

47/2023/0708



N Graddfa / Scale: 1:2480

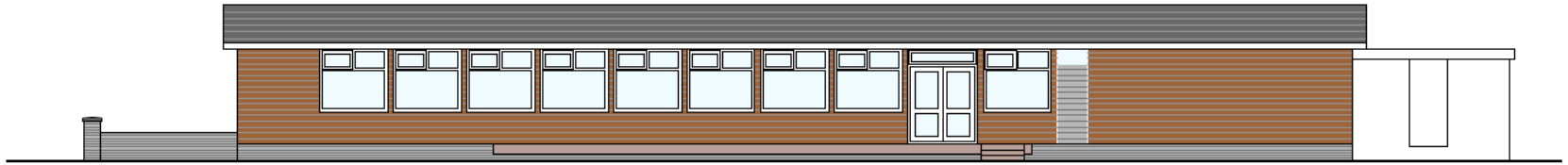
Canol / Centre: 304651, 376795

Dyddiad / Date: 2025-01-28 08:04:54

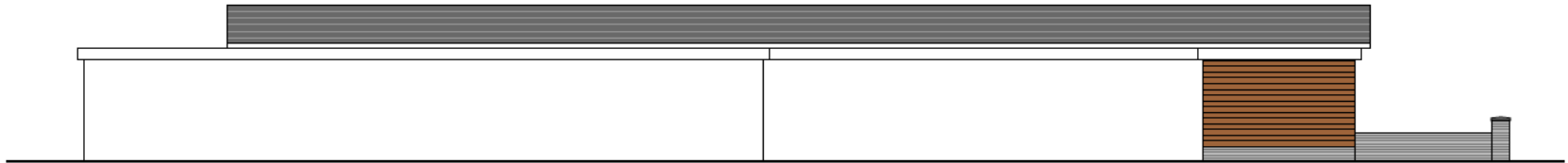
© Hawlfraint y Goron a hawliau cronfa ddata 2024 Arolwg Ordnans AC0000819894 © Crown copyright and database rights 2024 Ordnance Survey AC0000819894



Location plan



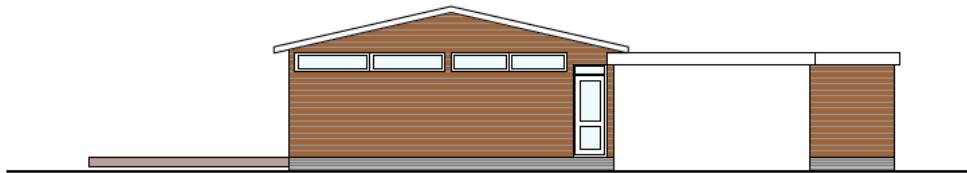
Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation



Proposed Side Elevation

Drawing Key

- Timber Cladding
- Painted Brickwork
- Timber Decking
- White Composite Panels
- uPVC Windows/Doors

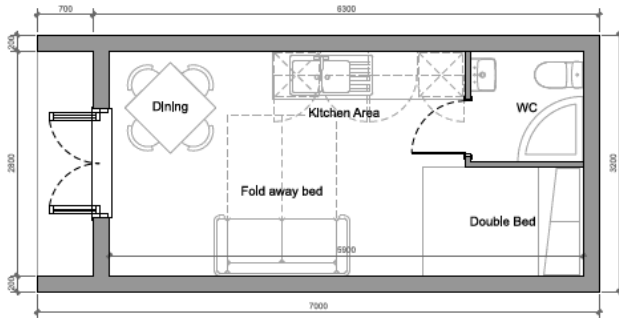
Project: Former Rhyll & District Rugby Club, Waen, Rhuddlan
 Drawing No. 21Y.A014 Revision: P01
 Scale: 1:100 Paper Size: A3 Date: 09.11.23

