

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MARCH 2015**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF AND EXTENSION TO EXISTING BUILDING TO PROVIDE FISHERY SALES OFFICE AND CANTEEN, CONVERSION OF AND EXTENSION TO BUILDING TO PROVIDE A DWELLING WITH B & B LETTING, CONSTRUCTION OF 2 NO. FISHING POOLS AND A MITIGATION WILDLIFE POOL, DEMOLITION OF EXISTING OUTBUILDING ON ROADSIDE, LANDSCAPING, INSTALLATION OF NON-MAINS DRAINAGE, FORMATION OF PARKING AREA AND CREATION OF A NEW ACCESS (CLOSURE OF EXISTING ACCESS) AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE.**

APPLICATION NUMBER: **052759**

APPLICANT: **MR. J. WOODCOCK**

SITE: **STAMFORD WAY FARM, STAMFORD WAY, EWLOE.**

APPLICATION VALID DATE: **25TH NOVEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR A. M. HALFORD**
COUNCILLOR D. I. MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SITE EXCEEDS 2 HECATRES IN AREA**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the change of use to a tourist fishery enterprise involving the creation of fishing ponds and the conversion and extension of existing buildings to form a fishery sales office, canteen with toilet and shower facilities and a managers dwelling which also includes bed and breakfast accommodation.
- 1.02 The proposal also involves:
1. the creation of a new access and closure of the existing,
 2. demolition of buildings fronting the main road,
 3. formation of driveway and car parking areas, and
 4. fencing and landscape planting.
- 1.03 This application is a resubmission following the dismissal of an appeal against the refusal of previous proposals under Reference 050839. The major difference between this proposal and the previous is the deletion of the proposal for touring caravans from this scheme and the introduction of bed and breakfast accommodation as part of the proposed dwelling.
- 1.04 The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling.

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

- 2.01
1. Time implementation.
 2. Compliance with submitted information and amended plans.
 3. Samples of all external materials
 4. Provision of 2.4m x 160m visibility splays in both directions.
 5. Visibility splays kept free of all obstacles during construction.
 6. Provision and retention of loading, unloading, parking and turning facilities.
 7. Closure of existing access & creation of new access before any other development
 8. Submission, approval and implementation of detailed landscape scheme including proposed boundary treatments.
 9. Removal of permitted development rights on all future openings (windows/dormer windows etc) for dwelling
 10. Removal of permitted development rights on all future extensions, outbuildings, porches etc for dwelling
 11. Occupation of house tied to management of fishery enterprise.
 12. Commercial use to be established prior to conversion and occupation of house.
 13. Mitigation for barn owls and swallows and implementation of ecological recommendations

14. Surfacing of car parking areas & access track to be agreed.
15. Submission and approval of lighting scheme.
16. No external storage except in maintenance area.
17. No development within 3 metres of centreline of water main.
18. Siting design and layout of site access to be submitted and agreed before any works on site.

3.00 CONSULTATIONS

3.01 Local Member

Councillor A Halford

No advised position at time of writing.

Councillor D Mackie

No response at time of writing.

Hawarden Community Council

Object on the grounds of;

1. green barrier
2. concerns on impact on the water supply to properties in the Locality.

Head of Highways (DC)

No objection subject to conditions covering;

1. visibility splay of 2.4m x 160m in both directions
2. visibility splays kept free from obstructions during all construction works
3. siting, layout and design of the means of site access to be agreed
4. adequate facilities shall be provided and retained within the site for the loading, unloading parking and turning of vehicles

Pollution Control Officer

No adverse comments to make.

Economic Development Manager

The creation of new visitor attractions is welcomed. Advises of a large potential visitor market. Also notes the importance of the landscape from a tourism perspective as part of the appeal of the area.

Dwr Cymru/Welsh Water

No objection. Advises of a distribution water main crossing the site. Condition preventing development of structures within 3 metres of the centreline of the pipeline.

Natural Resources Wales

No objections in principle to the proposed development. As private drainage is proposed to be used discharges above 5m³ to surface

water require an environmental permit.

SP Energy Networks

Have plant and equipment in the area and the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger.

