

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: 20/11097/FUL
Decision Date: 28 November 2022

Applicant: Mr Crispin Thomas
Huntenhall farm, Huntenhall lane, Chapmanslade,
Westbury, BA13 4EL, United Kingdom

Particulars of Development: Provision of Managers House with Shop/Office with Living Accommodation over, Replacement of Cafe with Clubhouse, Provision of Spa Building. Re-planning of approved Lodge area and extension to provide an additional 22 Lodges including the replacement of touring pitches, relocation of train carriage. Retrospective planning for mini golf, play park, splash tunnel, sun canopy.

At: Fairwood Lakes Holiday Park, Fairwood Road, Dilton Marsh, BA13 4EL

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (19)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Plans:

Site Location Plan - Drawing Number: 2626-08 Revision E
 Site Plan as Existing – Drawing Number: 2626-20-05 Revision C
 Site Plan as Proposed - Drawing Number: 2626-20-02 Revision K
 (Excluding the drawn Holiday Lodge 22) - Ecological Enhancement Site Plan -
 Drawing Number: 2626-20-03 Revision A
 (Excluding the drawn Holiday Lodge 22) - Lighting Plan - Drawing Number: 2626-20-
 04 Revision A
 Club House - Drawing Number. 2626-20-04 Revision A
 Proposed Spa - Drawing Number: 2626-20-01 Revision A
 Reception, Shop Office & Managers Accommodation - Drawing Number: 2626-20-03
 Timber Lodges - Drawing Number: 2626-13
 Horseshoe Night Roost Structure – Drawing Number: 2626-SK-10

Documents:

Application Form

Flood Risk Assessment for New Lodges and Amenity Buildings – 118252-104 Issue 4
by Fairhurst

Ecological Appraisal and Mitigation Strategy – Final Report dated 22nd August 2022
by Malford Environmental Consulting

Lighting calculations for bollards at Fairwood Lakes, Dilton Marsh –Dated 24 August
2022 by Alan Tulla Lighting

Bat Survey & Mitigation Technical Note received 4th July 2022

Technical Note Bat Appraisal & Mitigation dated 18 March 2021 by Malford
Environmental Consulting

Landscape and Visual Appraisal for Recreational Development – Ref 20.1169 Rev A
dated January 2021 by WHLandscape landscape architecture & arboriculture

Addendum to Landscape and Visual Impact Assessment for Recreational
Development – Ref 17.660 dated January 2018 by WHLandscape landscape
architecture & arboriculture

Transport Statement – Issue 2 - dated January 2021 by Miles White Transport

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

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The holiday accommodation and recreation provision on the site shall be restricted to
 13 camping/caravan pitches, 57 log cabins, 2 holiday accommodation units in the
 converted barn, fishing lakes and associated facilities as shown on the approved plans
 and shall not be used for any other purpose; and no more than one tent, caravan (as
 defined in the Caravan Sites and Control of Development Act 1960 (amended by
 Statutory Instrument No 2374 1st October 2006) and the Caravan Sites Act 1968) or
 mobile accommodation on wheels capable of being towed away by a vehicle, shall be
 stationed on each pitch at any time.

REASON: To control the number of pitched to ensure the adequacy of parking
 provision and in the interests of the character and appearance of the area.

- 4 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the holiday lodges and stationing of caravans on pitches accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

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

- 5 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 the use and stationing of caravans (or other mobile accommodation on wheels) on pitches hereby permitted and the log cabin structures shall be for holiday/recreational accommodation only and for no other purpose.

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

- 6 The occupation of the Manager's accommodation shown on the approved plans shall be limited to a person solely working, or last working, in association with the fishing lakes and recreational business currently known as "Fairwood Lakes Holiday Park", or a widow or widower of such a person, and to any resident dependants.

REASON: The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 7 Within 14 days of the first occupation of the manager's dwelling shown on the approved plan the 'mobile' dwelling utilised as manager accommodation shall be removed from the site.

REASON: In order to protect the appearance of the area.