Club House - Proposed Elevations

Proposed club house elevations

Drawing Key

- Timber Cladding
- Aluminium Doors
- Aluminium Frame

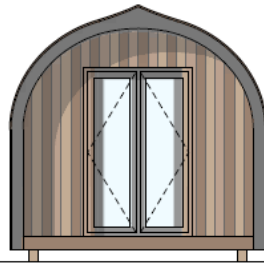


Ground Floor Plan

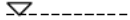


Roof Plan

Eaves Line
+3.000m



Ground floor FFL
+0.000m

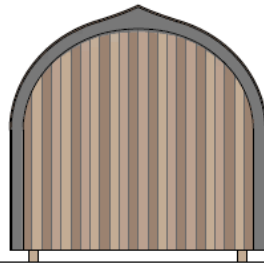
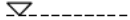


Proposed Front Elevation



Proposed Side Elevation

Eaves Line
+3.000m



Ground floor FFL
+0.000m



Proposed Rear Elevation



Proposed Side Elevation

Project: Former Rhyd & District Rugby Club, Woon, Rhuddlan
Drawing No. 21Y.A008 Revision: P01
Scale: 1:50 Paper Size: A3 Date: 29.09.23
Glamping Unit - Proposed Plans and Elevations

Proposed glamping pod elevations



View from along highway (google streetmap)



View along highway to the north



View along the highway to south



Site access



Site of proposed glamping pods



Drive leading to playing fields – glamping pod location to the left of driveway



View from drive
Leading to existing
Buildings and playing
fields



View of existing buildings



View of existing site



View of playing fields



View of site boundary

WARD : Tremeirchion

WARD MEMBER: Cllr Chris Evans (c)

APPLICATION NO: 47/2023/0708/ PF

PROPOSAL: Change of use of land and existing club building to form glamping site including the siting of 9 glamping pods, relocation of existing access, formation of internal roads and pathways, installation of 2 No. package treatment plants and associated works

LOCATION: Former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl

APPLICANT: Mr W Ward, Cynwyd Enterprises

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

TREMEIRCHION CWM AND WAEN COMMUNITY COUNCIL:

“Object on the basis this is not this is not a sustainable location and not well placed for public transport as per the Minister for Climate Changes previous decision on this site on 17th August 2023, that the previous application was refused and substituting chalets for pods implies an attempt to work around the statement that DCC SPG 3.3 made that lodges, chalets and pods and other similar structures with fall within this definition will therefore be treated as static caravans.”

RHUDDLAN TOWN COUNCIL (as neighbouring Town Council)

“No objection to the physical development but the council believe it would help support local businesses and the High Street in Rhuddlan by bringing more people into Rhuddlan”

NATURAL RESOURCES WALES

No objections

DWR CYMRU / WELSH WATER

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer – no objections
- Footpaths Officer – no objections

Ecology Officer – no objections subject to conditions being imposed to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

A Webber, 127 Cwm Rd, Dyserth Lucy Edwards, Tan Llan Farm, Cwm, Dyserth Gareth Edwards, Tan Llan Farm, Cwm, Dyserth Sophie Edwards, Tan Llan Farm, Cwm, Dyserth Deirdre and David Williams, Criccin Farm, Rhuddlan Bryan Williams, 29 Woodside Gardens, Rhyl Celia Williams, Abbey Farm, Abbey Road, Rhuddlan
Steven Williams, Tyddyn Iyke, Waen Rhuddlan
Kathleen Easton, 2 Henafon, Tremeirchion
Christine Lonsdale, Cherry Tree House, Waen Road, Rhuddlan

Summary of planning based representations in objection:

- Detrimental impact on highway safety by way of additional vehicles
- Impact on amenity of area resulting from additional noise and disturbance
- Detrimental impact on farming practices
- Harmful impact on the AONB by way of lighting and the visual impact of the pods.
- Detrimental impact on wildlife/biodiversity

EXPIRY DATE OF APPLICATION: 03/01/2024

EXTENSION OF TIME AGREED: 11/12/2024

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the change of use of land and existing club building to form glamping site including the siting of 9 glamping pods, relocation of existing access, formation of internal roads and pathways, installation of 2 No. package treatment plants and associated works.
- 1.1.2 Seven of the glamping pods would be located alongside the access track to the former club house and two pods would be located adjacent to the clubhouse. Each glamping pod would measure 7m long, 3.2m wide and 3 metres high. They would each include a double bed, a sofa bed, kitchen area, dining area and shower/WC. Each pod would have a decking area to its rear.
- 1.1.3 The existing clubhouse would be renovated externally and internally and be used to provide a bar, lounge, function room, games room, spa and treatment room, and office space. There would be an external decking area to the front of the building.
- 1.1.4 Parking would be provided to the front of the clubhouse, and adjacent to the glamping pods. Foul drainage would be via private treatment plants.

