

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **CHANGE OF USE OF LAND TO MIXED-USE
HOLIDAY AND LEISURE PARK AT MAES MYNAN
QUARRY, DENBIGH ROAD, AFONWEN**

**APPLICATION
NUMBER:** **057623**

APPLICANT: **PHB (NW) LTD**

SITE: **MAES MYNAN QUARRY,
DENBIGH ROAD,
AFONWEN,
FLINTSHIRE**

**APPLICATION
VALID DATE:** **6TH OCTOBER 2017**

LOCAL MEMBERS: **COUNCILLOR T. JONES**

**TOWN/COMMUNITY
COUNCIL:** **CAERWYS TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **SITE AREA EXCEEDS THAT FOR WHICH
POWERS TO DETERMINE ARE DELEGATED TO
THE CHIEF OFFICER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application seeking permission for the change of use of the former sand and gravel quarry via the creation of a mixed use holiday leisure park which provides for a combination of holiday units including touring caravans, cabins and static caravans. This will also entail the restoration of land within the former quarry itself for the purposes of ecological mitigation.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:

- That the operation of the touring caravan element of this permission be delayed until such time as HGV movements to the adjacent quarry have ceased.

2.02 Conditions

1. 5 year commencement time limit
2. In accordance with approved plans
3. No development until details of the siting, layout and design of accesses and proposed passing bay have been submitted and agreed.
4. The formation of the passing bay shall not commence until details submitted and agreed.
5. The formation of the passing bay shall be undertaken prior to the first use of the touring caravan element hereby approved.
6. No development until a detailed operational traffic management plan is submitted and agreed. Thereafter, use to be conducted in accordance with approved details.
7. Restriction to length of season for touring caravans (14th Feb – 14th December).
8. Implementation of landscaping.
9. Trees and hedgerows to be protected during construction works.
10. Approval of finish colours to proposed and any replacement individual lodges/cabins and static caravans.
11. External lighting scheme to be submitted and approved.
12. Public Footpaths 5 & 32 to be safeguarded as part of the development.
13. Notwithstanding the submitted details, finished floor levels of lodges/statics caravans to be submitted and agreed.
14. Land contamination assessment to be undertaken prior to the commencement of development.
15. Implementation of land contamination remediation scheme.
16. No development until a Method Statement detailing all avoidance, mitigation and other off-setting measures as detailed within the submitted Ecological Management Plan (October 2017) has been submitted and agreed.
17. Scheme for Ecological Compliance Audit to be submitted and agreed.
18. Notwithstanding the submitted details, no development until scheme for the drainage of the site has been submitted and agreed. Development to be undertaken in accordance with these details.
19. No storage of touring caravans.

2.03 If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor T. Jones

Offers the following observations:

- Has concerns in relation to over development given the 3 zones of development;
- Has concerns in respect of the safety of motorists given visibility restrictions at the junction of the access with the A541;
- Raises the need for a hazard sign upon the A541 to highlight to east bound traffic of the presence of the access; and
- Has concerns in respect of the impact of traffic associated with the development upon Caerwys Town Centre in terms of the continued capacity for stopping and parking to support local businesses.

Caerwys Town Council

Offers the following observations:

- Although upon the eastern limits of the AONB, the larger part of the proposed scheme is within the designated area. Considers no need for the scheme has been demonstrated and notes the existence of other similar development in the area;
- Does not consider the nature of the proposals compatible with the surroundings or local built form;
- Notes Footpaths 5 and 32 cross the site and notes that both routes will require protection during the course of development. Considers access to be inadequate. Notes narrow nature of the lane and insufficient passing places for vehicles towing caravans;
- Considers there to be limited visibility at the junction of the lane with the A541 towards the Bodfari direction;
- Considers the proposal will result in increased traffic and therefore fails to achieve aims of national and local policy aimed at the reduction of the use of the car. Considers that the lack of footpaths along the A541 will deter people from walking to the nearby settlements and facilities; and
- Considers proposals will increase the volume of traffic within the nearby town of Caerwys.

Highways DC

No objections subject to the impositions of conditions. Advises of the need for a S.106 to delay the operation of the touring caravan element of the proposals until such time as HGV movements associated with the adjacent quarry have ceased.