- 8 There shall be no customers/members of the public using the clubhouse or spa building outside the hours of 23:00 and 07:00 from Mondays to Sundays including Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 9 No development above slab level on the spa building or the reception, shop office & manager's accommodation building shall commence on site until details of the external materials to be used on the reception, shop office & managers accommodation building and spa building development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 10 No development shall commence on site until a strategy for managing surface water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy must restrict discharge from the site in line with Wiltshire Council's betterment policy, and include provision of blue-green Sustainable Drainage Features. The development shall not be first brought into use and/or first occupied until the surface water strategy has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 11 No works above slab level shall commence until full details of both the hard and soft landscape works proposed and also a schedule of landscape maintenance has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out and maintained in accordance with the approved schedule. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 12 No works or development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include, but not necessarily be limited to, the following:

- a) Identification of ecological protection areas/buffers zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as water vole, nesting birds and reptiles;
- c) Details of timing of tree and shrub planting associated with the Nature Trail;
- d) Details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW)
- f) Timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.
- g) Details of pollution prevention measures including safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable and to prevent pollution of the water environment.

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No development of the holiday lodges hereby approved shall commence until all approvals relating to the disposal of foul effluent that may be required from the LDC application to and approval of the Lead Local Flood Authority and licences required by the Environment Agency in respect of effluent quality/quantity have been acquired and none of the lodges shall be occupied until infrastructure for the discharge of foul water from the site has been constructed in accordance with details to submitted and approved in writing by the Local Planning Authority.

REASON: To ensure appropriate foul water disposal.

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All visitor vehicular access shall be via the existing site entrance onto Fairwood Road and no access to or egress from the site shall be permitted from the track to the west of the site, barring in

relation to use as an escape route in terms of an approved Flood Risk Management plan.

REASON: In the interests of highway safety and neighbouring amenity.

- 15 No occupation and/or first use shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details prior to first occupation/use of the development hereby permitted.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

- 16 No external construction or operational light fixture or fitting, other than as shown on the submitted Lighting Plan (Drawing Number 2626-20-04) will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

- 17 Notwithstanding the approved plans, no development above slab level on the Reception, Shop Office & Managers Accommodation - Drawing Number: 2626-20-03 shall commence until details of screening on the south-eastern boundary of the balcony has been submitted to and approved by the Local Planning Authority. The approved screening shall be carried out strictly in accordance with the approved details and erected prior to first occupation of the managers residential unit.

REASON: To prevent adverse overlooking and loss of privacy.

- 18 No acoustic fencing shall be installed on site unless plans showing the type of fencing, the height and the position, have been submitted to and approved in writing by the Local Planning Authority. The approved acoustic fencing shall be installed and shall be maintained in accordance with the approved details.

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

- 19 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of neighbouring amenity.

Informatives: (3)

20 In relation to the surface water strategy condition the following information would be expected to be submitted with the discharge of condition application:

- Evidence that SuDS have been selected, wherever possible, to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- Evidence that SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.
- Existing greenfield runoff rates for the site.
- Post development runoff rates in accordance with Wiltshire Council's betterment policy:
 - o With regards the control of surface water discharges from new development, Wiltshire Council requires post development discharges from greenfield sites to provide 20% betterment over pre-development discharges for all storm events between the 1 in 1year and 1 in 100year return period events.
 - o For greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.
- Evidence demonstrating how the surface water disposal hierarchy has been applied and how all other options have been exhausted. The hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):
 - o Surface water runoff is collected for use.
 - o Discharge into the ground via infiltration.
 - o Discharge to a watercourse or other surface water body.
 - o Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
 - o Discharge to a combined sewer.
- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
- Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.
- Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.
- All proposed drainage features are outside flood zones 2 and 3 and where they are adjacent to an ordinary watercourse, they are not located within the EA surface water flood zones. Where drainage features are located adjacent to flood zones 2 and 3, they must be above the 1 in 100 year plus climate change flood level. This information can be provided by the EA.
- The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.
- Measures to prevent pollution of the receiving groundwater and/or surface waters.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds. The plan should show any pipe node numbers referred to within the drainage calculations.
- The applicant is required to submit calculations which demonstrate that the proposed drainage

design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.

Detailed Drainage calculations

- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus 40% climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

Design Drawings

- A plan showing the cross sections and design of any attenuation pond(s) and its components.
- Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property.

Third party consent

- Consent for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.

Ownership and Management

- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

Construction

- Adequate measures during construction to control pollution to existing watercourses and groundwater.
- A construction management plan.

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Network Rail Advice:

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

SITE LAYOUT

It is recommended that all buildings/lodges be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina".

Not Permitted: Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway

Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

LIGHTING (SHORTER)

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

- 22 The applicant is reminded that this approval does not give any indication of any consent necessary under the Town and Country Planning (Control of Advertisements) Regulations which may or may not be required nor any indication that such consent will be forthcoming

Parvis Khansari ~ Corporate Director, Place

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).