

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MAY 2016**

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

SUBJECT: **FULL APPLICATION – PROPOSED INDIVIDUAL VEHICULAR ACCESS POINTS FOR PLOTS 2, 3 & 4 OF PREVIOUSLY CONSENTED GYPSY SITE AT MAGAZINE LANE, EWLOE.**

APPLICATION NUMBER: **054322**

APPLICANT: **MR. J. PEDLEY**

SITE: **MAGAZINE LANE, EWLOE.**

APPLICATION VALID DATE:

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

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for new vehicular access points and gates to serve Plots 1, 2, 3 and 4 of the consented gypsy/traveller site for 5 pitches. The creation of the access would require the removal of two sections of hedgerow to create two double driveways. The site has a wide roadside verge, therefore the amount of hedge required to be removed to provide the required visibility splays would be limited.

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

Requests Committee determination. The trees and hedgerows should be protected and there is no need to break through them for further access points when the site has a consented access to serve the plots. Objects to the development as the site should try to have minimum impacts on the green barrier.

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 this application as it contravenes the recommendation of the Planning Inspector to conserve the trees/hedgerows etc. on the site.

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.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification 16 objections on the grounds of;

- Screening has not been implemented
- Damage to hedgerows
- Visual impact of the site
- The site is in the green barrier and this will cause further harm
- The access position would lead to the re-siting of mobile homes
- Urbanising impacts
- No need for further access points
- Risk to users of the lane by having more access points increases pedestrian vehicle conflict
- Conditions on permission require retention of the hedgerows

Letter from Campaign for the Protection of Rural Wales stating

- No need for alternative access points
- The proposed amended plot access points will require further tree and hedgerow removal which are protected by a condition
- The size scale and materials of the gates are industrial in scale and nature

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.

054095 - Proposed new vehicular access to serve plot 5 only of previously consented gypsy site Refused 09.03.16. Appeal under consideration.

054096 - Erection of day room/amenity building on plot 5 in lieu of previously approved day room as approved by permission 050463. Resolution to grant permission subject to S106.

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 new vehicular access points and gates to serve Plots 1, 2, 3 and 4 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. Plots 1 – 4 run along Magazine Lane. 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 4 separate points of access to serve each plot 1-4 off Magazine Lane. These would be in two pairs with plots 1 and 2 and 3 and 4 having driveways directly adjacent to each other. The day rooms would remain in the same positions. The proposed access arrangements would require the re-siting of the static caravan on plot 2 to the opposite position within the plot. The red line area has been amended to include the internal road and turning area which is part of the consented layout to show that this could still be implemented. Each access would have 1.8 metre high close boarded wooden gates within a metal frame.
- 7.05 The proposed access for each plot crosses an existing drainage ditch. This would be culverted at each access point. It is stated that the proposed access points would be a secondary means of access and

the shared access would still be provided. The justification for this is that a secondary access could be used in cases of emergency, for example fire/emergency services or during unsociable hours to minimise disturbance from vehicle headlights.

7.06 History

The owner of plot 5 of the consented gypsy and traveller site submitted application 054095 for the creation of an access to plot 5 only from Magazine Lane. This was refused by Planning and Development Control Committee on 24th February 2016 on the grounds of;

“The creation of a new access point would have a detrimental impact on the character of the open countryside and the green barrier contrary to Policies GEN3 and GEN4 of the Flintshire Unitary Development Plan.”

7.07 An appeal has been submitted against that refusal and is currently being considered by the Planning Inspector through the written representations process.

7.08 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.

7.09 The creation of the proposed access points would require the removal of two sections of hedge each measuring approximately 9 metres in width. The site has a wide roadside verge and therefore no further hedgerow would need to be removed to provide the required visibility splays.

7.10 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.

7.11 The visual impact of the creation of the access would be the removal of two sections of hedge both 9 metres in width and the insertion of two pairs of wooden gates in each opening wooden gates. As the principle of development is accepted it is not considered that the proposed development would have any additional unacceptable impacts 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.

7.12 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.

7.13 Other Matters

The proposed revised access arrangements would require the re-siting of the static caravan on plot 2 to the opposite position within the plot. This can be done under condition 5 of permission 050463 with agreement in writing by the Local Planning Authority. It is considered that there is no reason why the Council would object to the re-siting of the caravan if a request was made.

8.00 CONCLUSION

8.01 There are no highways objections to the siting of the accesses. The creation of the access would require the removal of two sections of hedgerow to create two double entrances. The site has a wide roadside verge, therefore the amount of hedge required to be removed to provide the required visibility splays would be limited. The proposed additional accesses and the proposed gates are not considered to have any significant additional harm to the impact of the site on the green barrier.

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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