaths. The closest footpath runs up the beginning of the driveway to Buckland House, this footpath does not run through the camping site itself. From the footpath you see the rear of the toilet/shower block and therefore the wider expanse of the unit. However the footpath is set back from the block and the existing hedging and planting means again you are only seeing the top of the block and not the whole of the rear elevation. A condition would be placed on any approval granted for this part of the hedging to be retained. The other nearest footpath is located to the east of the site, from this footpath you will view the front of the toilet/shower block however this would be at a much greater distance and again some screening is provided from the existing hedging around the site. The Trees Officer was consulted on the application and raised no objections however recommended a planting condition be added to any approval granted to provide further screening. Planting was required as part of the previous permission for camping on site which has not yet been undertaken which is now part of a separate enforcement case. However once undertaken that planting will provide further screening and as part of this application a condition would be placed on any approval granted for tree planting in the adjacent hedging as set out in more detail in the biodiversity section of this report.

15.6 Concerns were raised with the agent for the application regarding the stark white colour of the block resulting in the block being more visually prominent. In response the agent set out that the block would be wrapped in an olive green (non-metallic) film, the agent set out that this would be permanent and durable. A colour card was provided as part of the application documents showing the proposed colour wrap, Matte Pine Green Metallic. Concerns were raised by third parties that the colour proposed would be metallic resulting in a reflective surface. It is considered that a dark green colour would help the block blend in with the surrounding planting. Further third party concerns were raised that the proposed wrapping of the block would not be fit for purpose. A condition would be placed on any approval granted for the toilet/shower block to be finished in a matte dark green colour and to be permanently retained as such to ensure it will be kept in that colour.

15.7 Given the above it is considered that the toilet/shower block would not have an adverse impact on the visual amenity of the site or locality.

**Residential Amenity**

15.8 This application relates to the toilet/shower block only and not the camping use previously approved under the application WD/D/18/002905. Concerns were raised regarding noise, cooking odours and increase in people in the area however these are not considered to relate to this application but to the camping use already authorised. Concerns were also raised regarding light pollution from the scheme. The agent has set out that there is 4 low level LED lights adjacent to each of the doors into the shower/toilet blocks this does result in 40 lights around the doors. A

third party has also set out that there are light panels in each of the steps and there are 12 steps in total. The lights will only be in operation when the camp site is in operation which is in July and August and this would be conditioned as such on any approval granted. It is also considered that a degree of lighting is expected in association with a campsite and the neighbouring properties do not face onto the front of the toilet/shower block where the lights are positioned. Environmental Health were also consulted on the application and made no comments.

15.9 Concerns and comments were also made regarding the foul drainage arrangement for the toilet/shower block. The agent has clarified that this takes the form of a septic tank (not a sealed tank which was stated in error) positioned to the rear of the block. Comments were made that this would require planning permission in its own right. However it is considered that although not clearly set out as part of the previous application WD/D/18/002905, the application did make reference to this foul sewerage arrangement and therefore was authorised by that previous application. Concerns were also raised by the capacity of the septic tank, this is a consideration in so far that the facilities subject of this application are connected to it but if the tank does not have the capacity and a further tank is required then that would be a separate matter in due course. Nor does this application remove the need for the foul drainage arrangement to be agreed with the Local Authority under the site licence. Given all of the above it is considered that the siting of the toilet/shower block would not have a significant adverse impact on the living conditions of occupiers of residential properties.

**Contamination**

15.10 The application site is located within a contaminated land buffer. This application seeks permission for the use of land to site the toilet/shower block already positioned where it does not involve ground works. Environmental Health were consulted and raised no comments.

**Highway Safety**

15.11 The development involves a toilet/shower block in association with the previously approved camping site. Concerns have been raised in relation to highway safety due to increased traffic and pedestrians and increased traffic along the verges. However these are not considered to be the result of the toilet/shower block which is the subject of this application. Highways were consulted on the application and raised no objection.

**Trees**

15.12 There are trees located on the wider site and hedgerow located to the rear of the toilet/shower block. The Trees Officer was consulted on the application and considered that the development is sufficiently distance from the boundary and was satisfied that no damage would have been done.

**Biodiversity**

15.13 Concerns have been raised that no ecological survey or BMEP has been submitted as part of the current application. This application relates to just the erection of the toilet/shower block not the wider site. The size of the plot therefore does not trigger the requirement of a Biodiversity Plan. The toilet/shower block as part of the previous application was to be temporary in nature and would be removed when the site was not in use for camping. However as part of this application it would be positioned on the site all year round any biodiversity impacts were discussed with the Natural Environment Team. As the toilet/shower block would be permanent the NET team explained they would seek further planting enhancement than that required previously to ensure bat foraging/ commuting route was maintained and enhanced. This would involve the inclusion of standard British native trees within the hedges, at least 20m apart to allow full crown development as an enhancement and to mitigate for the permanent structure. This would be conditioned on any approval granted.

15.14 Concerns were also raised that the planting required as part of the Biodiversity Plan for the previous application WD/D/18/002905 has not been undertaken. This is a separate matter enforcement matter.

**Community Infrastructure Levy**

15.15 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.16 The development proposal however is not considered to be CIL liable as the application is for a toilet/shower block for a camping site.

## 16.0 Conclusion

16.1 The application seeks permission for the use of land to site toilet/shower block and erection of decking and steps. The works are retrospective and the block is on the site. The block is considered acceptable in principle as it provides facilities for the authorised camping site. The proposal is also considered acceptable subject to conditions in relation to visual amenity, residential amenity, highway safety, trees, contamination and biodiversity.

## 17.0 Recommendation

**GRANT, SUBJECT TO CONDITIONS**

1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan - Drawing Number 17/154/07 Rev A received on 22/07/2020
Proposed Floor plans and Elevations - Drawing Number 17/054/08 Rev A received on 22/07/2020

REASON: For the avoidance of doubt and in the interests of proper planning.

2) The toilet/shower block hereby approved shall only be operational and lit between 30th June and 1st September, inclusive, in any one year.

REASON: For the avoidance of doubt given its associated use with the use of the adjoining land as a camp site between those dates only and in the interests of the visual amenities of the locality.

3) Within 12 weeks of the date of this permission, the toilet/shower block hereby approved shall be wrapped in a matt, dark green non-metallic colour film and permanently maintained as such thereafter.

REASON: In the interest of visual amenity.

4) No additional external lighting to that listed in the email from the agent dated 11/09/20, shall be erected on the unit hereby approved without the prior consent of the Local Planning Authority. Thereafter, the development must be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

5) Within 3 months of the date of this permission, a tree planting scheme shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme will include details of the standard British native trees to be planted within the hedge along the western and north-west boundary (measuring approximately 147m long) of the hatched field as shown within the blue line on the plan 17/154/07 A, with the trees spaced about 20m apart. The approved scheme shall be implemented in full during the first planting season (November to March) following the date of this permission. The scheme shall include provision for the maintenance and replacement as necessary of the trees for a period of at least 10 years. The agreed planting scheme shall be retained thereafter.

REASON: In the interests of biodiversity and visual amenity.

6. The existing hedging along the western boundary, directly to the rear of the toilet/shower block shall be retained in perpetuity. If the hedging is found to be dead or dying the hedging will be replaced in the first planting season (i.e. November-March) in accordance with a scheme to be first submitted and agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

Informatives:

1. NPPF Approval Statement