

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:

P/2022 /0681

LOCATION:

LAND SOUTH OF LLAY ROAD CEFN
Y BEDD WREXHAM
LL12 9UG

DATE RECEIVED:

16/06/2022

COMMUNITY:

Llay

CASE OFFICER:

GH1

WARD:

Llay

DESCRIPTION:

NEWID DEFNYDD TIR AR GYFER EI
DDEFNYDDIO FEL FFERM GOED
NADOLIG A CHANOLFAN HAMDDEN
AWYR AGORED I GYNNWYS
CANOLFAN CEIRW, PADLFYRDDIO,
GWEITHGAREDDAU DWR AC
YMESTYN Y LLYN PRESENNOL,
CREU LLWYBR RHISGL, CODI
ADEILAD I DDARPARU SWYDDFA,
STORFA PEIRIANNAU AC OFFER,
STORFA WELT A GOFOD BAE
SALWCH/MAMOLAETH AR GYFER
CEIRW A CHREU MAES PARCIO,
MYNEDIAD A THIRLUNIO SAFLE /
CHANGE OF USE OF LAND FOR
USE AS CHRISTMAS TREE FARM
AND OUTDOOR RECREATION
CENTRE TO INCLUDE REINDEER
CENTRE, PADDLE BOARDING,
WATER RELATED ACTIVITIES AND
EXTENSION OF EXISTING LAKE,
CREATION OF BARK FOOTPATH,
ERECTION OF BUILDING TO
PROVIDE OFFICE, MACHINE AND
EQUIPMENT STORE, HAY/STRAW
STORAGE AND SICK
BAY/MATERNITY BAY SPACE FOR
REINDEER, AND CREATION OF CAR
PARK, ACCESS AND SITE
LANDSCAPING

AGENT NAME:

GOODWIN PLANNING
SERVICES LTD

APPLICANT(S) NAME:

MR CLINT SHAW

THE SITE

The application site comprises approximately 16.6 hectares of agricultural land located to the south of the B5102 public highway (Llay Road) and to the east of Park Road.



PROPOSAL

Full planning permission is sought, partly in retrospect, for the change of use of the land for use as a Christmas tree farm and outdoor recreation centre, to include a 'reindeer centre', paddle boarding facilities and water-related activities, the extension of the existing lake on-site and the creation of bark footpaths. The application also proposes the erection of a new building to provide office space, a machine and equipment store, hay/straw storage and a sick/maternity bay for reindeer. Also proposed is the creation of a car park, new access and site-wide landscaping.

HISTORY

No relevant planning history.

NATIONAL PLANNING POLICY

Future Wales: The National Plan 2040
Planning Policy Wales (Edition 11)
TAN 5: Nature Conservation & Planning
TAN 6: Planning for Sustainable Rural Communities
TAN 11: Noise
TAN 12: Design
TAN 13: Tourism
TAN 16: Sport, Recreation & Open Space
TAN 18: Transport

DEVELOPMENT PLAN

Unitary Development Plan

Outside of a defined settlement. Policies PS2, PS8, PS11, GDP1, EC3, EC4, EC6, EC13, T8 and T9 are applicable.

Local Development Plan

Outside of a defined settlement. Policies SP2, SP11, SP12, SP13, SP14, SP18, NE1, NE2, NE3, NE6, DM1, T1 and T2 are applicable.

CONSULTATIONS

Community Council

Raises concerns about the hours of opening, the number of events to be held on-site, car parking arrangements, use of the lake on-site and in the size and use of the proposed building.

Local Member – Cllr Robert Walsh:

Supports the planning application.

Comments that the site and events are popular but recognises that there are a number of concerns with the proposals, including highway safety, pedestrian access and ecology. Considers concerns can be mitigated, allowing the site to operate successfully on a regular basis.

Local Member – Cllr Bryan Apsley:

Notified on 11/08/2022. No comments received.

Contaminated Land Officer:

No comments to make.

Highway Officer

Objects to the application raising concerns about pedestrian safety along Llay Road. Considers the footway along Llay Road to be inadequate and the proposed crossing poorly located, offering poor visibility. Visibility splays from the pedestrian access to the west would cross third party land.

Advises that the proposed vehicular access arrangements to be acceptable. Considers most trips to/from the site would be made by car but these trips would occur outside of peak periods so the impact on the highway network would be minimal.

Whilst amended plans have been submitted in response to the above point of objection, no further response has been received from the Highway Officer at the time of writing.

Arboricultural Officer.

Raises no objection subject to several recommended conditions in relation to the submission of a landscaping scheme and securing adherence to the submitted documents.

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Ecology Officer

Raises concerns about the impacts the development is likely to have upon protected species (Great Crested Newts), and the proposed foul drainage arrangements in respect of phosphate inputs into the River Dee and Bala Lake SAC Catchment.

Flood & Water Management Team:

Consulted on 11/08/2022. No comments received.

Public Protection Officer

Raises no objections subject to a condition in relation to the completion of a noise survey and Advisory Notes.

Public Rights of Way Officer

Raises no objections raised subject to a condition. Several points to be included as advisory notes.

Welsh Water

Raises no objection.

Natural Resources Wales

Raises concerns in relation to the proposed foul drainage arrangements and the potential for increased phosphate inputs to directly enter the River Dee and Bala Lake SAC Catchment. Advises that the proposal for a new package treatment plant be assessed against the published advice concerning phosphates. Concerned that the proposal for portaloo's to be used given there would be potential for a pathway to increased phosphorus discharges to the SAC.

Several conditions recommended in relation to protected species and biosecurity.

National Grid:

Consulted on 11/08/2022. No comments received.

Ramblers Wrexham:

Advises the development is near footpath Llay 12 which should not be diverted or blocked by the development, nor during its construction.

Press Notice:

Expired 11/10/2023.

Site Notice:

Expired 10/10/2023.

Public Representations:

Eight neighbouring properties were notified of the application on 22/08/2022.

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Substantial public correspondence has been received in respect of the application, both in support of the proposals and in objection. A summary of the representations received at the time of writing is provided below:

Support:

- It's a fantastic facility for families in the area; and
- There are no issues with car parking or access to the site

Objection:

- Highway safety and traffic concerns;
- Concerns regarding pollution and public health;
- Neighbouring amenity issues;
- Animal welfare concerns;
- Ecological concerns; and
- There is no demand for such a facility.

SPECIAL CONSIDERATIONS

Principle of Development: There are no policies in the adopted UDP or draft LDP that are directly applicable to a land-based tourism development in the open countryside.

Design/Visual Impact: The application site is located within the open countryside and enclosed by mature hedgerows along its northern and western boundaries.

The proposed building would be detached from any existing buildings or farmsteads, but would be of standard agricultural appearance and therefore would not appear out keeping or unduly prominent within the rural landscape. The proposed building would be necessary to support the enterprise by providing animal shelter, storage for feed and equipment associated with the proposed water activities on the site.

Ground level changes of approximately 500mm would be required to extend the lake on-site. Full details of this work have not been provided. However, the extent of this work would be relatively minor and would not have a significant impact on the wider landscape. Full details of the works could be secured by a suitably worded condition.

A gravel surfaced car park would be provided adjacent to the proposed building. Whilst of a relatively large scale, its position within the site together with screening provided by existing hedgerows means it would not have an adverse impact upon the rural landscape.

The submitted plans outline that additional screening in the form of soft landscaping is to be provided as part of the development. However further details of the proposed landscaping would be required. This could be secured by a suitably worded condition.

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Having regard to the above and subject to the implementation of a landscaping scheme, the proposed development could be successfully assimilated into the rural landscape.

Several caravans and temporary buildings are on-site at present. These fall outside of the scope of the application and will be dealt with separately.

Having regard to the above the development would accord with UDP Policies PS2 and GDP1, and Policy DM1 of the draft LDP.

Residential Amenity: The proposed building would be sited approximately 215m from the neighbouring dwellings to the north-west, which is a sufficient distance to avoid any direct harm to residential amenity.

The Public Protection Officer raises no objections to the development. The use is unlikely to give rise to significant noise levels and hours of operation could be controlled by a suitably word condition.

Having regard to the above, the proposed development would accord with UDP Policy GDP1 and draft LDP Policy DM1.

Highway Safety: The development would be served by a new vehicular access off Llay Road and parking would be provided in a gravel surface car park, with space for 100 cars. The Highway Officer has advised that visibility at the site access for vehicular traffic is acceptable. The proposed parking provision would also be appropriate for the nature and scale of the proposed development.

Notwithstanding the above, the Highway Officer objects to the development on pedestrian safety grounds. A pedestrian crossing across Llay Road is proposed to the east of the site access. Due to the geometry of the road, the Highway Officer advises that adequate forward visibility cannot be achieved, with the required visibility splays crossing over third party land. The Highway Officer also expresses concern about the adequacy of the existing pedestrian footways between the site, Cefn y Bedd and Llay.

The existing footway is narrow for much of its length in both directions from the site, which is likely to act as a significant deterrent for visitors wishing to access the site on foot. Furthermore, leisure/recreational uses are likely to draw business from a much wider area than just the immediate locality. It is therefore likely that the majority, if not all visitors, would arrive by car. Additionally, poor pedestrian accessibility 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.

The safety concerns about the proposed pedestrian crossing point are noted, however given the matters discussed above, it is considered the crossing is

unnecessary. A suitably worded condition could require the minor amendments necessary to the access to remove the proposed crossing.

Having regard to the above, the proposed vehicular access and parking arrangements do not give rise to highway safety concerns, whilst pedestrian safety concerns would not, in this case, justify refusal of the application. In such terms, there is no conflict with UDP Policies GDP1 and T8 or draft LDP Policy DM1.

Ecology: Blast Road Pond Local Wildlife Site lies along the application site's western boundary, and the Llay Bog SSSI lies approximately 50 metres to the east of the application site boundary; with part of the application site itself lying within the SSSI's buffer.

Natural Resources Wales (NRW) raise no objections to the development subject to appropriately worded conditions to secure Reasonable Avoidance Measures for Otter and a protected species Conservation Plan. A further condition is also recommended by NRW in relation to biosecurity.

It is further considered that matters in relation to net biodiversity benefit and tree and hedgerow planting could be secured by condition.

In light of the above, it is considered the development is acceptable with regards to its ecological impact in-line with UDP Policies PS11, GDP1, EC4 and EC6, draft LDP Policies SP14, NE and NE2. The development would also minimise any impact on species and habitats and therefore accords with the Step-Wise Approach outlined in the updated Chapter 6 of Planning Policy Wales (Edition 11).

Phosphates/Foul Drainage: The proposed development is located in an area not served by the public sewer network. Foul water drainage for the staff facilities in the proposed building would connect to a private package treatment plant. 'Portaloos' would be provided for visitors, with waste water tankered off-site for treatment. The applicant has indicated an intention to use a licensed carrier to transport and dispose of the waste water at Five Fords WwTW.

NRW's advice for proposed developments within river Special Areas of Conservation served by private treatment facilities is that:

that the maximum daily discharge rate would be less than 2 cubic metre the proposed drainage field should be located more than 50m from a SAC boundary, the position of the drainage field is located within 200m of any existing private drainage systems that also discharge to ground.

Whilst the likely number of staff who would be on site at any one time means the first requirement would be met, there are five residential properties within 200m which are all likely to be served by septic tanks for similar with discharges to ground. The proposed development therefore has the potential

to have an adverse impact upon the integrity of the River Dee and Bala Lake SAC.

With regard to the proposal for portaloos, despite the applicant's intention to employ a licensed carrier to transport waste water for treatment at the Five Fords Wastewater Treatment Works, it would not be possible to impose controls on the development by way of condition or Planning Obligation to ensure that waste water from the site is always treated at Five Fords or another WwTW with an up to date Environmental Permit. As such, over the lifetime of the development there would remain the potential for phosphorous to enter the River Dee and Bala Lake SAC catchment.

In light of the above, the development is contrary to the requirements of Policy EC6 of the UDP and Policies NE1 and NE6 of the draft LDP.

Trees: The Arboricultural Officer has raised no objections to the development subject to a number of conditions in relation to tree and hedgerow protection measures and the provision of native species planting and an ecological enhancement scheme.

The development is therefore considered to be acceptable in this regard, in compliance with Policy EC4 of the UDP and Policy NE3 of the draft LDP.

Public Right of Way: Public footpath Llay 12 exists within the application site, and upon consultation, the Council's Public Rights of Way Officer has not raised any objections to the development subject to a number of matters which could be dealt with by way of conditions and Advisory Notes.

CONCLUSION

The proposed development would be acceptable in principle and would not give rise to visual impact, highway safety or residential amenity concerns. Suitably worded conditions could secure measures to protect ecology considerations at site level. However, the proposed development is likely to increase in phosphate inputs within the River Dee and Bala Lake catchment. A likely significant effect upon the River Dee and Bala Lake SAC cannot be ruled out. Accordingly, the development is contrary to the requirements of Policy EC6 of the UDP, Policies NE1 and NE6 of the draft LDP and Planning Policy Wales (Edition 11).

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The development is likely to result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation. The proposal is contrary to paragraph 6.4.18 of Planning Policy Wales, Policy EC6 of the Wrexham Unitary Development Plan and Policy NE6 of the draft Local Development Plan.
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