Advises that Footpaths 5 and 32 cross the site. Their routes must be protected during the course of development and any amendments to the routes of these footpaths will require prior consent.

Pollution Control

No objections subject to the imposition of a condition requiring a land contamination investigation to be undertaken and any remediation required to be undertaken prior to the operation of the use hereby approved.

Dwr Cymru/Welsh Water

Raises no objection as the proposals do not seek to utilise the public sewerage system.

Natural Resources Wales

No objection subject to the imposition of conditions in respect of ecology matters at the site.

CPAT

No objection. The proposals have no implications for any heritage assets at this location.

AONB – Joint Advisory Committee (JAC)

Objects. Considers the proposal will have a harmful impact upon the character of the AONB and its setting.

Denbighshire County Council – (as neighbouring Local Planning Authority)

No response at time of writing.

4.00 PUBLICITY

- 4.01 Prior to the submission of the application, this proposal was the subject of pre-application consultation (PAC) in accordance with the statutory PAC process. This process was undertaken between the 31st August 2017 and 28th September 2017 and a report accompanies this submission setting out the process and outcomes.
- 4.02 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 7No. letters of objection have been

received in response, raising the following issues:

- Overdevelopment of the area;
- Inadequate transport links and road infrastructure;
- Detrimental impact upon highway and pedestrian safety;
- Conflicts between proposed use and nearby haulage yard;
- The area does not need further tourism related development;
- Increased noise and disturbance;
- Impacts upon existing amenity;
- Impacts upon features of ecological interest;
- Adverse impacts upon landscape character and appearance;
- Need to secure routes of public footpaths through the site; and
- Concerns that occupation will be on a residential basis, not just holiday.

5.00 SITE HISTORY

5.01 Historical applications relate to the extraction of sand and gravel. The only application which relates to the proposals is:

055920

C.O.U to Holiday Park

Withdrawn 2.8.2017

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR7 - Natural Environment

Policy STR10 - Resources

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development in the Open Countryside

Policy T4 - New Static Caravans and Chalet Holiday Sites

Policy T6 - Touring Caravan Sites

Policy D1 - Design Quality, Location and Layout

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting

Policy TWH1 - Development Affecting Tress and Woodland

Policy TWH3 - Woodland Planting and Management

Policy L1 - Landscape Character

Policy L2 - Areas of Outstanding Natural Beauty

Policy WB1 - Species Protection

Policy WB2 - Sites of International Importance

Policy WB3 - Statutory Sites of National Importance

Policy WB4 - Local Sites of Wildlife and Geological Importance

Policy WB5 - Undesignated Wildlife Habitats

Policy WB6 - Enhancement of Nature Conservation Interests

Policy AC13 - Access and Traffic Impact

Policy EWP14 - Derelict and Contaminated Land

National Planning Policy and Guidance

Planning Policy Wales Ed.9 (2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises areas of Maes Mynan Quarry which are no longer in use for the purposes of the extraction of sand and gravels. The site is located to the east of the nearby village of Afonwen and approximately 0.5 miles southwest of Caerwys. The site is accessed via an unclassified road which runs from the A541 which is to the south of the site. That part of the quarry forming this application site is partially restored. The western and southern parts of the site have been restored to meadow grassland, with areas of scrub vegetation and a waterbody with marginal aquatic vegetation and an island feature. The northern area comprises an area of shrub and trees.

7.02 The western portion of the site lies within the designated Clwydian and Dee Valley Area of Outstanding Natural Beauty. The steeply rising nature of the landscape within the AONB affords opportunities for views from the AONB and Offa's Dyke footpaths towards the site.

7.03 The site lies within the administrative boundaries of Flintshire, although the border with Denbighshire is located immediately to the south. The land use within the surrounding area is predominantly improved pasture with some arable farming, interspersed with woodland.

7.04 The Proposal

The application seeks approval for the change of use of this former quarry site to use as a holiday park. The proposals provide for the development of the site in 3 distinct and identifiable zones, comprising;

- the siting of 47 No. timber lodges in the areas around the existing water bodies within the most southerly and westerly part of the site;
- the creation of 70 No. touring caravan pitches;
- the siting of 63 No. static caravans;
- the creation of internal site access tracks;
- the creation of a timber toilet and shower building to the touring

caravan area;

- the provision of an internal site landscaping scheme; and
- the creation of 2 No. additional access points to the touring and static caravan areas from the existing access road.

