

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF LAND FROM PADDOCK TO A TOURING CARAVAN FACILITY (24 TOURING CARAVANS) AND ERECTION OF AMENITY BLOCK AT ‘TY HIR’, FFORDD GLYNDWR, NERCWYS, MOLD.**

APPLICATION NUMBER: **054629**

APPLICANT: **MR. ROBERT WYNNE**

SITE: **TY HIR,
FFORDD GLYNDWR, NERCWYS**

APPLICATION VALID DATE: **23RD NOVEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS**

TOWN/COMMUNITY COUNCIL: **NERCWYS COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for change of use of the land from a paddock to a 24 touring caravan facility and erection of an amenity block at ‘Ty Hir’, Ffordd Glyndwr, Nercwys, Mold. The issues to be considered within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the character and appearance of the landscape, the effects upon the setting of listed buildings, the archaeological implications, the effects upon land contamination and wildlife together with the drainage and economic implications.

1.02 The principle of development is considered acceptable in planning policy terms as the proposals would enhance tourism in the County and contribute to rural diversification. All of the detailed matters of the application are considered acceptable and thus the recommendation is to approve the application subject to conditions.

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

2.01 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Caravan pitches used only for holiday purposes and occupancy restricted to the period from 14th February to the 14th January in the following calendar year.
4. No winter storage of any caravans upon site outside of operating season as stated in condition 3 above.
5. Implemented in accordance with submitted highway management plan.
6. Prior to first use, traffic signs 'Unsuitable for Caravans (TSRGD DIAG.820) placed on Glyndwr Road located to north of the site entrance and at junction with A494.
7. Materials of construction of internal roads to be further submitted and approved prior to commencement of development.
8. External materials of toilet block building to be further submitted and approved prior to commencement of development.
9. Notwithstanding details shown upon approved plans, landscaping plan to be submitted and approved prior to commencement of development.
10. Implementation of approved landscaping plan and details above.
11. Scheme of disposal of foul sewage and surface water from site to be further submitted to and approved in writing by the Local Planning Authority.
12. Implemented in accordance with submitted Reasonable Avoidance Measures for Great Crested Newts.
13. Land contamination assessment and any remediation measures therein to be submitted and approved prior to commencement of development.
14. Lighting scheme to be further submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor N. Matthews

Requests committee determination and a site visit. This is because the proposed development is for a new facility in the open countryside

outside a settlement boundary. The development does not meet the criteria in Policy EM5 relating to expansion of existing concerns. Therefore contrary to STR1 and GEN3. Insufficient information on access and traffic impact AC13. There would be a detrimental impact on listed buildings. Pistyll Farm which went to appeal (053238). Listed building was quoted as in view although gable end only just visible. It is similar to the view of listed buildings from this site and must be consistent here. No mention of outdoor lighting – Policy D4.

Nercwys Community Council

Objects to the proposal, for the following reasons:-

- Acknowledges development is in open countryside. Do not object to a site with smaller number of caravans e.g., 15, to allow for safety and better movement of vehicles.
- Plans insufficient to visualise the site, its amenities such as septic tanks and its proximity to neighbouring properties. No sign of any internal landscaping.
- Council would have to be satisfied that the site would be laid out with decent sized plots, run as a 'caravan club' model rather than individual rentals.

Gwernymynydd Community Council

Objects to the development on the following grounds:-

- Issues of safety to pedestrians and to local traffic movement.
- Exacerbate the dangers to horses and their riders. Health & safety needs to be considered due to narrow country lanes and limited access/egress to and from the site.
- Within open countryside with no bus service, therefore increased traffic movements than expected at this location.
- No requirement for another caravan site as others already in this rural location.
- Detrimental to the adjacent AONB.
- No indication that Flintshire's licensing section have been consulted on the proposal and approved.
- No details been provided in terms of drainage.
- No consultation with local neighbours.

Head of Highways (Development Control)

Recommends any permission to include a suggested condition. This being the erection of traffic signs – unsuitable for caravans to be placed on Glyndwr Road located to the north of the site entrances and at the junction with the A494.

Head of Public Protection

No adverse comments to make regarding this proposal.

Head of Business Development

The proposal will create additional accommodation options for visitors which will contribute positively to our offer and the value of the tourism sector.

Clwydian Range & Dee Valley AONB Joint Committee

Significantly improved scheme over that which was submitted under 052932. Scale and density been reduced, amenity block re-sited and substantial landscaping proposed to screen the site, break up views and mitigate landscape impacts in addition to protecting the setting of nearby listed building. Committee has no objection in principle, which will add to the tourism infrastructure of the AONB.

If permission granted, should be subject to landscaping conditions and seasonal use condition to avoid winter months when caravans more exposed. Suggests a Traffic Management Plan is drawn up and implemented so that caravans access the site from Nercwys-Eryrys Road to South.

Welsh Water/Dwr Cymru

Applicant intends utilising a septic tank facility and advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Natural Resources Wales

May affect the Bryniau Clwyd Area of Outstanding Natural Beauty. Section 85 of the Countryside & Rights of Way Act 2000 requires public bodies to have regard to the purposes of conserving and enhancing the AONB standard advice also applies.

Clwyd – Powys Archaeological Trust

Proposals lie close to Pwll y Wheal pool and former East Maeshafn Mine. Pool has been filled in. Main area of former mine shafts, engine and buildings were located in the field immediately to the south east of the site and survive as low stone walls, earthworks and sub-surface structural remains. These will remain unaffected by this development. No objection to the proposed development at this location.

Airbus

Does not conflict with safeguarding criteria. No aerodrome safeguarding objection to the proposal.

Wales & West Utilities

No apparatus in the area.

SP Energy Powersystems

May have plant and equipment in the area. Developer to be advised of this.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

14 letters of objection received. The grounds are summarised below:-

- Serious impact upon standard of living conditions on nearby residents and have an unacceptable effect on a rural, agricultural and residential area on the immediate border of an AONB.
- Does not comply with STR1 of the FUDP. No supporting evidence to support the statement that it is much needed tourist accommodation.
- Would create increased levels of waste and pollution.
- No detailed security plan. Local area has been subject to several instances of rural crime. Risk of increased level of crime in area.
- Mine shafts create a health & safety hazard to users of the caravan park.
- No community identity and social cohesion as applicant did not consult neighbours.
- No detailed drainage plan has been submitted.
- Creation of increased levels of pollution due to increased levels of vehicles.
- Significant and uncertain environmental, social, economic and cultural impacts.
- Inappropriate rural diversification initiative to support 2 new full time employees. Contrary to Policy STR3.

- Does not regenerate brownfield land or buildings and does not contribute to rural diversification. Needs of residents will not be met. Contrary to Policy STR6.
- No evidence been provide to demonstrate the over-riding necessity of the development over and above safeguarding the natural environment of Flintshire's open countryside. Contrary to STR7.
- No detailed assessment of impact on built heritage of the historic listed buildings to the south east of Ty Hir. Also detrimental impact upon views of the townscape and villages of Nercwys and Mold.
- Increase in noise and pollution which would result in a detrimental impact upon the amenities of adjoining residents.
- Location of proposed amenity area and caravans would overlook immediate residential properties to their detriment.
- Does not comply with those developments listed in Policy GEN3 of the FUDP.
- The site is not in a tourism destination. Flintshire villages that surround the area are residential and not renowned tourist destinations and do not have extensive tourist facilities. Will not provide dispersion of the economic benefits of tourism across the plan area.
- Development would provide no tourism facilities to cater for the needs of the local community.
- Landscaping will not screen the development. Landscaping plan should be considered to the impact on the residents, environment and locale from inception than an inter-determinate timeline.
- Detrimental impact of light pollution on the area.
- No ecological survey has been submitted. Site is an important habitat and foraging habitat for a range of protected and priority species e.g., great crested newts, badgers, birds and bats.
- Site is part of a former lead mine. No assessment been submitted to demonstrate the level of contamination and stability of the site and the measures required to address contamination and safety.

- No archaeological assessment has been submitted which considers the impacts on the above ground and buried archaeological features.
- Existing septic tank would not be able to take the loads. New septic tank and drainage field would have to be constructed. Very large field required outside of application site. No gradient to enable the drainage field to flow without constructing a purpose built drainage mound.
- Some provision needs to be made as to how the chemical waste is dealt with.

5.00 SITE HISTORY

5.01 052932

Change of use of land from paddock to touring caravan facility (35 touring pitches and amenity block) – Withdrawn 11th May 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR6 – Tourism.

STR7 – Natural Environment.

STR8 – Built Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

D4 – Outdoor Lighting.

L1 – Landscape Character.

L2 – Area of Outstanding Natural Beauty.

WB1 – Species Protection.

WB5 – Undesignated Wildlife Habitats.

HE2 – Development Affecting Listed Buildings & Their Settings.

HE7 – Other Sites of Lesser Archaeological Significance.

AC13 – Access & Traffic Impact.

RE4 – Small Scale Rural Enterprises.

T6 – Touring Caravan Sites.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP15 – Development of Unstable Land.

National Planning Policies

Planning Policy Wales (PPW) (Edition 8, January 2016)

Technical Advice Note 5 – Nature Conservation & Planning (2009).

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010).

Technical Advice Note 13 – Tourism (1997).

Technical Advice Note 18 – Transport (2007).

Technical Advice Note (TAN) 23 – Economic Development (2014).

The site is located outside any recognised settlement boundaries and within the open countryside as defined by the Adopted Flintshire Unitary Development Plan. As such Policies STR1, STR6, GEN3 and T6 are applicable in this case.

In principle, as the proposals require a countryside location, enhances tourism in the County and contributes to rural diversification it is considered that they are acceptable in planning policy terms. What needs to be considered are the details of the proposals – highway implications, effects upon the landscape, ecological implications and effects upon the amenities of adjoining residents etc.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of 0.625 ha of the western part of a piece of grazing land to the rear of the existing bungalow at Ty Hir, Ffordd Glyndwr, Nercwys, Mold. It is a slightly raised area of land with the remainder of the field sloping downwards to the east. Both the eastern and western boundaries of the site are open with part of the northern boundary being a planted bund and southern boundary being a ranch type wooden fence.

7.02 The access to this land lies within the north western corner which is then accessed off the vehicular access to the existing timber business via the main road of Ffordd Glyndwr.

7.03 The proposals involve the change of use of land to form a touring caravan facility for up to 24 touring caravans together with the creation of an amenity block, landscaping, creation of internal access roads and an amenity area.

7.04 The pitches of the caravans will be within the centre of the site with the amenity building located within the north west corner close to the access to the site and to the rear of Ty Hir, landscaping along all boundaries and within the site and the open amenity area located within the north eastern corner of the site. The amenity building will measure approximately 8 m x 4 m x 4 m (height to ridge) and will be constructed within timber clad walls with the roof covered in shingles. The proposal will employ two full time people.

7.05 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the visual appearance and character of the landscape, the effects upon the setting of listed buildings the archaeological implications, the effects upon land contamination and wildlife together with the drainage and economic implications.

7.06 Background

Members may be aware that a previous application (052932) was submitted on the site for a 34 touring caravan facility with an amenity block but was withdrawn on 11th May 2015. The scale and density of this scheme has been reduced with the amenity block being re-sited and substantial landscaping being proposed.

7.07 Principle of Development

The site lies outside of any recognised settlement boundaries and within open countryside as defined by the adopted Flintshire Unitary Development Plan. As such Policies STR1, STR6, GEN3 and T6 are applicable in this case.

7.08 In principle as the proposals require a countryside location, enhances tourism in the County and contributes to rural diversification, they are considered acceptable in planning policy terms. What needs to be considered are the details of the proposals, which includes the highway implications, the effects upon the character and appearance of the landscape, the ecological implications, the effects upon the amenities of adjoining residents etc.

7.09 Highway Implications

The existing access to the land will be utilised which is accessed off the road to the timber business which in turn is off the main road off Ffordd Glyndwr. The applicant's agent has submitted a Traffic Management Plan instructing users of the site to approach and leave the site from Nercwys Road rather than from Gwernymynydd and to avoid slight chance of congestion. Those leaving the site at the end of the booked period will be required to vacate before 12 mid-day. Those arriving will be required to book in after 1 pm.

7.10 The Traffic Management Plan and its requirements have been submitted as the majority of the roads in the vicinity of the proposed site are of limited width and have restricted forward visibility. A number are signed as being unsuitable for HGV traffic. These roads (connecting to the A494) are considered to be unsuitable to cater for caravan access. Although it would be possible for a car and caravan to negotiate these roads, lack of passing opportunities could lead to dangerous situations if vehicles travelling in opposing directions were to meet and then need to reverse.

- 7.11 The only route considered suitable for access is that stretch of Glyndwr Road running north/south from the Nercwys to Eryrys Road. This route has limited opportunities for two large vehicles to pass, however, the chances of two caravans meeting on this stretch of road has been minimised by the requirements of the submitted Traffic Management Plan.
- 7.12 The Head of Highways (Development Control) has been consulted on the application including the Traffic Management Plan who recommends that any permission to include a suggested condition regarding the erection of traffic signs at the north of the site entrance and at the junction with the A494 advising that they are unsuitable for caravans.
- 7.13 Amenities of Adjoining Residents
The two closest properties located to the site are Tyr Hyr and Godrer Foel. The separation distances between these properties to the western boundary of the site are approximately 40m x 30m respectively. Along this boundary planting is proposed.
- 7.14 Given the above distances and screening together with the low height of the touring caravans, it is considered that there will not be a significant detrimental impact upon the amenities of these adjoining occupiers in terms of overlooking, loss of light, obtrusiveness and noise disturbance.
- 7.15 Character & Appearance of Area
The site is located within open countryside, with the Clwydian Range & Dee Valley AONB lying upon the western side of Ffordd Glyndwr. Views from the site eastwards are extensive as the site is elevated with the land beyond being lower. From the site westwards, views into the AONB are restricted due to the existing buildings and trees.
- 7.16 The proposed toilet block building and caravan pitches have been sited as close as possible to the existing buildings so that they can be assimilated into the existing built development and therefore will have a limited detrimental impact upon the appearance of the landscape in this location. The park will also be for seasonal use only. In addition, extensive landscaping is proposed along the site boundaries and within the site itself, so as to screen any adverse impacts upon the landscape. Also, the toilet block is of a small scale with the caravans being of a low height.
- 7.17 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the character and appearance of this countryside location or the adjacent landscape designation of the AONB.

