

FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **RETROSPECTIVE - CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2NO. 'PORTA CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC**

APPLICATION NUMBER: **053731**

APPLICANT: **PHB (NW) LTD**

SITE: **MISTY WATERS CARAVAN PARK
LLOC
HOLYWELL
FLINTSHIRE
CH8 8RG**

APPLICATION VALID DATE: **19TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR C. DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE MATTERS TO WHICH THE PROPOSED S.106 AGREEMENT DIRECTS ITSELF ARE NOT ENCOMPASSED WITHIN POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a retrospective application which seeks permission for variations between the development on site and those approved

under planning permission reference 049102. The proposals relate to the use of the site as a touring caravan site for 25 pitches.

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

2.01 Subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking to rescind the right to site 25 touring caravans in accordance with planning permission ref: 048006, Conditional Permission be granted;

2.02 Conditions:

1. Development in accordance with approved plans.
2. Caravan used only for holiday purposes and occupancy restrictions to the period from 14th February to the 14th January in the following calendar year.
3. There shall be no storage of caravans upon the site when not in occupation and there shall be no winter storage of any caravans.
4. Implementation of landscaping/supplementary planting.
5. This permission relates to the use of the site for 25 touring caravans/motor homes and associated vehicles for holiday purposes only.
6. No external lighting installed upon the site.
7. Removal of Permitted development rights under Classes A and B of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order revoking and re-enacting that order with or without modification)
8. Within 6 weeks of the date of the approval of the development hereby approved, a scheme indicating the proposed methods of disposal of surface waters from the site to be submitted.
9. Removal of toilet porta cabins within 6 months of this permission.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Councillor C. Dolphin:
Verbally, no objection to delegated determination

Whitford Community Council:
No adverse comments. Requests controls re: hardstandings and storage of caravans.

Pollution Control Officer:
No adverse comments.

Highways (DC):
No objections. Footpath 16 abuts the site but is unaffected.

Natural Resources Wales:
No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 At the time of writing this report, 2no. letters of objection have been received from third parties in response to the consultation exercise in respect of the proposals. These responses raise objection upon the following grounds;

1. Inadequate local highway infrastructure;
2. Pollution by way of noise, litter and light;
3. Year round occupation of units; and
4. Not compliant with UDP policies.

5.00 SITE HISTORY

5.01 **595/92**
Creation of touring caravan park
Permitted 14.10.1992

02/00062
Alteration and upgrade of access to Whitford Road and provision of parking places.
Permitted 19.3.2002

034217
Alteration and upgrade of access and provision of passing place.
Withdrawn 21.7.2005

038070
Amendments to existing site including layout, reception/office building and access
Permitted 30.6.2005

048006
Amendments to existing site to provide 3 Static pitches and 25 touring pitches
Permitted 13.5.2011

049102

Change of use of land to form 25no. pitch extension to existing caravan park and ancillary works
Permitted 14.3.2013.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy T6 - Touring Caravan Sites
Policy AC13 - Access and Traffic Impact
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy L1 - Landscape Character

National Policy

Technical Advisory Note 13: Tourism

7.00 PLANNING APPRAISAL

7.01 Site Description

The site comprises a field parcel located to the east of the existing caravan park. The site is accessed via an existing opening in the western field boundary. The field is bounded by existing hedgerows on all boundaries with other agricultural fields to the north, south and east. The existing caravan park lies upon land to the west. The site slopes upwards from south to north and in this respect is reflective of the surrounding topography. It is comparatively flat across its east west axis. The site lies in close proximity to the hamlet of Lloc. Access is proposed to be derived via the existing access from the existing caravan site onto Whitford Road.

7.02 Proposed Development

The applicant operates the adjacent Misty Waters Caravan Park under the terms of a previous planning permission (48006). Under application 049102 the applicant was granted planning permission to use the application site for the purposes of a touring caravan site for up to 25 pitches. Whilst permission Ref: 048006 permits 25 pitches for touring caravans upon the area of the site predominantly occupied by static caravans, the applicant voluntarily rescinded this element of their permission in preference for the current proposals via S.106 agreement.

- 7.03 The originally proposed shower and toilet facilities in the north easternmost corner of the site have not been installed as there have been delays in procuring the approved building. The proposal at this stage is to retain the porta cabins which presently serve this purpose, albeit on a temporary basis. The proposals also seek retrospective

approval of the variations to the layout of the pitches as provided.

7.04 It should be noted that 29No. pitches are provided on site. This application seeks to regularise the position in respect of 25No. (reflective of 049102). The additional 4No. unauthorised pitches are considered under a separate application (053202) and I do not propose to pre-determine that application via this appraisal.

7.05 Main Issues

The main issue in relation to this application is the impact of the differences between this proposal and those approved under 049102.

7.06 Members will recall that the principle of the development in respect of planning policy and specifically Policy T6 of the Flintshire Unitary Development Plan (FUDP) was considered as part of the decision to grant planning permission under that reference. I do not propose to revisit that question here in depth other than to state that I remain of the view that the proposals accord with Policy T6.

7.07 Impact of the changes between 049102 and this application

The differences between this retrospective application and the scheme approved under 049102 essentially comprise 3 elements:

7.08 1. The difference in size, shape and appearance between the proposed toilet block and the currently sited porta-cabins.

The originally approved building was single storey and timber clad in appearance. The porta-cabin provision comprises 2 cabins which, by virtue of their form, are slightly higher in elevation above the ground than the originally proposed building. I would not be satisfied that such provision would represent a 'long term' solution to this issue. However, I am mindful of the applicant's suggested condition requiring the removal of the cabins and reinstatement of the land in accordance with details to be agreed. I am satisfied that this will ensure no long term adverse impact and propose to condition accordingly.

7.09 2. The impact of the variations to the position of the pitches from those approved to those provided.

It was originally intended that the pitches themselves should be grass only with no hardstandings. I am also mindful that given the sloping nature of the site, use over the season is likely to see the field churned up to a degree where this in itself would be detrimental to the immediate appearance of the site and the localised area. The proposed hardstandings are small and the access roads only those which are required to facilitate access. I am equally mindful of the argument advanced by the applicant in relation to the disability access issues associated with use of the toilet blocks were there not to be a suitable surface to

facilitate the same.

Taking the above and the nature of the surface material, crushed slate, into account, I am satisfied that the hardstandings are not impermeable and therefore are likely to naturally weather and green over time.

The pitch position amendments are small and in combination would not lead me to conclude that there is any impact above that already considered in connection with this proposal.

- 7.10 3. Ensuring those matters requiring address via conditions on 049102, where applicable, are addressed as part of the submissions under this application.

I am satisfied that the on-site provisions of drainage and landscaping, when coupled with the details submitted in connection with this application, have satisfied the original intent of the condition of 49102. That said however, conditions will be required to ensure the implementation of the same.

7.11 Landscape Impact

The scale and layout of the proposal has been designed to minimise the impact on residential amenity and the impact on the landscape. Any visual impacts of the development would therefore be limited to within the operating season and the site would have a largely 'green' appearance during the winter months save for the pitch standings and access road. The site is elevated in nature but the porta cabins and pitches are sited so as to maximise the screening benefit of the existing site boundaries in order that the impacts of the proposals upon any views of the site would be minimised. The site layout seeks to mitigate the impact on the landscape and to enhance the natural hedgerow features of the site.

7.12 Highway Impacts

Concerns have been raised by third parties in respect of the adequacy of the existing local highway infrastructure to accommodate the traffic arising from the proposals. I am mindful that a condition was imposed upon planning permission reference 02/00062 (which addresses access to the wider site as a whole) which requires the provisions of passing places and improved access to Whitford Road. I am aware that works have been undertaken to satisfy this condition. If there are concerns in relation to the adequacy of those works, I consider there is ample provision to address that via this condition.

- 7.13 It should be remembered that the proposals would not give rise to any additional traffic as there is no increase in the number of pitches from that considered and approved under application reference 48006.

7.14 Site Sustainability

Although not a policy criteria, due to the site's proximity to the hamlet of Lloc, local businesses such as the public house, shop and garage would be within walking distance to visitors to the site and would have economic benefits also. The wider site is crossed by a public footpath and therefore the scope exists to explore the local walks available

8.00 CONCLUSION

8.01 It is considered, given all of the matters set out above, that the proposed development is acceptable.

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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk