

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **17th JULY 2024**

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

SUBJECT: **PARTLY IN RETROSPECT THE PROPOSED ERECTION OF 5 NO. GLAMPING UNITS AND 5 NO. GRASS TENT PITCHES WITH ASSOCIATED INFRASTRUCTURE**

APPLICATION NUMBER: **FUL/000961/23**

APPLICANT: **MR AND MRS D. SKILLIN**

SITE: **BRYN MORGAN, STARKEY LANE, NORTHOP, MOLD, CH7 6DG**

APPLICATION VALID DATE: **26TH OCTOBER 2023**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**
COUNCILLOR L. THEW

TOWN/COMMUNITY COUNCIL: **NORTHOP**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBERS DUE TO CONCERNS REGARDING ACCESS**

SITE VISIT: **SITE VISIT CARRIED OUT ON 17TH JUNE 2024**

1.00 SUMMARY

- 1.01 This is a full application, made partly in retrospect, for the proposed use of land at Bryn Morgan, Starkey Lane, for five no. glamping units and five no. tent pitches together with associated infrastructure.
- 1.02 Members will be aware that the application was subject to a site visit on 17th June 2024 and was deferred at the Planning Committee meeting on 19th June 2024 to allow for additional information to be obtained regarding the potentially unauthorised works undertaken at the site.

- 1.03 The applicant has confirmed that the application is made partly in retrospect as some ground works have been undertaken with the site stripped, clay and mud removed, land drainage installed and approximately 8 inches of inert waste aggregate material imported. In addition two portacabins have been sited which are proposed as toilet blocks.
- 1.04 Natural Resources Wales have been consulted with evidence gathered by the Local Planning Authority and information provided by the applicant with regards to the imported material. The aggregate is confirmed to be a sturdy blend of crushed hardcore, concrete, brick, and mortar that is typically supplied in varying sizes. It poses no risks in terms of land contamination and therefore no action in terms of waste regulation is required.
- 1.05 Policy PE12 of the Flintshire Local Development Plan is supported by Planning Policy Wales in identifying areas outside settlement boundaries for appropriate tourism related development. In this case, the relatively small scale development being proposed is considered to be beneficial for the rural economy. The application is considered compliant in principle.
- 1.06 The partly retrospective nature of the application is unfortunate as it is acknowledged that the current state of the land is stark and visually unattractive. However, it is recommended that the imposition of conditions relating to landscaping would ensure that the majority of the land would be returned to grass with enhanced landscaping features including native planting. Accordingly, once completed the proposed development would not be considered to impact on landscape character.
- 1.07 Concerns have been raised from third parties with regards to the increase in traffic and impact on highway safety. Highways Development Control Officers have negotiated with the applicant to ensure that adequate visibility can be achieved from the existing access and that improvements to the highway verge can be secured. The scale of the development is such that the limited increase in traffic is not considered to cause a detriment. The application, if approved, would be subject to a number of highways conditions as set out in paragraph 2.01 of this report.
- 1.08 In addition to the highway matters, concerns have been raised with regards to noise and impact on neighbouring amenity. The nearest dwellings are over 200 metres away with mature hedgerows and trees in between which act as a visual and noise buffer. Community and Business Protection Officers raise no concerns with potential noise from the site.

1.09 Finally, matters including drainage and ecological implications have been assessed and are considered to accord with local and national planning policy.