- 7.18 Setting of Listed Buildings
The listed buildings within the complex of Fron Farm are located approximately 100 m to the north east of the site. The land slopes gently downwards to the farm and is interspersed with fields and existing planting of hedgerows and trees.
- 7.19 Due to the distance away of the proposal from these buildings, lie of the land, existing screen of hedgerows and trees and proposed planting it is considered that the proposals will not have a detrimental impact upon the setting of these listed buildings of special architectural and group value.
- 7.20 Archaeological Implications
The proposals lie close to Pwll y Wheal Pool and the former east Maeshafn mine.
- 7.21 However, the pool has been filled in at some point over the last 75 years. A small former shed has also been removed. The main area of former mine shafts and the associated engine and processing buildings were located in the field immediately to the south east of the application area and survive as low stone walls, earthworks and sub-surface structural remains. These will remain unaffected by the proposals.
- 7.22 Given the above it is considered that the proposals will not have a detrimental impact upon the archaeology in the area.
- 7.23 Land Contamination
The site is in an area of former lead mining. There will be excavations for foundations for the toilet block, drainage and childrens play area. Therefore, the site needs to be fully investigated and assessed for contamination of the land. If any contaminants are found then a methodology of remediation measures needs to be submitted and further approved. This investigation and any remediation measures to be submitted can be and have been placed as a condition upon the recommendation to grant planning permission.
- 7.24 Wildlife Implications
The majority of the site is improved grassland which appears to have been mown on a regular basis. The area of land at the rear of the site (which is at a lower level) is covered with dense scrub and tall herb species.
- 7.25 An Ecological Survey has been submitted as part of the application. This is to assess the ecological value of the site and make recommendations for mitigation, enhancement and further surveys as required.
- 7.26 No evidence of badgers were found at the time of the survey although they may be present in the scrub to the rear of the site.

- 7.27 The main part of the site does not support any structures which would offer any potential roost sites of bats. Within the area of dense scrub at the lower end of the site there is a small walled area. This is the remains of a former lime kiln. There is no roof and it is very exposed, the walls are covered with a dense growth of ivy. Any gaps or crevices in the walls may be suitable for hibernating bats. However, this whole area will remain undisturbed as part of the development, so there are no issues in this respect.
- 7.28 Based upon the existing proposals (very low site impact) there would appear to only be a low risk of disturbance to Great Crested Newts. Ponds have, however been identified within 100 m of the development so to reduce any potential issues the Reasonable Avoidance Scheme submitted with the Ecological Survey would be implemented.
- 7.29 The site may support common reptiles such as slow-worms. These would however be restricted to the boundary walls at the lower end of the site or in and around the scrub. The development as proposed would have no impact upon these areas. The proposals do not involve any deep excavation of groundworks, so it is unlikely that there will be any issues. If any trenches need to be dug for pipework or similar then these will be either covered or a ramp (plank of wood) installed to enable hedgehogs to escape.
- 7.30 Birds will use the area of scrub at the rear of the site for nesting and also for general shelter. Barn owls have been recorded in the area. The scrub at the rear of the site will support small mammals which may in turn form part of the hunting area for barn owls (along with other habitats in the surrounding area).
- 7.31 Drainage
In terms of surface water, it is no longer proposed to dispose of surface water through soakaways as the vast majority of the site will remain a grassed area. Rainfall will seep away naturally particularly as there are no hardstandings proposed. The internal access roads within the site will be constructed of semi-permeable materials allowing the natural disposal of rainfall. Run off from the amenity block will be stored and used within the amenity building.
- 7.32 In relation to foul water, a Package Sewage Treatment Plant (PSTP) is proposed for the site. This is more appropriate than that of a septic tank. This type of system which is to be installed will be operated in accordance with the criteria following agreement with Natural Resources Wales. In addition to a treatment facility to serve the amenity/toilet block a suitably sized cesspool will have to be provided for disposal of chemical toilet waste from the caravans. The effluent will be disposed of, off site by a registered carrier.

7.33 Economic

The proposal will employ two full time people. In addition, the facility will add to the variety of tourist accommodation in the County and help support tourist attractions, shops, pubs, restaurants financially in the area.

8.00 CONCLUSION

8.01 For the reasons above, it is considered that the proposals are acceptable in planning terms.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

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