

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **28<sup>th</sup> MARCH 2018**

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

**SUBJECT:** **CHANGE OF USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 15NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF HARD STANDING AND DAYROOMS AS AN EXTENSION TO THE EXISTING HUNTLEY YARD TRAVELLERS SITE AT HUNTLEYS YARD, CHESTER ROAD, FLINT**

**APPLICATION NUMBER:** **057786**

**APPLICANT:** **MR SIMON DOHERTY**

**SITE:** **LAND ADJACENT TO HUNTLEYS YARD TRAVELLERS SITE, CHESTER ROAD, FLINT**

**APPLICATION VALID DATE:** **11.01.18**

**LOCAL MEMBERS:** **COUNCILLOR R JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **FLINT**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST OVERDEVELOPMENT OF THE SITE AND HIGHWAYS CONCERNS**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 15 no. gypsy traveller pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use at land adjacent to Huntleys Yard, Chester Road, Flint. The site is to the east of the existing 6 pitch gypsy travellers site at Huntleys Yard.

It is considered that there is a need for this development in terms of

1.02 gypsy and traveller site provision. The site is a brownfield site in the open countryside but adjacent to a category A main settlement as defined in the UDP. It is therefore considered that this is a suitable location for a gypsy traveller site and would not give rise to any adverse impacts.

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

- 2.01
1. Five years
  2. Plans
  3. Details of foul drainage
  4. No surface water or land drainage shall be allowed to connect directly or indirectly with the sewerage network.
  5. Parking and turning
  6. Details of surface water drainage
  7. Siting of caravans to be in accordance with approved site plan. Two caravans on each plot; one static and one tourer
  8. Maximum size of static caravans 3 metres x 10 metres unless otherwise agreed in writing
  9. Site only to be occupied by Gypsies and Travellers as defined by WAGC 30/2007 paragraph 3
  10. Landscaping details including details of internal fencing to be submitted and approved and hedge planting.
  11. Amenity buildings materials
  12. Contaminated land assessment
  13. Lighting scheme.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor R Johnson

Requests committee determination and a site visit. Considers that this is overdevelopment of the site and has highway concerns.

Flint Town Council

Object to the development as it is;

- A departure from the development plan
- Represents a massive increase in the size of the site
- Volume of traffic would be unsustainable and would compromise highway safety
- impact on amenity
- impact on infrastructure

Highways Development Control Manager

No objection to the proposal subject to the imposition of a condition referring to the provision of parking and turning facilities.

Public Protection Manager

No objection in principle subject to a condition requiring a contaminated land assessment prior to the commencement of development due to the sites previous uses.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development. Most of the plot was formerly occupied by a large clay extraction pit which has been backfilled. The former kiln marked on the first edition OS mapping has been demolished and its former location would not be affected by the intended layout.

Welsh Water/Dwr Cymru

With regards to foul water we can confirm that the public sewerage network will have the required capacity however due to the size of the asset it may be necessary for any new connection to be undertaken by Welsh Water at the developers cost.

The intention for surface water is sustainable drainage. Due to the proximity of the site to a watercourse we would not consider communication of surface water to the public sewer.

Request a condition stating no surface water or land drainage shall be allowed to connect directly or indirectly with the sewerage network.

Natural Resources Wales

No objection. The proposal is not likely to affect any protected sites. It should be ensured that only clean uncontaminated water drains to surface water to prevent a potential adverse effect on the protected sites.

Gypsy Traveller Liaison Officer

Supports the application to provide 15 additional pitches as in my view it will assist the local authority in carrying out its statutory duty to provide accommodation for gypsy and travellers under Part III of the Housing Wales Act 2014. The application will assist in meeting the need identified in the Gypsy Traveller Accommodation Needs Assessment the authority took under the provisions of this Act. It is expected that the site will have to obtain a licence as per the Mobile Homes Act Wales 2013 if planning permission is granted.

Network Rail

No objection in principle subject to;

- trespass fencing along railway boundary 1.8m high
- surface water should be directed away from Network Rails' infrastructure
- No buildings within 2 metres of the boundary fence with

## Network rails infrastructure

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

No representations received.

### **5.00 SITE HISTORY**

5.01 054602 Application for variation of condition no. 10 attached to planning permission ref 051726 to allow use of septic tank. Approved 20.05.16

052123 Application for approval of details reserved by condition nos.3(parking and turning), 4(floor and ground levels), 5(landscaping and fencing), 9(surface water)and 10(foul sewage) attached to planning permission ref: 051726 Approved 03.07.14

051726 Use of land for stationing of caravans for the residential purposes for 6No. gypsy pitches together with the formation of hard standing and utility/dayrooms ancillary to that use Approved 23.04.14

045584 Erection of a 17.5m high monopole with 3 no. antenna mounted to the pole and ground based equipment cabinet Approved 02.12.08

042704 Prior Approval Application - 15m timber monopole supporting 3 no. antennae, 3 no. equipment cabinets and 1.8m high chain link fence Prior approval not required.