1.10 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form
 - Notice Under Article 10
 - Design & Access Statement
 - Visualisation - Dwg 230822-01-09
 - Photographs - Dwg 230822-01-03
 - Market Research Report
 - Visibility Splay
 - Traffic & Speed Survey Analysis - October 2023
 - Mold ATC Survey
 - Proposed Pod Plan & Elevations - Dwg 230822-01-05
 - Proposed Drainage Plan - Dwg 230822-01-04 Rev A
 - Location Plan - Dwg 230822-01-01
 - Block Plan - Dwg 230822-01-02 Rev C
 3. The glamping units shall be occupied for holiday purposes only; and shall not be occupied as a person's sole, or main place of residence. The owners of the holiday units shall maintain an up-to-date register of the names of all occupiers of the units and their main home addresses and shall make this information available at all reasonable times to the local planning authority.
 4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development

- b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting
 - c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas
 - d) proposed earthworks, grading and the mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform
 - e) proposed positions, design, materials and type of boundary treatment.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
6. Prior to commencement of development details of external lighting shall be submitted to and approved in writing.
7. Prior to the commencement of any site works, highway improvements shall be carried out, in accordance with details to be submitted and approved by the County Council
8. The proposed access shall have a visibility splay of 2.4m x 42m in a westerly direction and 2.4m x 52m in an easterly direction. Both sightlines shall be measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway. The access shall be set out in accordance with the attached standard detail and measure a minimum width of 5.0m at the back edge of the adopted highway.
9. If finished ground levels/surface material require, positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
10. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.

3.00 CONSULTATIONS

3.01 **Councillor M Bateman (Local Member)** – Requests committee determination and site visit due to concerns regarding highway safety and to allow committee members to fully appreciate the constraints of the site.

Councillor L Thew (Local Member) – Requests committee determination and site visit due to concerns regarding highway safety and to allow committee members to fully appreciate the constraints of the site.

Northop Community Council: No objections to the proposed development

Highways Development Control: Following the submission of additional information no objections are raised subject to the inclusion of conditions.

Community and Business Protection: No objections received

Natural Resources Wales: Following the submission of additional information regarding foul drainage, no objections are raised. Additional consultation with regards to the importation of materials raises no objections and no further action required in terms of waste legislation.

Ecology: No objections subject to the inclusion of conditions

Airbus: No objections

4.00 PUBLICITY

4.01 7 Neighbour Notification letters were sent to adjoining/nearby properties and a Site Notice was also posted adjacent to the site. Three letters of objection received raising the following:

1. Impact on the character and appearance of the area
2. Impact on highway safety and increase traffic
3. Potential for anti-social behaviour and littering
4. Noise
5. No residents of Starkey Lane or Allt Goch Lane support the application

5.00 SITE HISTORY

- 5.01 060009 – Proposed Rear Extension, internal modifications & alterations to existing windows/doors of dwelling – Approved 19.07.2019

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan
STR2- The Location of development
STR4- Principles of sustainable development
STR 5- Transport and accessibility
STR6- Services, facilities and infrastructure
STR7- Economic development, enterprise and employment
STR8- Employment land provision
STR10- Tourism, culture and leisure
STR13- Natural and built environment, green networks and infrastructure
PC1- The Relationship of development to settlement boundaries
PC2- General requirements for development
PC3- Design
PE4- Farm diversification
PE12- Tourist accommodation, facilities and attractions

Supplementary Planning Guidance

SPGN No. 3- Landscaping

SPGN No.11 – Parking Standards

National Planning Policy

Planning Policy Wales Edition 12

TAN 13- Tourism

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This application seeks planning permission for the use of land at Bryn Morgan for tourist accommodation in the form of five no. glamping units and five no. camping pitches.
- 7.02 Site Description
The application site extends approximately 0.9 acres in size and is bordered by the existing dwelling and allotments of Bryn Morgan House to the west with open countryside on all other boundaries. An existing farm access exists onto Starkey Lane.
- 7.03 Previously a field with a pond to the east, at the time of submission the land in question had been cleared with drainage works undertaken under permitted development. The applicant has subsequently removed layers of mud/clay and imported an aggregate

mixture of crushed brick/concrete and crushed stones. In addition two storage containers have been brought onto the land.

7.04 Proposed Development

The application proposes the use of the land for the erection of five no. glamping units in the form of small wooden pods with external decking and five no. tent pitches. A facilities building with showers/toilets and washing equipment is proposed together with an area for recycling.