AIRBUS

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, 2No. letters of objection upon the following grounds have been received:

1. Impact upon the openness of the green barrier,
2. Impacts upon ability to farm adjacent land,
3. Absence of information to demonstrate no impact upon hydrology,
4. Size of proposed access,
5. No evidence of scheme viability,
6. Outdated supporting evidence,
7. No evidence of need,
8. Unsustainably located in access terms, and
9. Absence of drainage infrastructure.

4.03 In addition, 11No. letters of support for the proposal have also been received. Support is offered on the following basis:

1. The proposals would relieve some of the pressure upon the fishing in Wepre Wood,
2. The site would be prevented from becoming completely ruinous,
3. There is a need for this sort of recreation facility in the locality,
4. Affords a safe and secure facility to introduce youngsters to the sport of angling, and
5. Will create local employment opportunities.

5.00 SITE HISTORY

5.01 047414

Close up existing access, create new vehicular access and demolition of farm building. Permission refused July 2010.

Appeal dismissed in Oct 2010.

049803

Change of use from agricultural to caravan park with 27 spaces including the conversion of barn into residential and agricultural shed into campsite facilities, demolition of existing outbuildings, formation of an access, construction of fishing pools, parking and ancillary works. Refused 12.10.12.

050839

Change of use from agricultural to caravan park with 27 spaces including the conversion of shed into campsite and fishing facilities, conversion of barn into site managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works.

Refused 14.10.2013

Appeal Dismissed 8.4.2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy STR6	-	Tourism
Policy GEN1	-	General Requirements for Development
Policy GEN3	-	Development in the Open Countryside
Policy GEN4	-	Green Barriers
Policy D1	-	Design Quality, Location and Layout
Policy D2	-	Design
Policy D3	-	Landscaping
Policy L1	-	Landscape Character
Policy WB1	-	Species Protection
Policy AC13	-	Access and Traffic Impact
Policy AC18	-	Parking Provision and New Development
Policy HSG7	-	Change of use to Residential Outside Settlement Boundaries
Policy RE4	-	Small Scale Rural Enterprises
Policy SR2	-	Outdoor Activities
Policy TWH2	-	Protection of Hedgerows

Planning Policy Wales

TAN 6 Planning for Sustainable Rural Communities

TAN 13 Tourism

Local Planning Guidance Notes:

5 – Conversion of Rural Buildings

10 – New housing in the open countryside

11 – Parking standards

The proposals would accord with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for a the change of use to a tourist

fishery enterprise involving, the creation of fishing ponds and the conversion and extension of existing buildings to form canteen, fishery sales, toilet and shower facilities and a managers dwelling with bed and breakfast accommodation. The proposal also involves the creation of a new access, demolition of buildings fronting the main road, formation of driveway and car parking areas and fencing and landscape planting.

7.02 The Site and Surroundings

The site is located on the south side of Stamford Way, opposite Stamford Way Farm, between Northop Hall and Ewloe. It lies in open countryside within the green barrier.

7.03 The application site is a field of 2.5ha (6.3 acres), bounded on all sides by hedgerows containing some trees. There is an existing vehicle access at the eastern end of the site frontage. The site contains three former agricultural buildings, one on the road frontage, and the other two are further inside the site. The site is no longer part of a working farm and the buildings are unused. The field slopes down gradually from north to south, away from the road. There are power lines running across the site. There is a residential property the former farm house which is in separate ownership, opposite the application site. There is a boarding kennels and associated dwelling located to the east of the site.

7.04 The Proposals

The proposed development comprises: • creation of a new access and closure of the existing access; • demolition of a brick and slate farm building located on the road frontage; • conversion and extension of a barn to a dwelling with B&B accommodation; • conversion and extension of an agricultural building to fishery facilities; • access driveway; • 2 fishing pools with central islands; • a wildlife pond; • car park for fishing pools, including disabled spaces;

7.05 The primary use of this development is to create recreational fishing ponds. The proposal would create 2 fishery pools with 35 angling pitches. The recreational fishing pools would have a surface water area of 650m² located at the southern end of the site. The fishing ponds will be screened by substantial landscaping and planting.

