

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24<sup>TH</sup> FEBRUARY 2016**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE.**

**APPLICATION NUMBER:** **054095**

**APPLICANT:** **MR M ROONEY**

**SITE:** **LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE**

**APPLICATION VALID DATE:** **30.07.15**

**LOCAL MEMBERS:** **COUNCILLOR D MACKIE**  
**COUNCILLOR A HALFORD**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO LOCAL CONCERNS**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a full planning application for a new vehicular access and gates to serve Plot 5 only of the consented gypsy/traveller site for 5 pitches. The creation of the access would require the removal of a section of hedge, however as the site has a wide roadside verge, the amount of hedge required to be removed would only be 4.5 metres. No further hedgerow would need to be removed to provide the required visibility splays.

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

- 2.01
1. Time Commencement
  2. Plans
  3. Gates shall open inwards and positioned clear of the adopted highway
  4. Details of gates as approved unless otherwise agreed in writing
  5. The gates opening inwards and positioned clear of the adopted highway network
  6. Forming and construction of the means of site access shall not commence unless and until the detailed design for the culverting of the existing ditch over which the access will be formed is submitted and approved by the LPA
  7. Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m
  8. Landscaping to enhance roadside hedge

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Mackie

Agrees to the determination of the application under delegated powers as the changes are minor.

Councillor Halford

Requests Committee determination due to concerns from local residents that the development has already been carried out and general concerns about any developments on the site and to show transparency.

Hawarden Community Council

Object to the development of this site and as such objects to all proposals relating to its intended use.

Highways Development Control Manager

No objections subject to;

- The gates opening inwards and positioned clear of the adopted highway network
- Forming and construction of the means of site access shall not commence unless and until the detailed design for the culverting of the existing ditch over which the access will be formed
- Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m

Public Protection Manager

No adverse comments to make.

Council for the Protection of Rural Wales  
No observations.

#### **4.00 PUBLICITY**

- 4.01 10 objections on the grounds of;
- Why is another entrance required
  - Hedgerow removal has already taken place
  - Will turn it into a transit site leading to more traffic
  - The lane is too narrow for lorries
  - Restriction of natural water drainage
  - Removal of hedgerow
  - Would remove screening of the site
  - The hedge is thinner than it was prior to the appeal
  - It's in the green barrier and a new access will cause more harm
  - Sound barriers have not been erected
  - Would set a precedent for more access points

#### **5.00 SITE HISTORY**

- 5.01 047896 - Change of 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 retention of existing stables. Refused 12.01.12.

049152 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables. Refused. Dismissed on appeal 08.10.12.

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. Refused. Allowed on appeal 10.04.14.

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development  
GEN3 – Development in the Open Countryside  
GEN4 – Green barrier  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and New Development  
HSG14 – Gypsy Sites

The proposal accords with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for a new vehicular access to serve Plot 5 only of the consented gypsy/traveller site for 5 pitches.

### **7.02 Site description**

The application site is located to the south west of Magazine Lane, with Ewloe barn wood to the west and the A55 to the south. There is agricultural land to the east. The site has consent for a gypsy traveller site of 5 pitches. Plot 5 is the western most plot. The planning permission 050463 has been partially implemented in that the landscaping bund is in place and the power cables have been relocated. Hard core has also been laid across the site.

### **7.03 Proposed development**

The consent for a gypsy traveller site 050463 made provision for a shared single point of access off Magazine Lane, with an internal access road within the site serving each plot.

7.04 It is proposed to create a separate access to serve Plot 5 off Magazine lane with wooden close boarded gates. The configuration of the plot has been amended with a separate application of the resiting and increase in size of the day room. The location of the static caravan has also been amended as is permitted by condition 5 of permission 050463. The red line area has been amended to exclude the internal road and turning area which is part of the consented layout.

### **7.05 Green barrier and impact on the character of the countryside**

The consented gypsy site will have an impact on the green barrier and an urbanising effect on the open countryside as recognised by the appeal Inspector, however the need for more gypsy and traveller sites outweighed that harm.

7.06 The creation of the access would require the removal of a section of hedge, however as the site has a wide roadside verge, the amount of hedge required to be removed would only be 4.5 metres. No further hedgerow would need to be removed to provide the required visibility splays.

7.07 Residents have referred to 'thinning' of the hedge and removal of vegetation. There is an existing drainage ditch running in front of the hedge and vegetation has been removed to clear this ditch in order for it to function as a ditch.

7.08 A close boarded fence will be erected behind the existing roadside hedgerow within the site as boundary treatment. The proposed gates are close boarded timber panels 1.8 metres in height, which would

match the internal fence. Highways have requested that the gates open inwards to prevent any obstruction on the highway and its verge if they were to be left open.

7.09 The visual impact of the creation of the access would be the removal of 4.5 metres of hedge and the insertion of wooden gates. As the principle of development is accepted it is not considered that the proposed development would have an unacceptable impact on the green barrier or the open countryside location. A condition can be imposed to ensure that the remaining hedge is enhanced to screen the boundary fencing.

7.10 Highways

Highways have no objection to the proposed access subject to conditions as set out in their response. The access would not lead to any increase in traffic as it is to serve the consented site.

7.11 Other matters

Residents have raised the issue that this might set a precedent for other access points to the other plots. Each application needs to be considered on its own merits and there are no planning reasons why this application should be refused. The red line area has been amended to exclude the internal road and turning area which is part of the consented layout. The proposed development would therefore not preclude the remainder of the site to come forward as per the original consent.

**8.00 CONCLUSION**

8.01 The proposed additional access is not considered to have any significant additional harm to the green barrier and there are no highways objections to its siting.

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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