- 1.1.5 Landscaping is shown along the access drive and around the site in the form of 26 new native trees, new native hedgerow planting, and shrubs/flowers.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The planning application is accompanied by a Planning, design and access statement, a protected species survey and an ecological appraisal report.

1.3 Description of site and surroundings

- 1.3.1 The site is a former rugby and football ground situated along Waen Road, approximately 2km to the south east of Rhuddlan.
- 1.3.2 There is an existing clubhouse at the site and the former playing fields are enclosed by existing trees and hedgerows.
- 1.3.3 The site is served by an existing vehicular access and driveway.
- 1.3.4 There are individual dwellings within the locale of the site.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundaries as defined by the Local Development Plan (LDP) and is therefore considered to be in open countryside.
- 1.4.2 A Public Right of Way runs to the south east of the site, and there a designated Ancient and Semi-Natural Woodland also to the south-east.

1.5 Relevant planning history

- 1.5.1 The site is a former rugby club and therefore land and buildings would fall within a D2 use class.

- 1.5.2 The site has been subject to a previous planning application for:

“Development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building, 7 holiday pod accommodation units, 23 two bedroom holiday lodges, 7 three bedroom lodges and 7 four bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping and associated works.”

- 1.5.3 The previous application, after a protracted determination period, was ‘called in’ by the Welsh Government ministers and subsequently refused.

- 1.5.4 In determining the application the Welsh Ministers considered a report provided to them by a Planning Inspector. The Ministers concluded that:

“The Welsh ministers agreed with the inspector’s assessment that the holiday park would introduce a large development and high levels of activity into the open countryside, likened to a small residential estate, contrary to strict policy controls. In addition, by reason of its scale and use, the development would harm the rural character and appearance of the surrounding area. The scheme therefore does not benefit from national and local policy support for tourism and the rural economy, which was dependent on proposals being of an appropriate scale and nature to suit their location. Furthermore, the rural location of the site, together with a lack of realistic, safe access to non-car modes of travel, would increase use of the private car and was not a sustainable location. A permanent and unjustified loss of best and most versatile land was also held to be contrary to policy, with the applicant’s case emphasising the benefits to tourism and the local economy rather than an overriding need for the development.”

1.6 Developments/changes since the original submission

1.6.1 Additional information has been submitted in relation to drainage, ecology and a business plan.

1.7 Other relevant background information

1.7.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 47/2020/0593 - Development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building, 7 holiday pod accommodation units, 23 two bedroom holiday lodges, 7 three bedroom lodges and 7 four bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping and associated works. REFUSED by Welsh Ministers owing to unsustainable location, loss of agricultural land, and impact on character of the area/detrimental visual impact.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC12 – Community facilities

Policy PSE4 – Re-use and adaptation of rural buildings in open countryside

Policy PSE5 – Rural economy

Policy PSE11 – Major new tourism developments

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy PSE14 – Outdoor activity tourism

Policy VOE1 - Key areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 13 Tourism (1997)

TAN 23 Economic Development (2014)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Loss of Agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Landscape
- 4.1.6 Ecology
- 4.1.7 Drainage (including flooding)
- 4.1.8 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The site is located within the open countryside as identified in the Adopted Denbighshire County Council Local Development Plan (LDP) where new development is strictly controlled in the interests of sustainable development and the need to protect and enhance the natural and built heritage of the County. National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint.

Paragraph 3.37 of PPW 12 states that “The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards place making outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources”.

PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake.

In terms of tourism development, PPW Section 5.5.3 states ‘In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.’

The most applicable policies within the LDP for holiday accommodation developments are Policy PSE 5, PSE 12 and PSE 14.

The application is made as a change of use of land for the siting of glamping pods – this indicates that the pods would be placed on site not built. They would therefore fall under the definition of a caravan as defined by the 1960 caravan Act.