7.05 The existing access point into the western part of the site is proposed to be used in facilitating access to the area for the siting of the proposed lodges.

7.06 In support of the application a Landscape and Visual Impact Assessment has been undertaken, together with ecological surveys to assess the impact of development upon ecological features within the site.

7.07 The Main Issues

I consider the main planning issues to be as follows:

- principle of development having regard to planning policy;
- impact of development on the character of the landscape, with particular regard to the AONB;
- impact of development on ecological features of the site;
- adequacy of access to serve the scale of development proposed;
- adequacy of drainage system;
- impact of development on the amenity of residents in proximity to the site; and
- the time period of proposed occupation of the units.

7.08 The Principle of Development

There are a number of policies within the UDP which are applicable to this proposal and I consider each in turn below:

7.09 STR1 New Development - Advises that development should generally be located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located within an area of open countryside, I consider that the nature of the proposed use precludes these other locations for reasons discussed later in this report. Accordingly I consider that the proposal satisfies criterion a. of STR1.

7.10 STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire's natural environment by protecting and enhancing the character, appearance and features of the open countryside, and more specifically in this case, the AONB. The site is within an area of open countryside and partly within the AONB but is well screened by a combination of landscape topography, existing and proposed screening.

7.11 STR10 Resources – Criterion a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value. It is arguable that the proposal does not do this as it is located within a landscape designated for its environment and recreational value and part of the site's intrinsic environmental value is its open countryside character. However the policy is qualified to make clear that brownfield sites are to be preferred "wherever practicable" and in this instance the proposal results in the re-use of an area of previously developed land for purposes significantly less environmentally damaging than its previous use for quarrying.

7.12 Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.

7.13 Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion g refers to development related to tourism activities.

7.14 Policy L1 requires new development to maintain or enhance the character and appearance of the landscape. Policy L2 expands upon this requirement in relation to development within the AONB, adding the need to preserve the natural tranquillity of the AONB and advising that major developments (such as these proposals) will only be permitted where there is a need and no alternative sites are available. The extent to which the proposals meet the requirements of L1 and L2 in terms of tranquillity preservation are set out within the appraisal below. The position in respect of need and alternative sites must be balanced by the presumption in favour of the re-use of previously developed land.

7.15 Policy T4 and T6 reflect the national support for tourism proposals which help to boost the rural economy. They are permissive of new caravan, chalet and touring caravan sites, provided the proposal does not have a significant adverse impact upon neighbouring land users or features or areas of landscape; nature conservation or historic value; the scale of the proposal is appropriate to the characteristics of the site and locality; the scheme incorporates substantial internal and structural landscaping; any touring caravans are removed from the site when not in use; the application site is in close proximity to, and can be easily accessed from the local highway network; any essential service buildings are provided within existing buildings or appropriately designed small new buildings.

I consider that, examination of the main issues in this application will demonstrate that the above criteria are satisfied and therefore the

7.16 proposals comply with these policies.

Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of the applicable policies as a

7.17 matter of principle.

Impacts upon the visual character and appearance of the landscape and the AONB

7.18 I turn then to consider whether the proposals would have an adverse impact upon the landscape itself and the AONB specifically. In recognising the need to ascertain the degree of impact in this regard, the applicant has undertaken a landscape and visual impact assessment and the proposals are accompanied by a Landscape and Visual Impact Assessment Report (LVIA). This assessment has considered the visual impacts of the proposed development from various vantage points around the site and within the surrounding landscape.

7.19 In response to consultation, NRW have advised that they consider the LVIA to be appropriate in its assessment of the visual context and landscape character of the site. The visual context indicates a rural, partly developed landscape. The landscape quality of the site and its setting to be of medium/high quality but notes that this in part reflects the benefit of the designation of the AONB, but also reflects the effects of quarrying in the immediate locality of the site. Accordingly, the LVIA identifies that the landscape has the potential to accommodate a well-designed and satisfactorily mitigated development proposal.

7.20 The LVIA has been undertaken from 14 No. vantage points ranging from those within or directly adjacent to the site to points up to 5km away. The LVIA examines the impacts of the proposals in visual terms at points immediately following completion, 5 years after completion and 10 years after completion. It concludes that the visual impact from points within or directly abutting the site are those for which the impact would be greatest but notes that this impact will be mitigated over time as the landscaping proposals take hold and become firmly established elements of the landscape.

7.21 Viewpoints from nearby public rights of way, nearby viewpoints and viewpoints further afield within the AONB and surrounding countryside identify that impacts range from, at worst, moderate immediately post development to negligible/none over the consideration period. It is noted that this impact is fragmented due in part to distance and landscaping in the intervening land.

7.22 The LVIA considers the potential of cumulative impacts arising from simultaneous views, sequential views and the effects arising therefrom. It concludes that a potential simultaneous effect may be encountered from one viewpoint where the proposals may be visible

sequentially with other similar developments nearby. However, it notes that the degree of effect is largely attributable to the visibility of existing development and the proposals are not considered to exacerbate this. The LVIA identifies that the effects of sequential views are not an issue as the site is not visible from the main A541 and therefore no sequential views of the proposal are encountered.

7.23 NRW advise within their consultation response upon this point that the site may be viewed from the Moel Y Parc area within the AONB and observe that the proposals would be seen in the context of the Afon Wheeler valley and within a context of rural landscape and large scale active sand quarrying to the east of the site and the settlement of Caerwys above the valley to the north east. They conclude that the addition of the proposed development would not appear uncharacteristic within this context and advise they consider the proposals for cabin and tourer component of the scheme would integrate reasonably well within the woodland framework to the site. They strongly suggest that a condition be applied to agree the finish colours of the cabins and static caravans to ensure that recessive finish colours are secured which will assist in the visual integration of the proposals within the landscape. I propose to condition accordingly.

7.24 In consideration of the need to preserve the natural tranquillity of the AONB at this location, I am mindful that the site was latterly a quarry and abuts an existing and still active quarry. I am also mindful that, at this location, the A541 runs in close proximity to the site. Accordingly, I do not consider that 'tranquillity' is an over dominant feature of the AONB at this location and for reasons set out elsewhere within this appraisal, do not consider that the proposals will result in any extra detrimental impact to the concept of tranquillity.

7.25 I conclude therefore, that the LVIA demonstrates that the impact within the landscape of the proposals is in actual fact, largely well screened by the landscape, existing vegetation and, in part, the topography of the landscape itself. Taking the requirements of Policies GEN3, L1 and L2 into account I conclude that the proposals would comply with these policies.

Impacts upon features of Ecological Interest

7.26 The site comprises 11.1 hectares of mixed habitat, including 2 water bodies. The site but does not form part of a statutory European designated wildlife site. However, the impact of the development on any European Protected Species (EPS) which may be present is required to be undertaken. The site provides habitat Great Crested Newts, bats and Dormouse. Consultations has been undertaken with both Natural Resources Wales (NRW) and the County Ecologist in respect of the impact of development, particularly upon the above listed species, a number of which are located upon and in close proximity to the application site.

7.27 EPS and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- (i) no satisfactory alternative; and
- (ii) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.28 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

7.29 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

7.30 Recent court decisions have made it clear that a Local Planning Authority may properly grant planning permission unless it concludes that:

- (a) the proposed development would be likely to offend Article 12 of the Habitats Directive; and
- (b) be unlikely to be licensed pursuant to the derogation powers.

7.31 In other words, if the Local Planning Authority concludes that a EPS licence is likely to be granted under regulation 53 of the 2010 Regulations, or if it is unsure of the Welsh Government’s (as the licensing body) likely response, then that should not, on its own, prevent planning permission being granted.

In coming to its view, the Local Planning Authority has given considerable weight to the advice received from NRW as the relevant

statutory consultee.

7.32

The applicant has undertaken ecological surveys and submitted reports upon the same which suggests a variety of mitigation proposals. In response to consultation, NRW advise they are generally satisfied with methods and detail of the ecological surveys undertaken for the project. The survey reports conclude that the proposed development is unlikely to cause detriment to the favourable conservation status of any protected species. NRW broadly agree with this conclusion, subject to the imposition of conditions as set out further in this report.

7.33

7.34

Great crested newts (GCN) are present within the site and surveys indicate that the species utilises the site for breeding, foraging, dispersal and sheltering purposes. The population of GCN, whilst once of national importance, has been subject to decline. I am advised however that the suggested reasonable avoidance measures (RAM's), mitigation measures and offsetting measures set out within the submitted report, implemented over the long term (not less than 25 years), will ensure that the current conservation status of the GCN can be restored to favourable levels. Accordingly it is suggested that a condition be imposed requiring the submission, agreement and implementation of a method statement which includes the details of all of the above mentioned mitigation, RAM's and off-setting measures be imposed.

7.35

Subject to this condition, and recognising that this development will require the acquisition of a licence pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010), NRW advise that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the species.

7.36

The impact on bats has also been considered in detail. Again, subject to the imposition of conditions in relation to the need for any external lighting scheme to be submitted and agreed, and the implementation of the development in accordance with the recommendations set out within the Ecological Management Plan for Maes Mynan (October 2017), the proposal is not considered to be likely to be detrimental to the continued favourable conservation status of any bat populations.

7.37

NRW also concur with the conclusions of the report in respect of Dormouse. The report identifies that whilst the site has potential for the species, it is unlikely that the species will be found during the course of development. Accordingly, NRW advise that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the species.

A condition requiring the submission and implementation of an ecological compliance audit is required to evidence that all of the proposed reasonable avoidance measures (RAM's), mitigation

7.38 measures and offsetting measures set out within the submitted report have been carried out.

Returning therefore to the Requirements under Article 16 it is considered that the proposals are in accordance with the aims of the Well-Being of Future Generations Act 2015. In accord with Section 3(2), the proposals will assist in the management, use and enhancement of Wales' natural resources to support long term wellbeing.

The alternative to the proposals are to do nothing, which in itself is not a satisfactory alternative. The site is a natural resource which has arisen from a former quarry working. It is therefore an inherently dangerous place unless properly managed in the interests of public health and public safety. The proposals will secure continued management of the site in the interest of both public safety and environmental protection.

The consideration of all ecological issues as set out above demonstrates that NRW are satisfied that the proposals would not give rise to a detrimental impact upon the continued favourable conservation of any of the species in question. Accordingly I am satisfied that the Article 16 derogation tests are satisfied and there is no ecological impediment to planning permission being granted.

Highways and Access Matters

In considering the highway impacts of the proposals, it should be noted by Members that the previous use of the site as a quarry had a quantum of traffic generation associated with that use. Taking figures for traffic generation associated with the still currently active part of the quarry (to the east of the site), we can reasonably assume that the operation of the application site as a quarry would have resulted in 25 HGV trips in addition to 5 employee trips per day. A of 30 trips or 60 vehicular movements per day.

The information provided by the applicant in support of the proposals is based upon the August Bank Holiday peak traffic figures and an off peak/quiet season period. It is clear that equating the proposed development mix and numbers indicates that the peak movements associated with the proposals would exceed that of the previous use. However, this is balanced by the fact that off peak movements would be less. The information submitted also suggests that the proposals are unlikely to generate significant numbers of traffic movements which would conflict with the operating times of the nearby transport yard.

Consideration has been given in assessing this proposal from a highway safety perspective, to a scenario involving 2 vehicles meeting upon the section of the lane between the A541 and the site entrance. In such circumstances, it would not be unreasonable for

light vehicles associated with the lodge and static caravan elements of this proposal to reverse a short distance to allow a larger vehicle to pass. However, this arrangement would be unsuitable for a car towing a caravan when meeting an articulated tractor and trailer unit. It has been identified that a passing opportunity could be created (in addition to the existing passing spaces along this length of lane) via the cutting back of a short length of vegetation adjacent to the land in the area of the site opposite to the entrance to the transport yard. Accordingly, conditions requiring the submission of details to this effect, and subsequent implementation of the same, are recommended to be imposed.

7.45 I have had regard to concerns voiced in respect of the possibility that vehicles may attempt to travel to the site via a route other than the A541. I consider the A541 would be the route most likely to be used and therefore most likely to reduce the incidence of caravans and other wide vehicles/trailers travelling to and from the appeal site or other nearby use on narrow sections of highway without provision of passing opportunities.

7.46 It is possible that wide vehicles and caravans accessing the site might choose to travel by another route from the north of the site. If this were to occur it could increase the likelihood of wide vehicles/caravans approaching each other on the narrow rural roads in the locality. However, these are public highways where agricultural and larger vehicles, of a similar width to a caravan, are likely to meet and it is not evident that this has resulted in problems in the past. Even so, the A541 would provide a predictably straightforward route that people travelling to and from the appeal site reasonably would be expected to seek to use. I consider that if permission were to be granted for the proposals, a planning condition requiring the submission, agreement and subsequent implementation of an Operational Traffic Management Plan could assist.

7.47 The applicant has also indicated a willingness to delay the commencement of the operation of the touring caravan park until such a time as the HGV movements with the operation of the adjacent quarry have ceased in order to minimise the risk of caravans and larger HGV vehicles meeting upon the lane. I am advised by Highways DC that this is acceptable and best secured via S.106 agreement to this effect.

7.48 Accordingly, I do not consider that the proposal would give rise to unacceptable impacts in terms of highway safety and it would thus comply with Policies STR2 and GEN1 in this regard.

Drainage Proposals

7.49 The site lies within an area served by a public sewer at some 30m distant to the site. Notwithstanding this, the applicant has proposed that foul waters arising from the proposals are to be treated via

individual treatment plants to support each area of the site. This enables treatment zones for each area of the site independent of one another.

7.50 These proposals have been the subject of consultation with both Dwr Cymru Welsh Water and Natural Resources Wales. In response, no objection is raised by either body in respect of the proposals. However, having regard to paragraph 12.4.3 of Planning Policy Wales, NRW advise that they consider further investigation in relation to the feasibility of pursuing a connection to the public sewer system is required to be undertaken. Accordingly, I propose that a condition be imposed which requires the precise details of the proposed drainage of this site to be submitted and agreed.

Amenity Impacts

7.51 It is not considered that the proposal would have a significant adverse impact on the amenity of nearby residents or the community in general. The rural location of the site is such that there are no directly shared boundaries with existing properties within the area. The application site has a substantial amount of landscaping within the site and on the boundaries which will serve to safeguard and reinforce the amenity currently enjoyed by those properties. Furthermore, the landform created as a consequence of the historical quarrying activities also serves to act as buffer between the proposals and the nearest dwellings.

Holiday Usage

7.52 This application is considered to be acceptable upon the basis that its use is for holiday purposes only and is not utilised such that the units of accommodation become permanent dwellings. Accordingly I propose to add a condition which requires the occupation of the approved units on a holiday basis only. I have considered the addition of a condition which restricts occupation for a period of time in any one calendar year. However, I am mindful, in relation to the proposed lodges and static caravans, that such conditions have not survived challenge on appeal or have not been imposed by Inspectors where requested by the Local Planning Authority.

7.53 However, I do consider it appropriate to seek a void period in relation to the touring caravan element of the scheme, reflecting the inappropriateness of this form of holiday accommodation for use in the deepest winter months. Accordingly I recommend that no touring caravans will be permitted to be occupied between 14th December in one calendar year and 14th February in the following year. In addition, storage of caravans outside of holiday use will not be permitted at the site.

8.00 CONCLUSION

8.01 In coming to my recommendation, I have weighed in the balance the

strong support at national and local levels for tourism related development and the presumption in favour of the re-use of previously developed land. Weighed against this is the need to carefully control non-essential development in the open countryside and specifically, consider the impact of such development upon a designated Area of Outstanding Natural Beauty.

8.02 I consider the national presumption in favour of proposals of this form has considerable weight, albeit that the other matters which might normally weigh against such a proposal, namely the impact upon the character and appearance of the landscape and the natural tranquillity of the AONB, are of not insignificant weight in themselves. Accordingly, this recommendation is finely balanced.

8.03 However, taking all of these matters into account, I consider that the proposals are acceptable having regard to the policies within the UDP and having regard to the national policy guidance framework.

Other Considerations

8.04 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.05 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.

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

8.06 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk

