

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 15 JANUARY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050463 - GENERAL MATTERS - USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSE FOR 5 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDINGS AND UTILITY/DAYROOMS ANCILLARY TO THAT USE LAND ADJACENT TO EWLOE BARN**

1.00 APPLICATION NUMBER

1.01 050463

2.00 APPLICANT

2.01 MR M ROONEY

3.00 SITE

3.01 LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE

4.00 APPLICATION VALID DATE

4.01 01.02.13

5.00 PURPOSE OF REPORT

5.01 To seek Members approval to withdraw the reason for refusal relating to air pollution and the impacts of road traffic pollutants on the health of the site occupants and not to pursue this reason at the forthcoming appeal against the refusal of planning permission.

6.00 REPORT

6.01 Background

Planning application (050463) "Use of land for the stationing of caravans for the residential purpose for 5No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables" at land side of Ewloe Barn Wood, Magazine Lane, Ewloe was considered at Planning and Development Control Committee on 15th May 2013.

6.02 The Committee resolved to refuse the planning application on the following grounds;

1. There is insufficient evidence to demonstrate that the levels of noise generated from the A55 would not lead to unacceptable living conditions for residents on the proposed gypsy/traveller site which would be contrary to Policy EWP13 of the Flintshire Unitary Development Plan and TAN 11 Noise.

2. Road traffic is a source of pollution and the proposed location of the development adjacent to the A55 poses a risk to the health of the site residents. There is insufficient evidence to demonstrate that this would not lead to unacceptable living conditions which could adversely affect the health of the site occupants which would be contrary to Policy EWP12 of the Flintshire Unitary Development Plan.

3. The proposed development is directly underneath an overhead electricity line. The location of the bund and fence would reduce the clearance distance and adversely affect the safe operation of overhead line by the statutory undertaker contrary to Policy STR1 C) of the Flintshire Unitary Development Plan and The Electricity Safety, Quality and Continuity Regulations 2002 and Health and Safety Executive Avoiding Danger from Overhead Power Lines Guidance Note GS6. The construction of the development, in particular the bund and fence would endanger the lives of the construction workers contrary to the Health and Safety at Work Act.

4. The proposed development of a gypsy/traveller site would harm the openness of the green barrier and have an adverse impact on the landscape in this green barrier location contrary to Policy GEN4, L1 and HSG14 c).

6.03 The decision was issued on 16th May and the appellants submitted an appeal to the Welsh Assembly on 11th October 2013. The appeal is to be dealt with by Public Inquiry to be held on 26th February 2014 for 3 days.

6.04 Additional Information

Following the submission of the appeal the appellants have submitted an Addendum Report to the Air Quality Assessment undertaken by Ricardo-AEA. The Addendum Report considers the matters raised by the Head of Public Protection which were set out in the report to committee.

- 6.05 The Head of Public Protection's main concerns in respect of air pollution were;
- i. The submitted air quality report shows that there is a likelihood that the air quality with regard to nitrogen dioxide and particulates PM10 will be within the current standards. However, there is additional evidence in the form of a new report from The World Health Organization "Review of evidence on health aspects of air pollution – REVIHAAP" 2013 which questions the levels permitted within the current standards.
 - ii. The applicant's Air Quality Assessment does not take account of particulates PM2.5 and other pollutants such as PAH's, ozone etc. These pollutants have been increasingly studied because of serious concerns they may be having on the health of people living close to such sources. It is not known if these pollutants have been assessed at this location and that the potential risks associated with them have been fully investigated with reference to the proposed residential use.
- 6.06 With regard to the first matter the Addendum Report Ricardo-AEA understands that the review of the Air Quality Daughter Directive has started but no firm proposals have been made to amend the requirements of the current Air Quality Daughter Directive. The World Health Organisation report referred to in the planning report is part of the review process.
- 6.07 With regard to the second matter the Addendum Report considers National Air Quality objectives with regard to ozone, Pm2.5's, black smoke and PAH and the likely levels and implications for residents on the application site.
- 6.08 The report also refers to other residential developments within a similar proximity to the A55 in other areas of Flintshire and refers to the fact that none of these areas have been declared air quality management areas under current guidance.
- 6.09 The report also makes reference to that there is at present no obligation on local authorities to assess or manage any of the additional pollutants referred to by the planning authority in the response by Public Protection. Consequently, there is normally not a requirement on a developer to carry out an assessment of these substances in relation to a proposed residential development.
- 6.10 Conclusions
The applicant has assessed the issues raised by the planning authority. The assessment shows that none of the additional pollutants identified are likely to cause harm to the residents of the application site and any pollutants present are within current guidelines.

6.11 The Head of Public Protection has reviewed the Air Quality Assessment Addendum Report and concedes that pollutants at the site are within current air quality standards and that whilst there is a review of the standards under way there are no proposals at present to alter these standards in the immediate future. The addendum report has also assessed the other matters raised previously by the Head of Public Protection. It is therefore considered that the additional information submitted overcomes the Council's concerns on both matters.

7.00 RECOMMENDATIONS

7.01 To withdraw reason for refusal (2) relating to air pollution and the impacts of road traffic pollutants on the health of the site occupants and not to pursue this reason at the forthcoming appeal against the refusal of planning permission.

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