### **6.00 PLANNING POLICIES**

#### 6.01 National Policy - Planning Policy Wales

Local Authorities are required to assess the accommodation needs of Gypsy families In accordance with the Housing Act 2004. Sections 225 and 226 of the Housing Act 2004 came into force on 13<sup>th</sup> December 2007. This requirement is reiterated in Planning Policy Wales Edition 9 November 2016 paragraph 9.2.21.

#### Welsh Assembly Government 'Accommodation needs of Gypsy- Travellers in Wales' (2006)

This independent study was commissioned by the Assembly Government in December 2004 to establish current and future requirements for the accommodation needs of Gypsies and Travellers in Wales. It provided information on the number, location and condition of Gypsy and Traveller sites in Wales and also provided an indication of the need for new site provision. The study contained

a number of conclusions and 28 recommendations for the Welsh Assembly Government and Local Authorities to take forward in terms of policy formulation; the existing site network; the need for additional residential site provision; the need for transit site provision; site management; and social housing.

Welsh Assembly Government Circular: WAGC 30/2007. Planning for Gypsy and Traveller Caravan Sites in Wales.

This circular replaced Welsh Office Circular 2/94 "Gypsy Sites and Planning". It provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers. Local housing market assessments provide the key source of information enabling local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing Local Development Plans. Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDP's to ensure that the identified pitch requirement for residential and transit use can be met.

It also states that in order to encourage private site provision, local planning authorities should offer advice and practical help with procedures to Gypsies and Travellers who wish to acquire their own land for development.

The Circular states that in deciding where to provide gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services. Sites on the outskirts of built-up areas may be appropriate along with sites in rural or semi-rural settings. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could effectively block proposals for any Gypsy and Traveller site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them and should avoid placing an undue burden on the local infrastructure. Sites, whether public or private should be identified having regard to highways considerations with regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

With regard to the Human Rights Act, the Circular states that the provision of the European Convention on Human Rights should be considered as an integral part of local authorities' decision making, including its approach to the question of what are material

considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances.

Flintshire Unitary Development Plan

STR1 - New Development

GEN1 - General Requirements for Development

GEN3 - Development in the Open Countryside

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

D4 - Outdoor lighting

L1 - Landscape character

AC13 - Access and Traffic Impact

HSG14 - Gypsy Sites

The proposed site is in accordance with the above policies.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 15 no. gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use at Huntleys Yard, Chester Road, Flint.

7.02 Site description

The 0.37 hectares site lies in the open countryside adjacent to the settlement boundary for Flint. The site is an existing coach yard and is used for the parking and maintenance of coaches. There are 2 buildings on the site associated with this use.

7.03 The site is divided from the main building envelope of Flint by the Holyhead-Chester railway line which lies to the south. The site occupies an elevated position from the adjacent agricultural land to the north. To the east of the site is an existing gypsy site of 6 plots. Access to the site is provided by a single bridged access road that crosses the railway line and that also provides access to the adjacent gypsy site and sewage works.

7.04 Proposed development

Planning permission is sought for the change of use of a 0.37 hectare site for 15 residential gypsy pitches together with the formation of hardstanding and utility/dayrooms. The proposed site would be laid out in 15 pitches subdivided by internal post and rail fencing. It is proposed to provide an acoustic fence along the southern boundary of the site with the railway line. Landscaping is proposed around the

remaining boundaries.

- 7.05 Each pitch would have a static caravan and touring caravan as well as a single storey amenity building, providing cooking and washing facilities. The amenity building serve 2 plots and are semi-detached measuring 6.5m x 6.5m with a pitched roof measuring 4.5m to the ridge. The buildings are proposed to have a clay tile roof, rendered walls and painted timber windows and doors. Each building has 2 solar hot water panels on the southern roof plane.
- 7.06 Need  
The Council commissioned ARC4 to undertake a Gypsy Traveller Accommodation needs assessment which was produced in April 2016. We are having this needs assessment updated as part of the LDP evidence base. The current assessment undertaken in April 2016 states that the five-year unmet need 2016-2021 of -4 pitches and over a 15 year period 2016- 2031 there is a need for 19 additional pitches. Analysis would suggest there is sufficient pitch capacity over the next 5 years assuming that planned residential supply is delivered over this period. The overall shortfall over the Plan Period is for 19 pitches.
- 7.07 This does not take into account the need to provide pitches for the Dollar park site residents, which is 7 pitches. In the supply of sites it also includes a private site in Sandycroft which comprises 22 pitches and is currently closed for refurbishment, although at the time of the GGTA 5 pitches were still occupied. There is therefore a need for additional pitches to compensate for the sites that are no longer available or do not have a permanent consent. It is therefore considered that there is a need for this development in both the short and long term. Even if the Sandycroft site is re-opened the council has no control over the size of this site and it is likely that it will be for a reduced number of pitches. This then would assist in meeting the future pitch needed during the longer term period.
- 7.08 Principle of development  
The land is a formerly developed site outside of but adjacent to the Flint settlement boundary as defined in the Flintshire Unitary Development Plan. While the site is in policy terms in the open countryside it is a brownfield site adjacent to a Category A settlement. It is separated from the settlement by the railway line. The location of the site is therefore highly sustainable and is accessible to all the facilities in Flint and to public transport links.
- 7.09 The proposed site along with the existing site would create 21 pitches in total. As this site is in effect an urban site adjacent to a main town it is not considered that the scale and size of the site is disproportionate to the community it is within. The infrastructure in Flint is capable of supporting 15 additional families as it is a focus for general housing growth. The site is separated from the built up

residential area by the railway line and therefore would not have any adverse impacts on residential amenity from the site activity.

7.10 A 1.8 metre high wooden acoustic fence is proposed along the southern boundary in order to protect site residents from the noise of the railway line and also to act as a trespass fence in order to meet Network Rails requirements. No issues were raised by public protection in this regard.

7.11 Ecology

The proposal is located in the vicinity of the following protected sites;

- River Dee and Bala Lake Special Area of Conservation (SAC)
- River Dee Estuary Special Protection Area (SPA)
- River Dee Estuary Site of Special Scientific Interest (SSSI)
- River Dee Estuary RAMSAR Site

The main potential impacts of the development is on overwintering birds on the above sites. The application site is currently an active bus yard. The site does not have any habitats that would be used by overwintering birds. Boundary treatments can ensure that the site is contained to ensure that there is no encroachment into areas closer to the protected sites. This can be dealt with by condition.

7.12 It should be ensured that only clean uncontaminated water drains to surface water to prevent a potential adverse effect on the protected sites.

7.13 Drainage

In the development of the initial site it was found that the mains sewer is not in close proximity to the site. Any connection to the sewer would be at the developers cost via a sewer acquisition which may be costly and not cost effective in terms of the scale of the site. Foul drainage of the existing site is served by an existing private treatment plant which is a cesspool type facility with no effluent. It is proposed to connect the new site to this facility. Details of this can be dealt with by condition.

7.14 Highways

The proposed access is from the A548 over the railway line and is the current access for the coach yard and existing gypsy site. It also is the access to the sewage works further to the east. There are no highway issues with the use of the access which has an historic use by large vehicles and regular vehicles movements associated with the coach yard.

The layout shows 2 parking spaces for each pitch and 3 visitor spaces. This is considered acceptable subject to a condition requiring these facilities to be put in place.

7.15 Flood risk



The site is not in an area of flood risk and therefore no further information is required.

7.16 Site Layout

The proposed site shows 15 plots with a static caravan and a touring caravan on each, a semidetached amenity building for cooking and washing facilities and 2 parking spaces. Previously gypsy and traveller sites have not been required to be licenced unlike holiday or park home sites. It is good practice for residential gypsy sites to meet the same standards as other caravan sites set out in the Mobil Homes (Wales) Act 2013. The layout has been assessed by the Health and Safety Section and amended to meet these requirements. The standards are in order to meet fire regulations and to minimise the impact of sites. The submitted layout shows static caravans of less than the maximum permitted under the definition of a of 'mobile home' set out in Section 60 of the Mobile Homes (Wales) Act 2013 which is 6.8 metres by 20 metres. In order to meet the standards the size of the caravans needs to be condition to not exceed the site shown on the plan of 3.5 metres x 10 metres.

7.17 Other matters

The site is proposed as a commercial site with pitches rented out on a long term basis. No details of site occupants are therefore put forward and therefore no personal circumstances or the best interests of the child can be considered.

**8.00 CONCLUSION**

8.01 It is considered that there is a need for this development in terms of gypsy and traveller site provision. The site is a brownfield site in the open countryside but adjacent to a category A main settlement as defined in the UDP. It is therefore considered that this is a suitable location for a gypsy traveller site and would not give rise to any adverse impacts.

Other Considerations

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.

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.

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

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