

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **9TH APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSES FOR 6 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE HUNTLEY YARD, CHESTER ROAD, FLINT.**

APPLICATION NUMBER: **051726**

APPLICANT: **MR SIMON DOHERTY**

SITE: **HUNTLEY YARD, HUNTLEY LANE, FLINT, FLINTSHIRE, CH6 5DZ**

APPLICATION VALID DATE: **03.02.14**

LOCAL MEMBERS: **COUNCILLOR R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **REQUEST OF LOCAL MEMBER DUE TO CONCERNS REGARDING ACCESS, AND ENVIRONMENTAL IMPACT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission is sought for the use of land for the stationing of caravans for 6 residential gypsy pitches together with the formation of hard standing and utility/dayrooms ancillary to that use.
- 1.02 The main issues are considered to be the adequacy of the access, the acceptability of the proposal in policy terms and the impact of the

development upon the general amenity of this area of open countryside.

- 1.03 There is an unmet need for gypsy and traveller sites in Flintshire as identified in the Gypsy Traveller Accommodation Needs Assessment report of March 2013. This proposal could help meet this unmet need, subject to its compliance with the requirements of the relevant development plan policy.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01 That conditional planning permission be granted subject to the following conditions:

1. Time limit on commencement.
2. In accordance with approved plans.
3. Parking and turning facilities to be provided.
4. Finished floor levels of amenity buildings and ground levels to be approved.
5. Landscaping details including details of internal fencing to be submitted and approved.
6. Site only to be occupied by Gypsies and Travellers as defined by WAGC 30/2007 paragraph 3.
7. The permission shall be for use as a permanent gypsy site only and not as a transit gypsy site.
8. Siting of caravans to be in accordance with approved site plan.
9. Details of the means of surface water drainage of the site to be submitted and approved .

3.00 CONSULTATIONS

3.01 Local Member

Councillor Rita Johnson

Objects to the application on the grounds of:

- Inadequate access
- Environmental impact of development

And requests a committee site visit for the same reasons.

Flint Town Council

No response at the time of writing

Head of Assets and transportation

No objection

Head of Public Protection

No objection

Head of Housing

Supports the application as it contributes to meeting the identified projected need for accommodation.

Lifelong Learning

No objection

Natural Resources Wales

No objection to the application as it unlikely to have adverse effects on the neighbouring protected sites

Coal Authority

No objection to the application. Include Coal Authority's standing advice as an advisory note in the interests of public health and safety.

Network Rail

No objection.

As the proposed drainage from the site requires connection to an existing pipe located on Network Rail land the applicant will need to gain approval to connect to the pipe and to discharge any waste from the site via the pipe. An easement may be required and the applicant may need to enter a legal agreement with suitable financial compensation.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notifications

Four letters of objection have been received on the following grounds:

- Road safety concerns over increased traffic at the junction with Chester Road and across the garage forecourt
- Safety of use of narrow access over bridge, currently used by coaches and large Welsh Water vehicles accessing the adjacent Sewage works.
- Site is outside settlement boundary, inappropriate for residential development
- Proximity of Sewage Works
- Inadequate services
- Number of existing gypsy camps in Flintshire
- Refuse collection problems

5.00 SITE HISTORY

- 5.01 **983/90**
Outline- Erection of light industrial units. Approved 15-02-91
- 5.02 **775/93**
Renewal of Outline planning permission ref. 983/90 to allow light industrial units. Approved 25-01-94
- 5.03 **045584**
Erection of a 17.5m high monopole with 3 no. antenna mounted to the pole and ground based equipment cabinet. Approved 02-12-08