7.06 It is proposed to convert the existing barn into a three bedroom dwelling. 2 of the proposed bedrooms will be used in conjunction with the primary use of this converted building as manager's accommodation. The 3rd bedroom will be available as B&B accommodation in association with the fishing pools. The existing barn is of stone and brick construction with a slate roof. This building is attractive and of architectural merit. It has a two storey element measuring about 8.8m long x 5.7m wide x 6m high and a single storey element measuring about 12m long x 6m wide and about 4.5m high. The conversion would involve new roof lights on the rear elevation. To

the rear would be a single storey 9m x 9m x 4.3m high extension for a bedroom, sitting area and living room. The extension would be rendered with a slate roof. The dwelling would have private amenity space to south and its own internal access and parking area.

7.07 The existing brick agricultural building would be converted to form a fisherman's canteen, administration/reception building for the fishery, toilet/showers, kitchen and maintenance/storage area as facilities for the fishing enterprise. The existing building measures approximately 14m x 10.5m x 5m high, with a small projection of 6m x 3m x 4m high, would be extended by 7m x 6m to provide. The building would retain a brick external finish, with vertical timber cladding to gable ends above eaves level and a grey sheeted roof.

7.08 The new access would be formed at the western end of the road frontage and serve a road through the site to the fishing pools and associated parking area. This requires the removal of the existing roadside hedge and the erection of a 1.5m high post and rail fence with new hedge planting. 7 parking spaces would be provided for the canteen building, including 2 disabled spaces; 20 spaces for the fishing and 2 disabled parking spaces by the first fishing pool. A private drive off the access road would serve the barn converted to the dwelling and B&B. The existing access would be closed up. A bore hole and pumping station would be used to supply water to the development. Foul sewage would be dealt with via bio-disc treatment plant and discharged into an existing ditch.

7.09 The fishing and canteen would be open for 52 weeks of the year, with the fisheries open from 8am to dusk. The development would create two full time jobs and four part-time jobs.

7.10 The Main Issues

The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling. The key to acceptability of this proposal is in the detail, having regard to its green barrier location covered by policy GEN4 Green Barriers and the requirements of policies STR6 Tourism and SR2 Outdoor Activities.

7.11 Policy Considerations and the Principle of Development

The site lies within the green barrier in open countryside. The most important attribute of a green barrier is its openness and there is a general presumption against any inappropriate development within a green barrier except in very exceptional circumstances. These circumstances should outweigh any harm that may be done to the green barrier and its openness. The visual amenity of the green barrier should not be detrimentally affected by development.

7.12 Green Barrier

Policy GEN4 'Green Barriers' states development within green barriers will only be permitted where it comprises (amongst others):

- b) essential facilities for outdoor sport and recreation
- f) the re-use of existing buildings; and
- g) other appropriate rural uses/development for which a rural location is essential,

provided that it would not:

- i. contribute to the coalescence of settlements; and
- ii. unacceptably harm the open character and appearance of the green barrier.

7.13 It is considered that the creation of fishing ponds creates essential facilities for outdoor recreation and is also a rural use for which such a location is essential as referred to in g) above. It needs to be demonstrated that any harm which may arise as a consequence of the proposal, is considered to be acceptable due to other overriding circumstance or the harm can be mitigated, for example by landscaping.

7.14 In dismissing the appeal against the previous refusal of planning permission upon this site, an Inspector considered the issue of Green Barriers and the question of openness. He noted that the sloping nature of the site helped to create a feeling of expansive openness. He considered the impact of those proposals, including a touring caravan park, upon the openness of the green barrier and concluded that those proposals would unacceptably harm the Green Barrier due to an irreversible impact upon its' openness. This decision is material in my determination of the same question in relation to this current proposal.

7.15 The previously proposed caravan element has been deleted from this current proposal and therefore, one has to consider the appropriateness of the remainder of the proposals in a Green barrier location. Whilst fencing, access roads and parking areas associated with this development will have a visual impact, measures have been taken to minimise the impact of these. The fencing has been reduced to 1.5 metres in height and can be conditioned to ensure it is appropriate to this rural location. The fencing would also be screened by new planting.

7.16 In terms of criteria f) this proposal involves the re-use of 2 existing buildings – the barn for a dwelling as manager/B&B accommodation and the agricultural building for a canteen, toilet, admin/reception and maintenance block with an extension to each building. The amount of new build is not significant in the context of the site as a whole and the extensions would have a limited impact on the green barrier. It is not considered these minor elements would cause significant harm.

- 7.17 A further issue is whether the proposal would contribute to the coalescence of Northop Hall and Ewloe. The site is located approximately 0.5km from the settlement boundary of Northop Hall and 1km from the settlement boundary of Ewloe. There are 3 existing buildings on the site, one of which is to be demolished to improved the visibility for the new access point and the other two are being utilised in support of the proposed enterprise. The other works at the site would not involve any additional built form. The fishing ponds would be engineered at ground level, with small islands. It is therefore considered that the proposal would not lead bring about any coalescence of Ewloe with Northop Hall.
- 7.18 Tourism and Outdoor Recreation
With regard to Policy STR6 'Tourism' it is considered that the proposal will meet the needs of visitors and residents; it will be in scale and type appropriate to the locality, as the caravans will be sited for 7 months rather than 12 and it involves regeneration of existing buildings into a beneficial economic use contributing to rural diversification.
- 7.19 In relation to Policy SR2 'Outdoor Activities, permits activities where the activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature or conservation interest. The policy also requires sites to be accessible by a choice of modes of transport.
- 7.20 There is a residential property opposite the application site. There will be some impact on the amenity of this dwelling with the introduction of a new use to a currently vacant site, particularly associated with vehicle movements. However it is not considered the operation of the fisheries would have any significant impact on amenity. The site is accessible by a choice of modes of travel other than the private car, as it is located on a bus route, therefore there are alternatives options for accessing the site.
- 7.21 Policy GEN3 'Development in the Open Countryside' allows for developments related to tourism, leisure and recreation to be located in the open countryside, provided there is no unacceptable impact on the social, natural and built environment. In this case it is considered the fishing enterprise would not be detrimental to the social, natural or built environment.
- 7.22 Policy HSG7 permits the change of use to a dwelling of an existing non-residential building where residential conversion is a subordinate part of a scheme for business reuse provided that;
- a. the building is structurally sound and capable of conversion without significant extension, extensive

rebuilding, or external alteration. The applicant has submitted a structural report of the barn with the application which supports this re- use. The front of the building will not be altered and the existing openings of the building would be used. There is one new door opening to the rear of the building and the introduction of some roof lights. The scheme does involve an extension to the barn to provide additional residential accommodation to meet the applicants needs to accommodate his family.

- b. the traditional architectural and historic features are retained. The building is a traditional existing brick, stone and slate building. The existing openings are being reused and there is not a significant number of new openings.
- c. the residential use of the building and curtilage provides adequate privacy and space around dwellings and does not have an unacceptable effect on the character and appearance of the surrounding area, by virtue of its siting, scale, design, form, use of material and landscaping. The applicant is applying for a single storey rear extension of 9m x 9m x 4.3m high. The proposed extension is single storey and render in finish. The proposal provides adequate residential amenity space for a two bedroom dwelling which would provide accommodation for the manager of the enterprise. There are no issues with overlooking as the nearest dwelling is across the road. The building is also proposed to offer 1 bedroom as B&B accommodation for use in connection with the fishery.
- d. reasonable standards of residential amenity are provided by the proposal. There would obviously be the potential for conflict between the proposed enterprise and the proximity of a dwelling, however this is managers accommodation associated with that use and the fishery use. Measures have been put in place to ensure that there is surveillance of the business while maintaining some privacy.

7.23 Policy RE4 'Small Scale Rural Enterprise' is relevant to the proposal. The proposal complies with the policy as the buildings to be converted are structurally sound and capable of conversion without major or complete reconstruction and it is suitable for the specific re-use. The development is of a form, bulk, design and materials and sited so as to respect the character of the site and surroundings. It does not unacceptably harm features or areas of landscape, nature conservation or historic value. The permission can be conditioned to

not allow external storage or operations which would be harmful to residential amenity or to the character and appearance of the area. Satisfactory on-site parking, servicing and manoeuvring space for the nature and volume of traffic likely to be generated which should be capable of being served satisfactorily by the highway network is proposed. The site is accessible by a choice of means of travel, particularly by foot, cycle or public transport.

