

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING 3 JULY 2023

APPLICATION NO:
P/2021 /0640

LOCATION:
LAND BETWEEN HOLLY COTTAGE
AND CHAPEL FARM WHITEWELL
WHITCHURCH WREXHAM
SY13 3AL

DATE RECEIVED:
11/05/2021

COMMUNITY:
Bronington

CASE OFFICER:
SEH

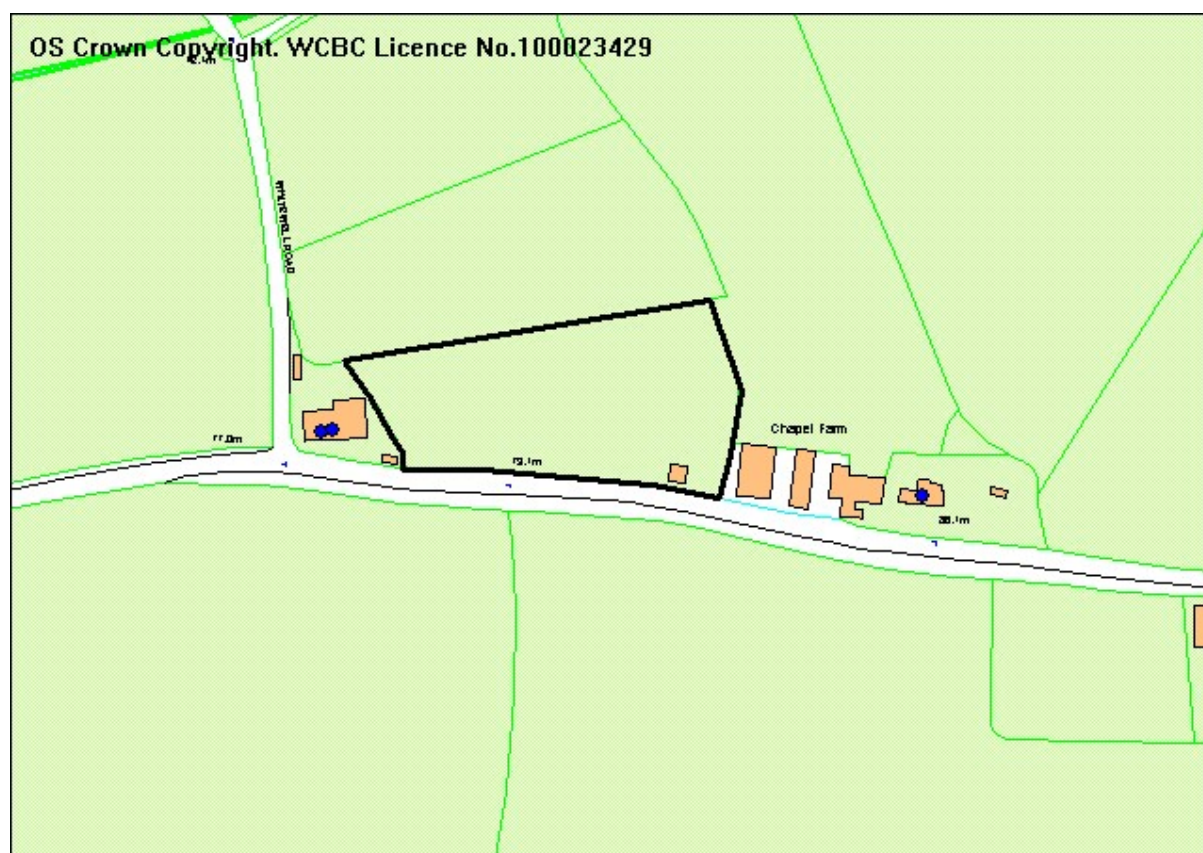
WARD:
Bronington

DESCRIPTION:
NEWID DEFNYDD TIR
AMAETHYDDOL I FAES
CARAFANAU A GWAITH
CYSYLLTIEDIG / CHANGE OF USE
OF AGRICULTURAL LAND TO
CARAVAN SITE AND ASSOCIATED
WORKS

AGENT NAME:
GREEN PLANNING
STUDIO LTD

APPLICANT(S) NAME:
MR GERALD CARTWRIGHT

THE SITE



PROPOSAL

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As above. The initially proposed the use of the site for up to 8 caravans. This has now been reduced to 5 in order to limit the amount of wastewater discharge from the site.

HISTORY

None relevant.

DEVELOPMENT PLAN

Relevant Unitary Development Policies
GDP1, EC4, EC6, EC9 and CLF10 apply.

Relevant Draft Local Development Policies
SP14, EM5, DM1, NE1, NE2, NE3 and NE6.

CONSULTATIONS

Community Council
Support the application but have expressed the following reservations

- Eight pitches is too many for the site, six pitches would be more appropriate;
- The access road from the A525 to site is unsubstantial; and
- The close proximity of the site to neighbouring properties which could be intrusive.

The Council requested that consideration be given to the grant of a temporary five year planning permission to allow the impact of the development on the local area to be assessed.

Local Member
Notified 09/07/2021. No comments received.

Highway Officer
The Highway Officer raises no objection to the application subject to conditions being imposed to secure the site access and parking arrangements

The Highway Officer has commented that the site layout plan is acceptable and that the proposed vehicular access is considered acceptable in terms of visibility and width.

The Highway Officer notes that the site may not be considered to be a sustainable location given that there are no footways serving it. The routes leading to the site are typically narrow in nature preventing the simultaneous passage of 2 cars. However, the Highway Officer concludes that it would be difficult to justify a refusal of permission on this basis given that traffic flows along this section of Whitewell Road are relatively low and the traffic generation from the site is also likely to be relatively low.

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The Highway Officer notes that there is reduced visibility onto the A525 at the two junctions but advises the increase in use would be relatively low and there is no record of any traffic accidents at these junctions.

Ecology Officer

Raises no objection and confirms agreement to the measures outlined within the Ecology Report and Newt Method Statement, which can be secured by condition.

Considered that provided that the planning permission is restricted to 5 caravans, the development would not harm the Bala Lake SAC.

Tree Officer

Consulted on 12/07/2021. No comments received.

Conservation Officer

Raises no objection to the proposed development and advises that it would not have an impact on the nearby Grade II Listed St Mary's Church

Public Protection Officer

No objection subject to standard advisory notes in respect of noise and dust etc

NRW

Raises no objections subject to a condition being imposed to require an Amphibian Method Statement.

NRW advises that as there would be no more than 5 caravans on site at any one time the proposed development is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

Welsh Water

Welsh Water raises no objections because the development would not connect to the public sewer.

Neighbours

The owners/occupiers of 28 nearby properties were notified on 09/07/2021. 30 representations have been received objecting to the proposal for the following reasons:

- Increased traffic on the narrow roads serving the site;
- Vehicles currently travel at high speeds;
- Use out of character with the rural, peaceful location;
- Detrimental impact upon the visual amenities of the area;
- Site won't be screened in the winter;
- Devaluation of local properties;
- Bins will attract vermin;
- Size of land is disproportionate to the number of caravans;
- Noise and light disturbance;

- Loss of privacy
- Proximity to a listed Church;
- No public amenities;
- No street lighting;
- Risk of surface water flooding; and
- Ecological impacts.

SPECIAL CONSIDERATIONS

Policy: UDP Policy CLF10 allows new touring caravan and camping sites where the site is unobtrusive and well screened without the need for additional strategic landscaping, the site is not located within a Green Barrier (GB) or Special Landscape Area (SLA) and the site is used for touring purposes only.

LDP policy EM5 allows for new touring caravan sites in the countryside provided the site does not have a harmful effect on the countryside.

The site is not within GB or SLA and is in an unobtrusive and well screened location therefore according with the requirements of the UDP policy. Visual impact will be considered in more detail below.

Visual Impact: The site is enclosed by mature trees and hedgerows, which would be supplemented by additional planning by way of a landscaping scheme that could be secured by a suitably worded condition.

Access would be from the existing vehicular access in the south east corner of the site. An internal road way would be provided by way of a continuous loop around the centre of the site with each pitch fronting onto it. The site is relatively flat and limited engineering operations would be required create the caravan pitches, parking spaces, access track and drainage. The amenity building utilises an existing structure on site which is well screened behind the existing boundary hedge.

Whilst screening would be reduced in winter months, it is nevertheless the case that the visual impact from both nearby and distant viewpoints arising from the proposed development would be limited. The nature and limited density of the proposed use would also not materially alter the rural character of the landscaping surrounding the site.

Having regard to the above, there is no conflict with UDP policy GDP1 or draft LDP policies DM1 and EM5.

Residential Amenity: The proposed site layout in addition to the screening provided by existing vegetation would ensure that the living conditions of the occupiers of neighbouring properties were not unduly harmed.

The Council's Public Protection Officer raises no concerns. It must be assumed that the site will be occupied in a considerate manner and Environmental Protection legislation can be enforced if it is not.

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Any lighting scheme could be controlled by a suitably worded planning condition in order to minimise the night time impact of the development on both residential and visual amenity.

Having regard to the above, there is no conflict with UDP policy GDP1 or draft LDP policy DM1.

Highway Safety: The Highway Officer raises no objection to the application and it is of note that their comments were based upon the original proposal for 8 no. caravans.

Visibility at the access to the adjoining highway is acceptable and 1 no. parking space per caravan would be provided. There would be 4 no. additional parking spaces provided on site for instances where people travel in separate cars.

The Highway Officer commented on the sustainability of the site given the lack of pedestrian footways in the vicinity. However this is a common scenario within countryside locations where uses of this nature are often found. Refusing developments of this nature on the grounds of a lack of footway provision would prevent the development of tourism and other small scale business activities in the countryside and undermine efforts to diversify the rural economy. To provide footways around the site would also be detrimental to the character and appearance of the area and in any case, given the low intensity proposed use, this would not be a proportionate requirement.

Whilst it is acknowledged there is a shortfall in visibility from the surrounding road network at their junctions with the Whitchurch Road, there does not appear to be any existing safety issues. The proposed development would not significantly increase the use of these junctions and therefore do not give rise to highway safety concerns.

Having regard to the above, there is no conflict with UDP policies GDP1 and T8 or draft LDP policy DM1.

Ecology: The Council's Ecology Officer raises no objection to the proposal subject to suitably worded conditions to secure the implementation of the proposed newt mitigation methods plan and the scheme of ecological enhancements provided with the Ecology Report accompanying the application. In such terms there is no conflict with UDP policy EC6 and draft LDP policies NE1 and NE2.

Limiting the number of touring caravans on site to a maximum of 5 would ensure the development does not result in increased phosphorous discharges into the River Dee and Bala Lake SAC. In such terms the proposed development would not conflict with UDP policy EC6 or draft LDP policy NE6.

CONCLUSION

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Subject to conditions, the proposed development would not adversely impact on the rural landscape and residential amenity or give rise to highway safety or ecology concerns. In such terms it accords with the relevant UDP and draft LDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 20_1124_003 Rev D, and as contained within the application documentation.
3. No part of the development shall commence until a scheme of external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall have regard to best practice guidance provided by the Institution of Lighting Professionals ([https://www.theilp.org.uk/resources/free-resources/ilp-guidance notes/](https://www.theilp.org.uk/resources/free-resources/ilp-guidance%20notes/)). The external lighting scheme as required must include the following:
 - a) Location and height of proposed lighting,
 - b) An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises, and
 - c) Design of columns and any proposed hoods.The lighting shall be installed in strict accordance with the scheme as is approved prior to first use of the development, and shall thereafter be permanently retained in a fully operational condition.
4. Within 3 months of commencement of development, full details of both hard and soft landscape works, to include all boundary treatments and some native planting, shall be submitted for the written approval of the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.
5. The scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
6. The landscaping scheme implemented in connection with condition no. 4 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced within the next available planting season by trees or hedgerow of the same size and species to those originally required to be planted.
7. Notwithstanding drawing no. 20_1124_003 Rev D there shall be no more than 5 no. 4 person holiday touring caravans on the land at any one time.
8. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no

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gate, fence, wall or other means of enclosure shall be erected on any part of the application site.

9. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Salopian Consultancy and dated 29/06/2021, approved as part of this application. Any mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development and thereafter permanently retained.

10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 52 metres in both directions measured to the nearside wheel track of the adjoining highway (i.e. measured to a point 0.5 in from the nearside edge of the carriageway). Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

11. Prior to first use of development a verge crossing to the site shall be constructed to Highway Authority adoptable standards.

12. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 10 metres behind the adjoining highway.

13. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

14. The vehicular access hereby approved shall be a minimum width of 5.5 metres.

15. No part of the development shall be occupied until the drainage scheme shown on plan ref: 719-21-30 and 719-21-15 Rev C approved as part of this application has been fully implemented in all respects. The drainage scheme shall be managed and maintained in an operational condition.

16. The development shall be carried out in strict accordance with the Amphibian Method Statement prepared by Salopian Consultancy and the Reasonable Avoidance Measures (RAMs) contained within it shall be fully implemented in all respects prior to the first use of the development.

17. The caravan pitches hereby granted permission shall be used only for the siting of touring caravans and shall only be used to provide holiday accommodation. For the avoidance of doubt, none of the pitches shall be used for the siting of static caravans nor shall they be used to provide permanent residential accommodation. The land shall also not be used for the storage of caravans at any time.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. This is a non-standard reason
4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in

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accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, to limit the parameters of the permission and to safeguard the integrity of the River Dee SAC in accordance with Policies GDP1, CLF10 and EC6 of the Wrexham Unitary Development Plan.

8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

9. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

10. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

12. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

13. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

14. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

16. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

17. In the interests of protecting the countryside from inappropriate development in accordance with policy CLF10 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards,

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the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

A licence will need to be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to cross the verge to the access, in connection with condition no.12. The licence is a separate form and will need to be obtained from the Highways Department, Wrexham County Borough Council, telephone 01978 297158.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance

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Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The applicant is advised that they may need to apply for a Caravan Site licence under the Caravan and Control of Development Act 1960.