6.00 PLANNING POLICIES

- 6.01 National Policy - Planning Policy Wales
Local Authorities are required to assess the accommodation needs of Gypsy families in accordance with the Housing Act 2004. Sections 225 and 226 of the Housing Act 2004 came into force on 13th December 2007. This requirement is reiterated in Planning Policy Wales Edition 6, February 2013 (9.2.21).
- 6.02 Welsh Assembly Government 'Accommodation needs of Gypsy-Travellers in Wales' (2006)
This independent study was commissioned by the Assembly Government in December 2004 to establish current and future requirements for the accommodation needs of Gypsies and Travellers in Wales. It provided information on the number, location and condition of Gypsy and Traveller sites in Wales and also provided an indication of the need for new site provision. The study contained a number of conclusions and 28 recommendations for the Welsh Assembly Government and Local Authorities to take forward in terms of policy formulation; the existing site network; the need for additional residential site provision; the need for transit site provision; site management; and social housing.
- 6.03 Welsh Assembly Government Circular: WAGC 30/2007. Planning for Gypsy and Traveller Caravan Sites in Wales.
This circular replaced Welsh Office Circular 2/94 "Gypsy Sites and Planning". It provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers. Local housing market assessments provide the key source of information enabling local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing Local Development Plans.
- 6.04 Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDP's to ensure that the identified pitch requirement for residential and transit use can be met. It also states that in order to

encourage private site provision, local planning authorities should offer advice and practical help with procedures to Gypsies and Travellers who wish to acquire their own land for development.

- 6.05 The Circular states that in deciding where to provide gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services. Sites on the outskirts of built-up areas may be appropriate along with sites in rural or semi-rural settings. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle.
- 6.06 In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could effectively block proposals for any Gypsy and Traveller site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them and should avoid placing an undue burden on the local infrastructure. Sites, whether public or private should be identified having regard to highways considerations with regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.
- 6.07 With regard to the Human Rights Act, the Circular states that the provision of the European Convention on Human Rights should be considered as an integral part of local authorities decision making, including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances.
- 6.08 Application of the Circular in respect of this application
For the purposes of this Circular and therefore in the context of determining planning applications the definition of "Gypsies and Travellers" means, "persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."
- 6.09 The requirements of the Circular need to be considered in the context of Flintshire's development plan position. The Council has adopted its UDP prior to beginning work on the preparation of the new LDP for the

County, when the requirements of the Circular can be progressed. The Council is satisfied that the existing criteria based policy approach towards the consideration of proposals for gypsy site provision provides an adequate context, until the whole issue is revisited as part of the preparation of the new LDP for the County. This approach was supported by the UDP Inspector subject to alterations to the accompanying text to reflect the current position in relation to the accommodation needs assessment for gypsies and travellers.

- 6.10 Flintshire Unitary Development Plan
 - STR1 - New Development
 - GEN1 - General Requirements for Development
 - GEN3 - Development in the Open Countryside
 - D1 - Design Quality, Location and Layout
 - D2 - Design
 - D3 - Landscaping
 - D4 - Outdoor lighting
 - L1 - Landscape character
 - AC13 - Access and Traffic Impact
 - HSG14 - Gypsy Sites

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 6 no. gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use. The land is a formerly developed site outside of but adjacent to the Flint settlement boundary as defined in the Flintshire Unitary Development Plan.

7.02 Site description

The 0.16ha site lies in the open countryside adjacent to the settlement boundary for Flint. The site has had a history of light industrial and storage uses and there are container units and a variety of structures on the site associated with these former uses. The site boundaries are extensively screened by metal panel fencing.

7.03 The site is adjacent to an existing coach yard and divided from the main building envelope of Flint by the Holyhead-Chester railway line. The site occupies an elevated position from the adjacent agricultural land. Given the topography and lay out of the land, as well as screening along the railway line, the site is not easily seen from Chester Road.

7.04 Access to the site is provided by a single bridged access road that crosses the railway line and that also provides access to the coach yard and Sewage works.

7.05 Proposed development

Planning permission is sought for the change of use of a 0.16 hectare site for 6 residential gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use. The proposed site would be laid out in six pitches subdivided by internal post and rail fencing. The existing site boundary fencing, which is extensive, is to be retained with additional tree and hedge planting proposed within the site.

