

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
6th JUNE 2016

APPLICATION NO:
P/2016 /0225

LOCATION:
LAND WEST OF BRYN OFFA
FENNANT ROAD PONCIAU
WREXHAM

DATE RECEIVED:
03/03/2016

COMMUNITY:
Esclusham

LL14 1PL

CASE OFFICER:
PF

WARD:
Ponciau

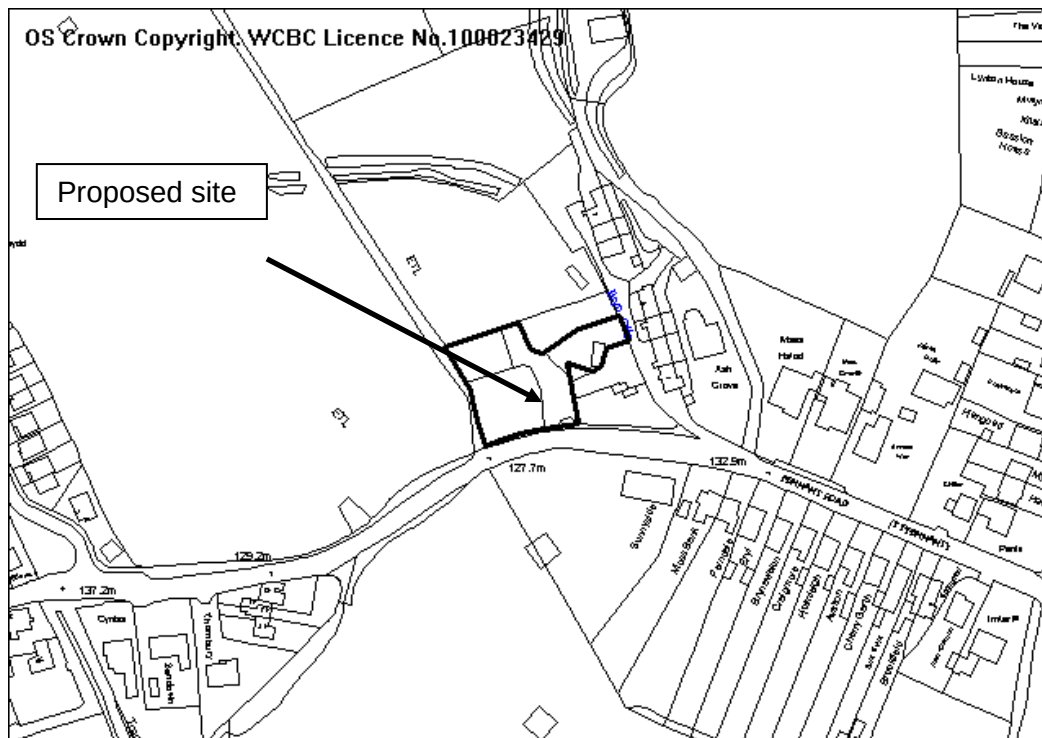
DESCRIPTION:
CHANGE OF USE OF LAND TO
PROVIDE 2 NO. GYPSY /
TRAVELLER PITCHES, ERECTION
OF ANCILLARY MOBILE DAY ROOM
/ AMENITY BUILDING AND
CONSTRUCTION OF HARD-
STANDING AREA AND ACCESS

AGENT NAME:
MR TREVOR MENNEL

APPLICANT(S) NAME:
MRS BRIDGET MCGUIRE

THE SITE

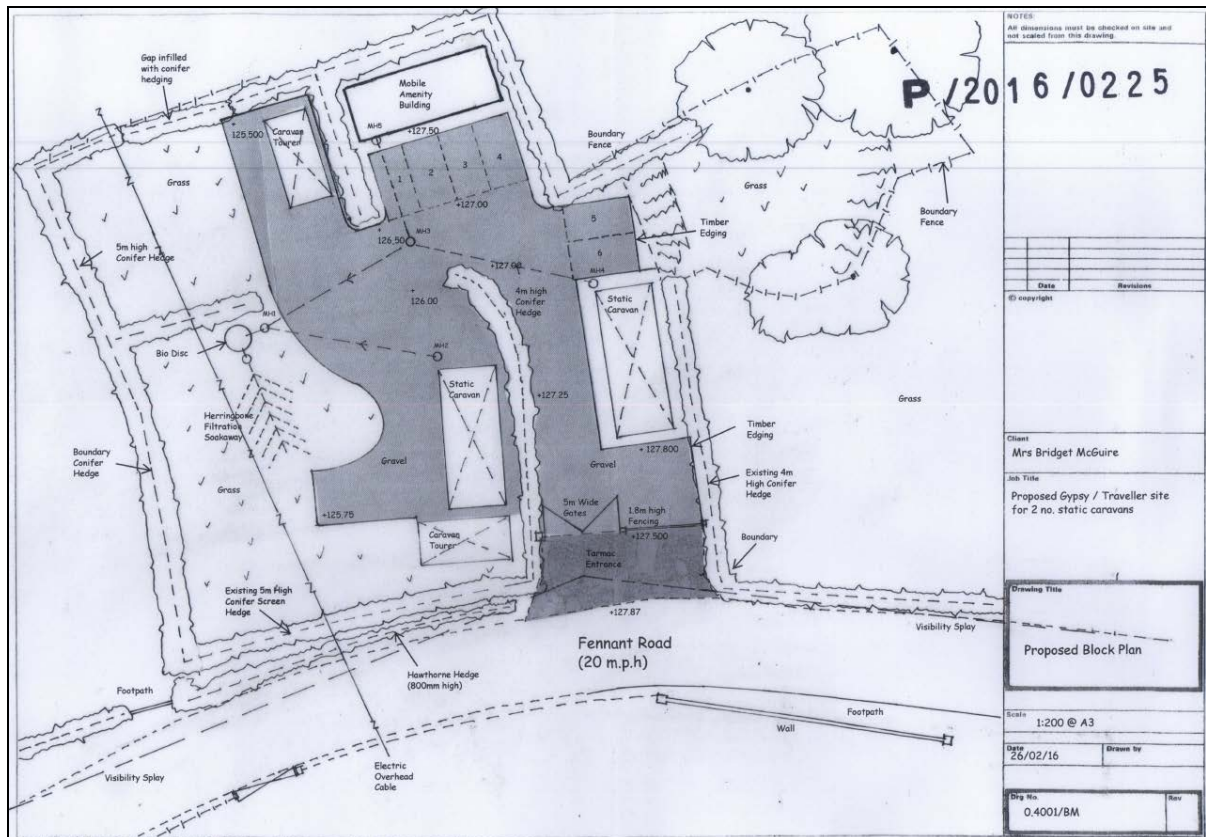
The site is located on the north side of Fennant Road, and it measures 0.16 hectares. The site is enclosed by conifer hedges, and by the boundary treatments along Fennant Road, incorporating access gates/fence/hedgerow.



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PROPOSAL

As above. The application details confirm that the proposal is for the change of use of land to facilitate two gypsy/traveller pitches with an indicative layout showing the provision of a static caravan and a touring caravan on each pitch. A mobile amenity building is proposed within the confines of the application site along with provision for associated hardstanding and parking for at least 6 no. motor vehicles. The site is proposed for two family pitches. A proposed layout plans is shown below.



Proposed layout of the site

HISTORY

Most relevant

P/2015/0203 Use of land for 1 No. gypsy / traveller pitch and erection of ancillary utility / day room. Refused 28.05.2015.

DEVELOPMENT PLAN

The site is outside any settlement area. The site is also close to Offa's Dyke scheduled monument, and a public right of way. Policies PS1, PS2, GDP1, EC6, H9 and T8 of the Wrexham UDP are relevant.

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CONSULTATIONS

Community Council:

Object on the following grounds:

- Access – this is a very well used highway with no pavements and is just 2 car widths.
- There is a dip and a sharp bend in this location, this would just add to congestion and the current infrastructure of the highway could not manage the increased traffic that this development could create. The access and design statement does raise a question of how many caravans may be placed on this site plus the 6 vehicles.
- It was reported that the current gateway was only allowed to be placed in this location to allow agricultural machinery to enter the site only;
- The area is on a flood plain, due to the history of mining in the area;
- There are overhead pylons in the vicinity, the reason for not being included on the LDP 1;
- There is a huge presence of ecology on the site, various species;
- Public footpath 33 on the definitive map runs along this area and is a well walked area by walkers venturing along Offa's Dyke.
- Members would request a full environmental impact report on the area.

Esclusham Community
Council (adjoining):

Do not support this application on the following grounds:-

- Access - the Community Council have concerns regarding the access to the site, especially with regard to the amount of traffic travelling along Fennant Road. The proposed site access is some 150 metres from the junction of Fennant Road with the B5605 Wrexham Road and, at this point, dips and bends sharply. The route is a busy one and is not suitable for the daily visiting of vehicles towing, slowing down and attempting to manoeuvre in a limited area, especially with oncoming cars, buses and lorries travelling down the very steep, and popular, descent from Ponciau and Rhosllanerchrugog. Access onto the road from the proposed site could also prove difficult in view of hedgerow, although it is the understanding of the Community Council that this has been cut back somewhat. The Council would ask whether suitable permission was requested, and granted, for such action.

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- Flooding - this low-lying area of green belt pasture land is subject to flooding and may well be below the water table. The area has been heavily flooded of late.
- Possible disturbance of Scheduled Monument - the area itself being position on the original Offa's Dyke, which is an eighth century earthwork.
- Concerns that there is a strong likelihood that the site supports substantial wildlife, some of which might be protected.
- The site in question is possibly on, or near, disused, underground air vents and is situated above, or close to, old mine shafts.
- The title deeds of the property have some stipulations therein restricting the uses of the site and land.

Local Member(s):

Cllr P. Pemberton requests application be presented to the Planning Committee.

Site notice:

Expired 26.04.2016

Highways:

It is possible to achieve splays from the site in accordance with Welsh Government standards. Forward visibility along Fennant Road for and of vehicles turning into the site more than meets requirements for a 20mph road. It is considered that the proposed access, parking and turning arrangements are adequate.

Public Protection:

No comments.

Snr. Flood Management Officer:

A significant portion of the site is identified as being at risk from surface water flooding as identified on NRW's updated flood map for surface water. The site layout plan suggests that both static and touring caravans will be located away from the highest risk areas of the site. Recommends that the applicant consider flood resilient construction techniques to minimise the risk of flooding into the future.

NRW:

Advise the inclusion of a condition to propose the submission of a RAMs and compensatory scheme to protect the favourable conservation status of great crested newts. An advisory note is also recommended in relation to the approval requirements for private foul drainage system.

Welsh Water:

Consulted 09.03.2016

Sue Elan Jones MP:

Writes to represent the views of a considerable number of my constituents on the above planning proposals. The concerns chiefly centre on the following:

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- The serious environmental impact it would have on the area of known merit for its natural habit.
- Major road safety concerns in an area so noted for road safety issues that Royal Mail actually removed a post box on safety grounds.
- Historic environment; proximity to Offa's Dyke.
- Proximity of land for waterlogging.

It should also, of course, be noted that, unlike many local authorities, Wrexham County Borough Council, honours its statutory obligations for traveller site provision. The notion that random erection of traveller pitches is one that should be supported or encouraged would, of course be bizarre and an unacceptable precedent for the Council to set for itself.

Neighbouring occupiers: 10 neighbouring occupiers notified. 43 representations received.

42 objections received on the grounds

summarised below:

Highway safety

- Fennant Road is already under a great demand from a very high volume of traffic and is inadequate to deal with the greater strain of increase vehicles. It is narrow and undulating and makes it very difficult to see vehicles coming in the other direction;
- The road is a regular route for bus services, school vehicles and children. It is also used as a short cut by vehicles;
- The pavement is very constricted and it ends before the entrance to the proposed site. People have been knocked over and clipped walking along the footway;
- Visibility is poor on the road in the daytime and at night with poor street lighting;
- The road is an accident blackspot. There are detailed reports of 8 crashes in 4 years on the Daily Post;
- Vehicles speed along Fennant Road near to the application site;
- The Council should compulsorily purchase the land and carry out the road improvements along Fennant Road using the land;
- The speed limit of 20mph appears to have made no difference to the speed of traffic in the locality;
- As the proposal for the site is for residential use I would suspect the light goods vehicles

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will be used for commercial use which will be operating from the proposed site against planning permission;

- The site across the road from the site was prevented from servicing vehicles on a commercial basis;
- Consideration of the application should be delayed until the access is altered sufficiently to cater for wide and long vehicles. Perhaps a 'dry-run' should be carried out;
- Similar applications for new accesses onto Fennant Road that were previously refused will presumably be approved if this application were to be approved;

Use of land

- The paddock is a greenfield site;
- The site has never been used for residential purposes. The paddock is entirely insufficient to sustain such an extensive development;
- The use of the land is not in keeping with the local surrounding and properties as seen from other sites such as Southsea and Homestead Lane in the County Borough;
- The land is not Brownfield land. It has been used for grazing and allotments and has fallen into a poor state of repair under current ownership;
- Alterations to the land have been carried out previously which are the subject of conveyancing between 1, 2 and 4 Bryn Offa. They have not been made aware of any change of use of land;
- If more than one caravan is kept on site it would have an adverse impact on the views from the new housing development higher up on the hill opposite and would affect the value of housing in the area. Will the council be compensating residents if approved?;
- Previous planning permission has been refused for housing on this site. this should not be treated any differently;
- Many caravans may be placed on the site and this should be corrected in the application;
- This type of development should be located in managed local authority sites;
- There are covenants attached to the land preventing any use other than agricultural;
- Noise and light pollution will occur;

Other issues

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- The site has drainage problems and susceptible to flooding on a regular basis;
- It is not the correct place for a 75 year old if it is susceptible to flooding;
- There are mining shafts connected to underground tunnels which could make the ground unstable;
- The site is on Offa's Dyke;
- The proposal will impact upon the World Heritage Site;
- The site is highly valued by local residents in terms of ecology on site. This would be adversely affected by the proposal;
- Exhaust fumes from the and the use of the private foul sewerage system cause concerns for local residents in terms of health;
- Should the existing WCBC site not be expanded if it is considered overcrowded?;
- The personal circumstances of the applicant do not outweigh the detriment potentially caused by allowing this proposal;
- The use of a biological system for foul water disposal will pollute the water table;
- The popular perception of the gypsy lifestyle and culture will have a detrimental effect on the area and its community;
- Impact upon school population; and
- Security problems have occurred around other similar sites.

1 representation received supporting the application on the grounds that there are a lack of traveller sites in the county

SPECIAL CONSIDERATIONS:

Policy: Policy H9 of the UDP confirms that in exceptional circumstances where sites for caravans for individual gypsy families cannot be accommodated within settlement limits, that consideration will be given to other proposals, subject to normal technical safeguards as raised in policy GDP1.

Planning Policy Wales also confirms that Local Authorities are required to assess the accommodation needs of Gypsy families, and advice contained within Circular 30/2007 confirms that some gypsies and travellers will wish to find and buy their own sites to develop and manage.

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At this present time, it is known from the latest housing needs assessment survey that there is a shortage of gypsy / traveller pitches within the Wrexham area, and therefore it is inevitable that sites for this type of use are likely to be requested by the gypsy / traveller community. This shortage has been known for some time, and the current figures (2013) confirm that there is a need for 21 pitches – of which 15 pitches need to be socially rented and 6 pitches as private sites. As a result the proposal could help towards the private site provision, although the needs might change after 2018, and also the LDP may be available. However, based upon current needs, extra pitches are required.

No information has been submitted with the application to confirm what attempts have been made to find sites within existing settlement limits, but the UDP acknowledges that it is not always possible to find suitable sites within settlement limits. However, proposals should not conflict with environmental and other location based policies. In general, it is anticipated that sites within settlement limits will mostly prove difficult to find, and it is known that the Council does not have an adequate supply of housing land within the existing settlement limits. The Circular acknowledges in para 26 that sites on the outskirts of built-up areas may be classed appropriate, and other rural settings that are not subject to specific planning or other constraints can also be considered.

In this regard, the site is outside any defined settlement limit, but it is not within a green barrier or within any other environmental protection area. The site is within 85m of the buffer area around the nearby SSSI/SAC, and because of the known presence of newts within the area, the use must not undermine ecology interests of that designation. Those ecology impacts will be examined later in the report – see below. Likewise other technical issues will need to be examined.

Finally it is also recognised as part of Circular 30/2007 (para 19) that the issue of site sustainability must be examined, to ensure the health and wellbeing of occupants. Therefore environmental issues and the suitability of the location for the maintenance and support of family and social networks is relevant, and the list of considerations is given as part of para 19, and most of those items appear suitable for the sites as a dual pitch, although some items might be a matter of subjectivity.

Further guidance regarding site design is also given in 'Good Practice in Gypsy and Traveller Site Design and Site Management', and accordingly new sites should have safe and direct access to a public road, should be within a reasonable distance of schools, shops, medical services and other community facilities, and sites should have sensitive landscaping and boundary definition to provide seclusion, and not be at risk of flooding and have suitable services.

The Community Council have requested full environmental impact report with the application. I am satisfied that the level of information submitted with the proposal is sufficient to make a meaningful recommendation. No further information has been requested.

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Landscape character: The site is currently well screened by existing hedgerows, and if these are maintained, the use is likely to have little impact upon the landscape character of the area. They have less landscape importance since these are conifer (leylandii) type. However this type of hedge does provide good all year screening, and providing these are maintained to a suitable height, or supplemented with suitable native planting, the use will have limited visual impacts to the wider countryside.

The native roadside hedge has been severely cut back and this has positive implications for visibility for the access. Planning permission was refused in 2015 for a scheme to change the use of the land to provide one gypsy/traveller family pitch on the grounds that the proposed site access could not provide sufficient visibility splays in the interests of highway safety. It is unfortunate that this hedge has been cut back to such an extent and whilst a native hedge could be planted further back in the site, this would require the removal of the mature conifer hedge which affords screening to the site. The establishment time of a new native hedge would be lengthy. It is therefore considered beneficial to retain the conifer hedging to the frontage and promote the planting of native hedging elsewhere on the site which can be secured by way of a RAMs and compensatory scheme to promote the ecological merits of the sites surroundings. I do not consider that the loss of this native hedge is sufficient enough a justification to warrant recommending the application be refused.

Access: The existing access currently serves a small area of land. Given the size of the land holding, usage of the access is very limited. The proposed use however will generate daily trip movements, and therefore visibility at the access point is important for maintaining safety for users of this access and for users of the adjacent highway. It is also noted that there are no footpaths on this side of the road, but there is one opposite for a short section. As is similar for many of the residents living in this part of Fennant Road, there is no pavement leading along much to Fennant Road to local schools, shops etc. Whilst visibility at the access will be very important, the lack of footways cannot be sustained as a reason for objection in this instance.

The existing access has limited visibility splays. However, as the native hedgerow to the west of the access has been reduced in height, it is now possible to achieve visibility splays in accordance with Welsh Government guidelines along a road with 20mph speed limit. Minor alterations are also proposed to alter the position of the gate within the access to facilitate these splays. Parking provision and on site turning facilities have been demonstrated for 6 vehicles. On the basis that the above can be demonstrated and secured with adequate planning conditions, there is no sustainable reason to refuse this proposal on highway safety grounds.

Other matters:

a) Footpath: Some residents have raised concerns that the use will impact an existing public right of way. It should be noted that the path is not within

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the site and it only adjoins it. Therefore the use will not cause any adverse impacts.

b) Archaeology: Although the site is close to Offa's Dyke, the use will not have any impact on this nearby feature. This is located further east from the site.

c) Impact on neighbours: The proposal is not indicating any on-site business uses, and in any event it is possible for those matters to be controlled by planning conditions – to limit the size of vehicles and to prevent business use of the site. The position of the site offers a reasonable degree of amenity separation. The boundaries of the site are also well defined.

d) Amenity of the new occupiers: The site provides reasonable scope for all the normal design features for this type of use to be provided within the area defined by the application site. The amenity block is a reasonable scale for two pitches, and plans have been provided to show the position of on-site parking and turning facilities. Amenity and play space is achievable within the site and I am satisfied that the proposed layout represents an acceptable level of amenity for future occupiers.

The retention of existing hedgerows will help provide some seclusion for the residents in the same way that houses will have private gardens.

The issue of safety for residents entering and leaving the site has been examined earlier. Providing suitable visibility splays can be secured, I do not believe that the safety of residents would be any worse than other nearby residents.

e) Flooding: There are no issues in connection with the development in terms of fluvial flooding. The site is not within a defined flood zone. The site is in an area susceptible to surface water flooding however there is no reason to consider that the risk from such an event would warrant the refusal of this proposal. The layout is such that the proposed caravan layout is away from the areas subject to this risk. A note to applicant is recommended to promote suitable construction on the site.

Conclusion: I am satisfied that the proposed development, in terms of its location, layout, and access arrangements will represent a safe and well laid out site to meet the justified need for members of the gypsy/traveller community. The out of settlement location can be fully justified in terms of the Council's lack of gypsy/traveller site provision. The design of the scheme and the position of the site represents a logical addition in the context of the existing cluster of built development. I therefore recommend accordingly.

RECOMMENDATION: That permission be GRANTED

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CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The site shall not be occupied by any persons other than gypsies and travellers as defined by paragraph 3 of Welsh Assembly Government Circular 30/2007.
3. There shall be no more than 2 (two) pitches on the site and on each of the 2 (two) pitches hereby approved no more than 1 (one) static caravan and 1 (one) touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed at any time.
4. No mobile home, static caravan or chalet shall be brought onto the site or thereafter replaced until details of its size, external appearance and means of attachment to the ground have been submitted to and approved in writing by the Local Planning Authority. Thereafter only a mobile home, static caravan or chalet that accords with the details as approved shall be sited on the land.
5. No commercial activity shall take place on the site, including the storage of materials and the stationing of any vehicle over 3.5 tonnes overnight. There shall be no loading or unloading of vans, open backed vehicles or lorries on the site at any time other than for domestic purposes.
6. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 0.4001/BM shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
7. Within three months of commencement of development, full details of a soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include for the provision of ecological enhancement measures taking into consideration the proximity of the site to habitat features favourable for great crested newts.
8. The landscaping scheme submitted and approved in connection with condition no. 7 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
9. The landscaping scheme as carried out in connection with condition nos. 7 and 8 shall be permanently retained. Any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
11. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be