7.05 Following the site visit undertaken on the 17th June 2024 it was established that work had commenced on the site with the importation of crushed brick/concrete and crushed stones material across the site. Whilst it is accepted that the finished land levels are not significantly different to that previously, given the quantities of material imported to support the drainage of the land and allow for development is considered an engineering operation, hence the description of development has been amended to reflect the partly retrospective position.

7.06 Access to the site is derived from an existing access onto Starkey Lane. The access will be improved to ensure visibility is achieved in both directions. In addition, the applicant has served notice on the County Council to include areas of highway verge within the application site to ensure improvements and ongoing maintenance can be achieved.

7.07 Within the site the glamping pods would benefit from car parking adjacent to each unit whilst a parking and turning area would be provided for the camping. The proposed tracks would be constructed with a permeable surface.

7.08 The application proposes that foul drainage is to be discharged to a private sewerage system in this instance a package treatment plant (PTP) as there is no connection to the foul sewer at this location. Surface water drainage will be controlled through the SAB process.

7.09 Principle of Development

The proposal is for the development of tourist accommodation and therefore Policy PE12 of the FLDP is the most applicable policy against which the development should be assessed. Policy PE12 confirms that:

7.10 Outside defined settlement boundaries development will be permitted in the form of:

- c. non-permanent accommodation such as chalets, pods, glamping and tent camping sites;

- 7.11 The policy states that outside of settlement boundaries non-permanent accommodation such as glamping pods would be permitted. Tourist development is encouraged by Policy PE12 as tourism provides support to the local economy.
- 7.12 The local policy position is further supported nationally in Planning Policy Wales Ed.12 where it states in para 5.5.3:
- ‘In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy’.... ‘Development should be sympathetic in nature and scale to the local environment’.
- 7.13 The existing site is screened by a mature hedgerow fronting onto Starkey Lane and the perimeter boundaries. The proposed site layout is considerate with built form mainly positioned to the rear of the site in a visually unintrusive location. In addition the relatively small scale of the development is such that it is not considered that the proposal would affect the open countryside character or visual amenity of the area.
- 7.14 Highway Safety
Access to the site is via an existing field entrance which is separate to the residential access of Bryn Morgan. The application proposes to improve the existing access with gates set back from the road side to ensure vehicles are clear of the highway.
- 7.15 Concerns have been raised from third parties that the existing road has already seen an increase in traffic deriving from the Croes Atti development and the proposed tourist accommodation will exacerbate issues.
- 7.16 The Council’s Highways Development Control Officers have assessed the proposal and required the submission of additional information with regards to the proposed access. In particular a speed survey was commissioned to demonstrate usage and speeds of travelling vehicles. The additional information confirms that the scale of the proposed development is such that it is not likely to cause any noticeable increase in traffic. Furthermore, the applicant is able to evidence that adequate visibility can be achieved from the access. Finally, the applicant has agreed to make improvements to the highways verge opposite the access.
- 7.17 The applicant proposes an area for bike storage at the application site and visitors will be encouraged to make use of this mode of transport to access facilities in neighbouring villages.
- 7.18 It is considered that the development, subject to conditions, is compliant with policies STR5 and PC5 and is acceptable from a highway safety perspective.

- 7.19 Retrospective works
As outlined above, engineering operations have been undertaken on the site with concerns raised regarding the type of material imported onto the land.
- 7.20 The applicant has provided evidence to clarify that prior to the submission of the planning application a significant amount of top soil, mud and clay were removed from the site to allow for the installation of land drainage. These matters were assessed by the Council's Enforcement team who deemed that the works were permitted development and no formal planning permission was required.
- 7.21 However, subsequently the applicant has imported an aggregate inert waste consisting of a blend of crushed hardcore, concrete, brick, and mortar in varying sizes commonly used in construction projects. Natural Resources Wales have visited the site and assessed the aggregate material. They raise no concerns or objections and advise that the type of material used does not require any exemptions or permits.
- 7.22 Accordingly, the only material planning consideration with regards to the imported material is finished land levels. From reviewing historical images it is considered that whilst there will be variations across the site, on the whole, taking into consideration the amount of material removed and replaced, once landscaped in accordance with the suggested condition as set out at Paragraph 2.01 of this report, the land levels will be relatively unchanged and will not have any impact on landscape character.
- 7.23 Impact on Neighbouring Amenity
The nearest residential properties to the development site are approximately 250 and 300 metres to the west with fields/trees and hedgerows in between. There are no concerns that the proposed development will give rise to any impact on privacy.
- 7.24 Concerns have been raised with regards to potential noise emitting from the site. The applicant confirms in the submitted Design and Access Statement that the intention is to run the site as a rural retreat with no large parties permitted. Crucially the Council's Community and Business Protection team who investigate statutory noise complaints raise no objections from a noise perspective.
- 7.25 Accordingly, it is considered that the proposed development will not impact on neighbouring residential amenity.
- 7.26 Landscape Character
Concerns have been raised that the land subject of the application is no longer a green field. It is acknowledged that works undertaken at the site have resulted in a stark and unattractive appearance given the surrounding countryside.

- 7.27 However, the current state of the land is not the proposed finished appearance. It is proposed that the majority of the site will be returned to green field with only small areas of hardstanding for parking and turning. Suggested landscaping conditions as set out at paragraph 2.01 of this report will ensure that the land is restored, and enhanced by native planting.
- 7.28 The proposed glamping pods are located to the rear of the site and the tent pitches are located behind the existing boundary hedge. The site will harmonise with the built form development at Bryn Morgan and will not cause unacceptable harm on the landscape character.
- 7.29 Ecological Implications
Great crested newts are known to occur within the locality although there are no records historic or otherwise for the pond on site. A variety of bat species, including Pipistrelles, Brown Long Eared and Lesser horseshoe bats, are also known to commute and forage using the dark hedgerows within the locality.
- 7.30 The Design and Access Statement references the existing native hedgerows and trees and that no trees or hedges are proposed to be removed and any new planting will be a mix of native species
- 7.31 With regards to the updated PPW12 and the stepwise approach, provided the key habitats – hedgerows, mature trees and pond – are retained within the development and the site is enhanced by additional native planting, then this approach will be met. Additional tree planting can also mitigate for any ash tree removal which may be required. The provision of a landscape plan can detail these proposals, and secure future management through the imposition of a suitably worded condition.
- 7.32 To maintain the hedgerows as dark corridors, lighting should be minimized and in line with Bat Conservation Trust guidance which can be secured by the way of condition.
- 7.33 Overall, it is considered that the measures as set out above and in the suggested conditions will ensure that the proposed development provides a biodiversity net benefit in accordance with PPW12.
- 7.34 Other Matters
Third party objections raise concerns regarding the potential increase in anti-social behaviour as a direct result of the proposed development. Whilst the concerns are noted, there is no evidence that the proposed glamping and camping business would give rise to anti-social behaviour. The management of the site would be the responsibility of the owners and would be subject to other regulatory controls outside of the planning system.

8.00 CONCLUSION

This application seeks planning permission for the proposed development of land for tourism accommodation in the form of glamping pods and camping pitches. The principle of the development accords with policies PE12 of the FLDP and the ambitions of PPW 12 on the rural economy without causing harm to the character of the open countryside. Whilst the retrospective nature of the application results in the site currently appearing stark, it has been established that the imported material is a typical aggregate mix which requires no environmental permits or exemptions and there is significant change to land levels. The restoration of the land can be secured by way of the landscaping conditions as suggested at paragraph 2.01.

8.01 The scale of the development is considered minor and raises no objections in terms of noise nuisance. Highways concerns from third parties are noted but no objections are raised from Highways Development Control.

8.02 With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy and I therefore recommend that planning permission is granted subject to the imposition of conditions as set out within paragraph 2.01 of this report.

8.03 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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