- 7.06 Each pitch would have a static caravan and touring caravan as well as a single storey amenity building, providing cooking and washing facilities. The amenity building serving plots 1 and 2 measure 6.8m x 4.8m with a pitched roof measuring 4.7m to the ridge. The amenity buildings for plots 3, 4 and 5, 6 measure 9.6m x 3.4m with a pitched roof measuring 4m to the ridge. The buildings are proposed to have a clay tile roof, rendered walls and painted timber windows and doors. Each building has 2 solar hot water panels on the southern roof plane.
- 7.07 The proposal is for commercial rental purposes and as such there are no details of individuals intending to use the site, and their personal circumstances have therefore not been considered. As such the site is considered to be addressing a general Gypsy housing need, which will be discussed later in this report, rather than the specific needs of individuals.
- 7.08 Main Issues
The main issues are considered to be the acceptability of the proposal in policy terms, in particular with regard to its demonstrable need and with due consideration given to the impact of the proposal on the amenity and character of the locality.
- 7.09 Need
A Gypsy Traveller Accommodation Needs Assessment (GTANA) was commissioned by five of the six north Wales local authorities (excluding Wrexham County Borough Council) which reported its findings in March 2013. The study aimed to establish the accommodation needs of members of the Gypsy and Traveller community in the period up to 2016.
- 7.10 The study shows that the current distribution of supply of sites is biased towards certain locations and from this the distribution of any need is focused on areas where the Gypsy population currently reside. As such the needs calculation for permanent sites shows a clear bias towards locations where there is current provision (authorised or otherwise) and in particular in Flintshire, Gwynedd and Anglesey. The study indicated a projection of required growth in pitch numbers in Flintshire of 36.
- 7.11 From the GTANA, it is clear that there remains a demonstrable need to be met in Flintshire. What the GTANA has clearly demonstrated is that the main factor in assessing the need for further sites for Gypsies

and Travellers is where that need should be met, rather than just where it arises.

7.12 In summary, the following comprises the additional accommodation currently under consideration to meet the projected growth as set out in the GTANA:

This application (051726)	6 pitches
Application at Factory Road, Sandycroft	4 pitches
Potential extension of FCC site at Queensferry	10 pitches
Potential site at Magazine Lane, Ewloe (awaiting Appeal decision)	5 Pitches
Total	<u>25 pitches</u>

As can be seen by these figures the proposed site could significantly assist in meeting the required need for additional accommodation.

7.13 The applicants have declined to provide details of the proposed residents of the site, and in particular the details of the numbers of children who will be residing on the site, as the proposed site is for commercial rented purposes and the numbers of children living on the site will fluctuate depending on who is living on the site at the time. As such the individual needs of the children cannot be considered as a material consideration in determining this application.

7.14 Access

Although several concerns have been raised with regard to the suitability of the access from the highway no objection or recommendations have been made by the Highways Authority following the consultation process. Site lines at the junction of the access and the A548 Chester Road are generally clear and uninterrupted. The location of the site close to the A548 is in accordance with policy HSG14, which states that sites should be located on or close to main gypsy travelling routes.

7.15 In order to ensure that the site access is left free and unencumbered by overspill parking it should be conditioned that adequate parking and turning facilities are provided on site prior to its occupation.

7.16 Drainage

It is proposed that foul water sewage would be disposed of by connection to the main sewer. It is proposed that surface water disposal of the site will be by way of a sustainable drainage system. As no details of this system have been included in the proposal the prior approval of these details shall be conditioned.

7.17 The site lies outside of the areas designated as being at risk from flooding.

7.18 Ecology

The site is located approximately 140 metres from the following protected sites:

- Dee Estuary Site of Special Scientific Interest
- Dee Estuary Special Area of Conservation
- Dee Estuary Special Protection Area
- Dee Estuary RAMSAR site

7.19 Given the previous use of the site it is not considered that the proposal would give rise to any adverse impacts upon the protected sites. Foul water sewage is proposed to connect to the mains sewer and as such would not impact upon the protected sites.

7.20 With regard to the impact of the proposal on protected species and habitats it is considered that due to the fact that the site has had a long history of industrial and storage uses, is covered in its entirety in hardstanding and well screened by solid panel fencing, which is to be retained, that the proposal would not result in any loss of habitat, nor is it likely to impact in any detrimental way upon any protected species or habitats.

7.21 Landscaping

The site has substantial existing screening and as this is to be retained the appearance of the site will remain largely unchanged. The proposal will not unacceptably impact upon the visual amenity of the locality. Internal soft landscaping on the periphery of the site will also help screen the caravans. Conditions requiring the submission and approval of the soft landscaping scheme as well as the internal fencing will ensure that that these screening measures are retained on site.

8.00 CONCLUSION

8.01 For the reasons given above it is considered that the proposal is acceptable in terms of the principle of development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of nearby residents. Furthermore it is considered that the proposal contributes to meeting identified projected need for Gypsy accommodation.

8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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