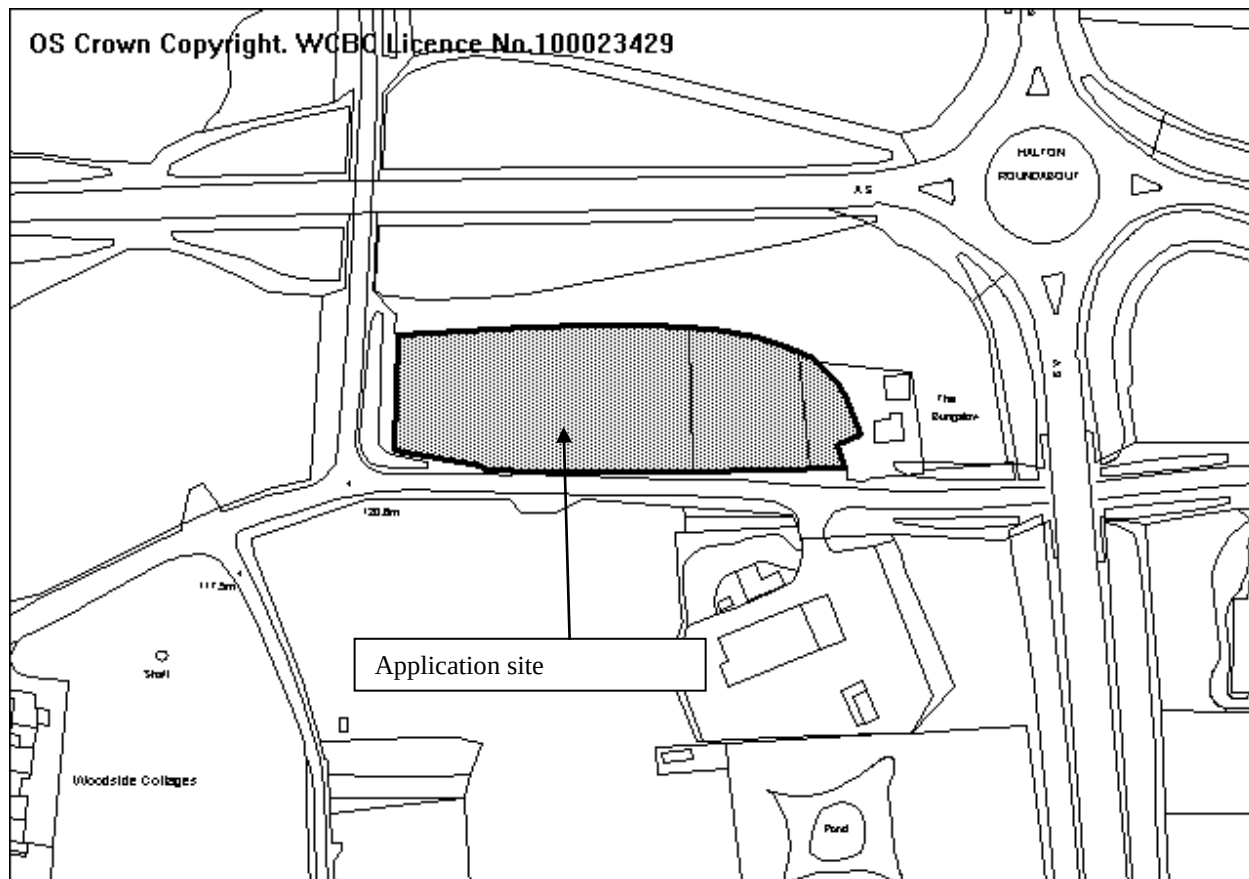


APPENDIX 1: CASE OFFICER DELEGATED REPORT

P/2015/0225

Matthew Phillips

SITE



PROPOSAL

Use of land to provide residential gypsy/traveller pitches (7 plots) and erection of community utility building.

HISTORY

No site history.

DEVELOPMENT PLAN

Outside of settlement limit. A small part of the western end of the site lies within the World Heritage Site buffer zone. Policies PS1, PS2, GDP1, EC4, EC6, EC11, H9 and T8 apply.

CONSULTATIONS

Community Council:

Objects most strongly to the proposed development and recommends WCBC refuse permission for the following reasons:

1. The development site is ridge top and the most elevated and exposed area of Chirk overlooking the Dee and Ceiriog Valleys. Residential Development would not be allowed planning permission at such a location;
2. The site is agricultural land and as such in the Local Development Plan not Housing Development;
3. The site is outside the settlement area;
4. The site is within the Pontcysyllte and Canal World Heritage Site Buffer Zone;
5. The existing Black Park Road is narrow without pavements and is dangerous and hazardous for pedestrians and other road users – a real accident black Spot. Lorries ,cars, caravans using the site will add to these severe dangerous conditions;
6. The site is in the direct line of the runway at Chirk Airfield and the real dangers associated with landings and take offs. Fatal accidents have occurred as well as other incidents. In 2014 and 2006 2 persons were killed on each occasion during take-offs;
7. It is noted that it is not proposed that the foul drains be connected to the public foul sewer;
8. The Primary and Junior schools in Chirk and Pentre have a full complement of pupils. There is also no safe route to either of the schools from this site;
9. The description of the proposed development is not correctly stated as it is apparently intended for the 7 permanent chalet homes to have 7 traveller caravans located with them. This could allow more to reside on the site and be overcrowded.

Councillor Ian Roberts:

Has submitted the following comments/concerns:

1. I believe this site is outside settlement, as it has already been suggested to a nearby resident that her proposed application would not be looked on favourably as it was situated Chirk side of the bypass;
2. Site is across the road from one of the largest car boot sale in Wales attracting over 2000 cars per day on Sunday's and bank holidays;
3. McDonald's restaurant is within 100 metres which has one hundred and thirty staff and a large turnover. Again this is one of the busiest McDonald's in North Wales;
4. Local authority depot is facing directly opposite this proposed development;
5. Visibility restricted with site as it is on the brow of a hill with very limited views on a sixty mile speed limit;
6. This proposed development is very close to the A483 with thirty seven thousand vehicle movements a day with associated fumes from petrol and diesel engines;

7. Again this will be overlooked by the A483 with multiple vehicle movements on and off site;
8. This is the Gateway into North Wales and includes the buffer zone to the UENSCO World Heritage site;
9. Local school for this area is Pentre which is full to capacity with ninth three children. Ysgol y Waun school in Chirk is on a dangerous route with no footpaths;
10. Problematic sewage and waste disposal on site;
11. Chirk Airfield Runway is directly opposite this proposed development

Verbally agreed to delegated refusal in response to email of 5.7.16

Notified 7.4.15

Conditions in respect of noise mitigation required.

Recommends refusal on the grounds that it appears impractical to construct an access with sufficient visibility.

Councillor Terry Evans:

Public Protection:

Highways:

Service Manager Environment:

the Environment Service Depot on Old Black Park Road, although un-manned, is called into service on a 24 hour response, is visited and used as an operational depot during the working day and holds winter maintenance salt stock levels. The nature of the use of the depot results in frequent and routine visits from heavy plant and machinery in addition to stock deliveries.

Welsh Water:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

NRW:

Have submitted the following comments:

- **Object** to this application because site lies within a publicly sewered area and the application indicates that foul drainage will be by means of a septic tank. The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable. We are therefore opposed to such facilities unless the developer can demonstrate that it is not reasonable to connect the public system;
- NRW is satisfied that the ecological survey has been carried out to an acceptable standard. The recommendations made with regard to Great Crested Newts and Bats should be conditioned. Providing these recommendations are adhered to, NRW consider the development is unlikely to adversely impact upon the favourable conservation status of any populations of these species in the vicinity.

Welsh Government (Trunk Roads):

Direct the Council to impose conditions in respect of the following:

- Noise mitigation measures;
- The provision of wheel washing facilities during construction.

Civil Aviation Authority:
Site Notice:

Consulted 14.4.2015
Expired 29.4.15

NFU West Midlands:

Object for the following reasons:

- The proposal is for an intensive residential use and there are fears that it would give rise to problems frequently experienced in pri-urban locations where high-density residential uses abut farmland. The adjacent land is used for livestock rearing and we know from experience that farms in such urban fringe locations often suffer from a range of practical difficulties;
- Although we note that the application refers to residential activities only, our members fear that businesses would be run from this site, with a detrimental effect on the locality and the local authority would find it difficult to prevent such activities taking place once residential use has been established;
- The location is situation in open countryside where there is a presumption against residential development;
- The land is question is situation near to a busy road, our members are concerned that additional traffic hazards caused by additional traffic movements to and from the site would make the situation much worse;
- There is a lack of safe pedestrian access to the site for children and families to walk to and from the site into town;

John Pierce (Owner of Chirk Airfield):

Submitted the following comments:

- Chirk Airfield which is both civil and military and has been used as such for 6 decades. It is registered as such with the CAA i.e. before 31 March 1985;
- Strongly oppose the application as it is situated on the approach to the main runway and helicopter landing pad. Some weigh in excess of 20 tonnes with a considerable fuel load;
- You will note the airfield also has the largest car boot/market in the country on Sundays/bank holiday Mondays, which attracts huge volumes of traffic which is monitored by the police/highways. This proposed scheme would interfere with the traffic flow and cause potential accidents;
- I am pleased to note you have informed the CAA and MOD.

Site Notice:
Neighbours:

Expired 29.4.15

The owners/occupiers of 18 residential properties and 1 commercial property (McDonalds) notified 10.4.15. 157 representations received objecting to the application expressing the following concerns:

- Detrimental impact upon the community;

- Too close to residential properties;
- Detrimental to residential properties;
- Detrimental impact to on local businesses;
- Impact upon property prices;
- People will want to leave the area;
- No benefits to the area;
- Anti-social behaviour;
- Increase in crime;
- Visual impact;
- Not in keeping with the area;
- Greenbelt land;
- Outside of settlement;
- Proximity to A5/A483;
- Risk of children running onto A5;
- No footpaths;
- The road needs footpaths and streetlights;
- Proximity to a live runway. There have been fatal air accidents in the past;
- Existing traffic problems due to car boot sales will be made worse;
- Additional traffic/highway safety;
- Site access is inadequate and dangerous;
- This is the gateway to Wales;
- The site is scared ground;
- It will encourage more travellers to come to the area;
- Sewer/drainage problems;
- Planning has been refused for normal housing nearby in the past;
- Lack of consultation/publicity;
- There are already traveller sites near Henlle Golf Club two miles away and Ruthin Road. No need for another;
- Why not extend sites in Wrexham and Park Hall;
- Position of the site access opposite the access to car boot sales;
- Capacity of schools and local surgery;
- Lack of police in Chirk;
- The site will be used for commercial undertaking;
- Increase in fly tipping;
- The traveller community are acutely private. Fail to see how the site will accommodate this aspect of their culture;
- No allowance made for future extensions;
- Lack of on-site open space. Children may play on the road;
- Internal roads should have signs;
- No space for a low loader;
- Elevated site in view of Chirk Castle;
- Why no build affordable housing;
- Impact upon World Heritage Site;
- May deter visitors/tourists

SPECIAL CONSIDERATIONS

Need: The Wrexham Gypsy and Traveller Accommodation Needs Assessment 2013 – 2018 identified a need for at least 21 new pitches for gypsy and travellers to be provided in the County Borough over that period. There has only been one pitch granted planning permission since 2013 (reference P/2014/0601 – Oakstream, Bowers Road Acrefair).

Some objectors have questioned the need for the development and have referred to the Ruthin Road site, a site opposite Henlle Park Golf course, Henlle, near Gobowen in Shropshire and a site at Park Hall near Oswestry as alternatives.

The Ruthin Road site will have been taken into account by the Wrexham Gypsy and Traveller Accommodation Needs Assessment, therefore the need for 21 pitches is over and above the pitches that are provided at Ruthin Road.

The Welsh Government requires local authorities to carry out assessments of the need for traveller accommodation within their respective areas. The fact that there are Gypsy and Traveller sites at Henlle and at Park Hall is therefore not a material consideration that weighs against this application. In any case, the Henlle site provides a single pitch and only benefits from a temporary planning permission that expires in March 2017 (appeal reference: APP/L3245/A/13/2196550) and I have been provided with no evidence that the Park Hall site has sufficient capacity. In any case it is outside of jurisdiction of this authority to secure alterations or extension to it.

In light of the Wrexham Gypsy and Traveller Accommodation Needs Assessment it is clear that there is a significant unmet need for additional accommodation to be provided for Gypsy and Travellers within the County Borough. This is a material consideration that weighs heavily in favour of this application.

Planning Policy: The site lies outside of a settlement limit and is therefore in an area where, in accordance with UDP policies, development is strictly controlled. The UDP makes no site-specific provision for Gypsy and Traveller accommodation but policy H9 states that in exceptional circumstances where sites for caravans for individual gypsy families cannot be accommodated within settlement limits consideration will be given to other locations, subject to compliance with GDP1.

Whilst the policy recognises that Gypsy and Traveller accommodation may need to be located on sites outside of settlement limits the policy makes no specific provision for sites that, like the one proposed, have the potential to be occupied by more than one family. However national guidance in the form Circular 30/2007 'Planning for Gypsy and Traveller Caravan sites' is more up to date than UDP policy and is a material consideration of considerable weight when considering applications for gypsy and traveller accommodation. Indeed in light of the Circular as well as the Wrexham Gypsy and Traveller Accommodation Needs Assessment 2013 – 2018, I consider policy H9 to be out of date and should therefore be afforded less weight.

Paragraph 26 of the Circular advises that rural sites not subject to specific planning or other constraints are acceptable in principle. Other than being located outside of a settlement limit, the majority of the application site is not subject to any other designations that impose additional constraints on development – it is not located within a Green Barrier or Special Landscape Area for example. Unlike UDP policy H9, the Circular does not suggest that rural sites should be occupied by single families.

In light of the advice contained in Circular 30/2007 as well as the considerable unmet need for additional Gypsy and Traveller accommodation in the County Borough, the fact that the site is outside of a settlement limit is not, in itself, a valid reason, to refuse planning permission.

Some objectors have mentioned that proposals for housing on sites nearby have either been refused planning permission or that prospective applicants have been advised that permission would be refused. Other than dwellings to accommodate rural enterprise workers with an essential to live close to their place of work or where an extant dwelling is to be replaced, there is no provision in planning policy for new permanent dwellings to be located on sites outside of the settlement. However as noted above, both local planning policy and national planning guidance both make provision for gypsy and traveller sites to be located on sites outside of settlement limits/in the countryside. Therefore if this application was granted it would not be inconsistent with the decisions or advice that the objectors have referred to.

I will consider the merits of the proposal in respect of layout, design, visual impact, amenity, the relationship with the World Heritage Site as well as highway safety separately.

Alternative Sites: There are currently no new sites benefitting from planning permission in the County Borough, either within a settlement limit or outside of one. Furthermore as indicated above, in accordance with Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites', sites for gypsy and travellers located in the countryside are acceptable in principle. Taking these factors along with the significant need for additional traveller accommodation, a reason for refusal on the grounds that the applicant had failed to consider alternative sites would not be sustainable in this instance.

Visual impact: The submitted site plan (as amended) shows the proposed static caravans plots located in a broadly linear pattern parallel to the road. The proposed amenity building will be located close to the centre of the site with 3 caravans to the east of it and 4 to the west. None of the proposed structures are to be located closer to the highway than the dwelling adjacent to the site 'The Bungalow'.

The proposals will inevitably change the appearance of the site and will be visible to those passing along the section of Old Black Park Road adjacent to the site frontage. The site is also visible from the land to the south (Chirk Airfield), including from public rights of way that cross it. However the site will not be of a scale that it will have an overly dominant impact upon the appearance of the locality. The rural character of the site and its surroundings can also be protected to some extent by the provision of a new hedge along the boundary with the highway, as proposed on the submitted plans. The implementation of planting can be secured by condition.

Due to existing landscaping along the embankments views from the A5 to the east are limited, indeed the site is only readily visible from the A5 bridge over Old Black Park Road due to the lack of landscaping or screening at this point. Landscaping on the road embankment also limit views of the site from the A5/A483 roundabout and the A5 road to the north, even in winter months. The existing landscaping lies outside of the application site so will not be removed in conjunction with the development.

The general location of the site is visible from longer distance views to the west, including from vantage points within the World Heritage Buffer Zone as well as the Area of Outstanding Natural Beauty. However views of the site itself, in particular where the caravans and proposed amenity building are to be sited, will be largely if not totally obscured by a belt of woodland to the west of the site. As already noted above, all but the western most 8 metres of the site lies within the World Heritage Buffer zone. Only part of one caravan pitch will be located within the buffer zone. I do not consider this encroachment will impact significantly upon the World Heritage Site or its setting.

Whilst I appreciate the concerns expressed about this area being the gateway to Wales and to the World Heritage site, given the very limited views that are available from the trunk roads that pass

close to the site and from the wider landscape, the development will not adversely impact upon the setting of the World Heritage site or the Area of Outstanding Natural Beauty.

Paragraph 26 of Circular 30/2007 advises that Gypsy and Traveller sites located within rural locations should respect the scale of and not be so large as to dominate the nearest settlement communities serving them. The site is 0.6 hectares in area and 7 pitches are proposed. I do not consider of the scale of the development to be such that it will over dominate the nearest settlements of Halton or Chirk.

Amenity: The nearest dwelling is a property known as The Bungalow adjoining the site that is owned by the applicants. I am satisfied that, based on the layout plan submitted, subject to the provision of suitable boundary treatment the siting of caravans on the land will not prejudice the amenity afforded to the occupiers of The Bungalow by way of loss of light, privacy or by being overbearing. The next nearest dwellings are in excess of 100 metres from the site. The siting of caravans and an amenity block on the land will therefore not adversely impact upon the standard of amenity provided to their occupiers.

The application does not include proposals for the operation of business uses from the site. If occupiers of the site wished operate business that was of a scale that could not be considered ancillary to the residential occupation of the site then it would need to be the subject to a separate planning application. That would be considered on its own merits in light of the policies and circumstances applicable at that time.

Road Noise: Based on Welsh Government noise maps for the A5, the noise levels within the site during the day time are likely to fall within Noise Exposure Category B and night time levels fall within Noise Exposure Category C, as defined in Technical Advice Note 11: Noise.

TAN11 advises that planning permission should not normally be granted for noise sensitive development within areas subject to Noise Exposure Category C. However it also advises that where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

In this particular case, there are currently no other proposals for Gypsy and Traveller sites in quieter locations that benefit from planning permission or subject to favourable recommendations. In any case, it is not unusual for residential uses, including residential caravan sites, to be located near to transport infrastructure. The provision of mitigation, such as acoustic fences for garden areas, will however be necessary to protect the standard of amenity of future occupiers. It would therefore be appropriate to impose conditions to require such measures to be implemented prior to occupation of the site and retained throughout the operational lifetime of the development.

The site lies opposite a Council depot where winter salt stocks are held. I appreciate that at times there will be frequent traffic to/from the site, particularly during winter months. However the depot is also directly opposite The Bungalow. I am unaware that that this has caused particular nuisance to existing or past occupiers of that property.

On-site open space: I note comments made regarding the provision of on-site open space, however there is no local or national policy or guidance that indicates that small private gypsy and traveller sites need to include open space. Policy CLF5 of the UDP requires the provision of public open space on new housing developments of 10 or more dwellings. The policy does not make specific reference to open space provision on developments for Gypsy and traveller sites, but even if it did, the number of pitches proposed falls below the threshold whereby the policy becomes applicable.

Whilst I appreciate that the site is relatively remote from children's play areas, with one of the nearest being approximately 1km away in Halton, it is inevitable that if gypsy and traveller sites are permitted in the countryside there will be less access to play areas and public open space than if sites were located within or on the edge of settlement limits. Given that Circular 30/2007 allows for gypsy and traveller sites to be located in the countryside, it would be extremely difficult to justify refusal of permission on the grounds that children who live on such sites will have limited access to public open space.

In addition to the above, the indicative plans demonstrate that each pitch will have a reasonable sized curtilage. Even when space for the parking of domestic vehicles and touring caravans is taken into account, there will be sufficient space within in each plot for an area of private amenity space to be provided.

Highway Safety: Whilst noting concerns about the volume of traffic using Old Black Park Road, particularly when car boot sales are taking place on the land opposite, the development is unlikely to generate a large number of additional traffic movements. As such it will not significantly add to any existing issues.

It is inevitable that gypsy and traveller sites located in the countryside will not be afforded the same level of access to local services by means other than the private car than sites located within or on the edge of urban areas. Indeed paragraph 26 of Circular 30/2007 advises that local authorities should be realistic about the availability of alternatives to the private car when assessing such sites. It goes on to advise that an over rigid application of local or national policies seeking a reduction in car borne travel would not be appropriate as they could be used to block proposals for gypsy and traveller sites in the countryside.

In order to access local services in Chirk on public transport on foot, occupiers of the site would have to walk along a road without any dedicated pedestrian provision as far as the B5070 Holyhead Road approximately 800 metres from the site. In doing so they would be at no greater risk than any existing residents who choose to walk along the highway. Furthermore given the number of pitches proposed, it is unlikely the development will result in a significant increase in pedestrians using the highway and as such does not pose a significant additional risk to other road users.

The road fronting the site has been subject to speed surveys commissioned by the applicants. Based on the findings of these surveys splays of 2.4m x 112m to the west and 2.4m x 99m to the east are required. Visibility in the vertical plane should be measured from a driver's height of 1.05m to 2m at a 2.4m set back to an object height of between 0.26m and 1.05m in order to ensure that a vehicle is easily identified at night. This is particularly relevant in this case given that the level of the road drops down relative to that of the site approximately 80m to the west of the site access.

The plans submitted demonstrate that visibility is restricted to 2.4m x 90m and to the west and 2.4 x 85m to the east. The access is therefore likely to be prejudicial to the safety of occupiers of the site as well as other highway users.

Proximity to Chirk Airfield: I note the comments and concerns expressed about the proximity of the site to Chirk Airfield, which lies direct to the south of the site on the opposite side of Old Black Park Road. However I have been provided with no detailed evidence of the number of flights to/from the airfield or indeed any evidence to demonstrate that the airfield is regularly used. Whilst there would potentially be some risk to occupiers of the site if the airfield is used, in the absence of more detailed evidence about the nature of that use it would be difficult to justify refusal of planning permission on the grounds of significant/unacceptable risk.

Drainage: Whilst noting the objections of the EA, I do not believe it would be reasonable to refuse permission on the grounds that a private means of drainage are proposed. The nearest foul sewer is approximately 250 metres to the east of the site. There is a rising main running past the site but Welsh Water have advised me that the applicants cannot connect into that. I see no reason why a septic tank or private treatment plan would be unacceptable. Drainage details could be required by planning condition.

Ecology: The site has been subject to an ecological report which concludes that, subject to mitigation measures, the development will not adversely impact upon statutorily protected species. The implantation of the recommended mitigation measures could be secured by planning conditions.

CONCLUSION

Whilst I am aware that there is considerable local opposition to this development, I consider the location, scale and layout of the proposals to be broadly in accordance with advice given in Circular 30/2007. The proposals would contribute towards meeting a considerable local need for additional Gypsy and Traveller accommodation, would not adversely impact upon residential or unacceptable impact upon the rural landscape.

Notwithstanding the above, the applicants have been unable to demonstrate that the access to the site can be provided with adequate visibility in both directions. The proposed site access will therefore prove detrimental to the safety of the occupiers of the site as well as other users of the adjoining highway. Accordingly the proposals do not accord with policy GDP1(d) of the Wrexham, Unitary Development Plan.