7.24 PPW paragraph 7.6.8 in relation to 'supporting the economy', says the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism and recreation. Local planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes, provided that:

- a. they are suitable for the specific reuse;
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. their form, bulk and general design are in keeping with their surroundings;
- d. imposing conditions on a planning permission overcomes any planning objections;
- e. if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- f. conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

It is considered that the proposal complies with this WG advice.

7.25 Access and highway considerations

It is proposed to create a new access and visibility splay as the existing access does not provide adequate visibility for a commercial use as proposed. The roadside building needs to be demolished to provide adequate visibility.

7.26 Previously an application was submitted to create a new vehicle access with no associated development (047414). This application was refused and dismissed on appeal. The proposed new access is in a similar position to that previously dismissed on appeal, so it is important to explain the differences between the schemes. In dismissing the appeal the Inspector considered the 5m wide access would represent an urbanising and incongruous feature that would be harmful to the character and appearance of the surrounding rural area. The Inspector noted that the area of land to be served by the proposed access amounted to only 2.4 hectares and was not part of an agricultural holding. Therefore there was no need for such a wide entrance as only one vehicle would need to gain access to the field at

any one time and another would not be exiting at the same time.

7.27 In this case, the proposed 5m wide access would serve a new commercial enterprise. It therefore needs to be wide enough for 2 vehicles to pass. The Head of Highways (DC) has no objection, subject to conditions. The proposed access is seen in the context of the development of the site as a whole. Although the existing roadside hedge would be removed this would be replanted set back behind the new visibility splay so over time any impact would be mitigated.

7.28 Ecology

The site itself is primarily improved grassland with mixed hedgerows. The site is within 170m of Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for their woodland and great crested newts. The nearest GCN breeding site is over 500m away.

7.29 The habitats present on site are poor great crested newt terrestrial habitat and there are no breeding sites in close proximity. While it is considered unlikely that great crested newts will be found on site, wildlife features are created away from the fishing pools.

7.30 An Ecological Assessment was submitted with the application. This refers to a Bat and Breeding Bird Survey which found no evidence of bats in any of the buildings but large numbers of nesting swallows. Mitigation measures mentioned in that survey need to be incorporated into the existing proposals. The Ecological Design Scheme recommends the erection of 15 bat and bird boxes of various designs and a barn owl box. Swallow nesting sites are proposed in the converted agricultural building.

7.31 The proposal involves removal of approximately 160m of roadside hedge to create the appropriate sight lines. This is a mainly hawthorn hedge and is 'gappy' in places. A new hedge outside the sight lines would be planted of predominately hawthorn plus other native species. Additional hedge planting is also proposed around the wildlife pond. Habitat connectivity for amphibians will be provided through this new planting, the inclusion of a wildlife pond and the replanted roadside hedge. The implementation of these along with appropriate mitigation for swallows and barn owls, will ensure there is ecological objection to the proposal. These matters are dealt with in the recommended conditions.

7.32 The Deeside and Buckley Newt SAC will not be directly affected by the proposal which is a self contained recreational activity. In the long term the provision of managed fishing ponds may have the potential to reduce fishing pressures within the SAC.

8.00 **CONCLUSION**

- 8.01 It is considered that the proposed use is appropriate development in the green barrier and any harm is considered to be mitigated by the proposed landscaping and non-intrusive nature of the use of the site. It is not considered that the proposal would lead to the coalescence of settlements.
- 8.02 The proposed conversion of the buildings for the canteen, shop and toilet/shower facilities and managers' dwelling/B&B accommodation reuse existing buildings on the site with some extensions. The elements of new build are therefore limited. It is considered all elements of the proposal are acceptable subject to suitable conditions as set out above.
- 8.03 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: Glyn D. Jones
Telephone: (01352) 703281
Email: glyn_d_jones@flintshire.gov.uk