Policy PSE 12 ‘*Chalet, static and touring caravan and camping sites*’ is clear that proposals for new static caravan sites will not be supported. Having regard to the fact that the pods fall within the definition of static caravans, it is considered that the proposal is in conflict with policy PSE 12.

Policy PSE 5 ‘*The Rural Economy*’ is also considered to be relevant in that it allows for new buildings in the open countryside where it the proposal supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities. A narrative of potential economic benefits of the proposal has been provided within the Design and Access Statement, and a business case has been submitted with the application. Both the DAS and Business plan point to the perceived generic benefits of the proposal on the local economy but do lack substance. Whilst the general assumption that the proposal could benefit the local economy is not disputed, by how much it would benefit it is not quantified. It is not therefore possible to weigh up the benefits of the proposal against the impact of allowing such development in the open countryside. It is therefore considered that the proposal is in conflict with PSE 5 as there is insufficient evidence as to the local economy benefits.

Policy PSE 14 ‘*Outdoor Activity Tourism*’ can also be considered of relevance. This policy permits ‘chalet’ development to support proposals which expand or reinforce the tourism offer of the County in the outdoor activity sector provided that a significant need is demonstrated. There is no supporting evidence with the application that makes this case. The proposal is therefore considered to be in conflict with Policy PSE 14.

In considering the principle of the proposal, significant weight should also be given to the Welsh Ministers previous decision and PEDW Inspectors report. The Ministers decision was that the previous scheme (which was for a much larger development) was not acceptable in principle as it failed to make a reasonable business case to justify the development. Whilst the current proposal is notably smaller than the previous proposal, there is still a requirement to make a robust business case to justify this type of use/development in this location. In Officers opinion a sound business case has not been made.

The Ministers decision also concluded that the previous proposal would not satisfy Policy PSE14 as it did not constitute a scheme that could truly be considered as an outdoor activity facility. This is also true of the current proposal.

Having regard to the relevant planning policies, the previous decision and the information submitted, it is not considered that the proposal is acceptable in principle. It is therefore recommended planning permission is refused as the proposal is considered to be contrary to the adopted Local Development Plan.

4.2.2 Loss of Agricultural land

Planning Policy Wales obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The previous application was refused by Welsh Ministers on the basis of loss of best most versatile agricultural land. However, in that decision the Inspector and the Ministers confirmed that “the only part of the site not classed as such was the non-agricultural land under hard-standing, the access track and pond”. Broadly speaking the area referred to as not being agricultural is the majority of the current application site.

It is considered therefore that the current proposal would not result in an unacceptable loss of BMV agricultural land.

4.2.3 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW states ‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.’

The site lies within an area of wooded estate vale to the south of Dyserth, 1.5km to the west of the Clwydian Range and Dee Valley Area of Outstanding National Beauty (AONB).

Objections have been raised by members of the public in relation to the appearance of the proposal.

Whilst the site is located in an open countryside and is unrelated to settlements, the site is a former rugby club ground with clearly defined boundaries. Whilst noting the concerns raised, Officers consider that the proposal is of a much smaller scale than previously proposed. The 9 lodges would have a far less impact on the character and appearance of the area than the previous scheme, and views of the development would be limited to passing glimpses from the highway, and the public right of way. The lodges would be seen in the context of the existing rugby club building. Officers therefore consider that subject to conditions being imposed to control details of landscaping, lighting and materials, the proposal is not considered to be out of accord with the policies listed above. The proposal is unlikely to have a detrimental impact upon the visual amenity of the area.

4.2.4 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration

Public representations have been received raising concerns regarding impact on amenity, include noise, light pollution and disturbance.

The site is in an open countryside location, and having regard to the separation distances between the proposed lodges and neighbouring properties, the proposal is not considered to give rise to unacceptable impact on amenity of neighbouring properties from overlooking, overbearing impact etc.

Officers do however acknowledge that there is potential for noise and night pollution to affect neighbours and adjoining landowners should guests be allowed late night parties.

Officers consider potential impacts on neighbours and adjoining land owners could be mitigated though conditions requiring a Management Plan to be submitted for approval setting out of the holiday park would be managed. It is noted that the previous scheme was found to be acceptable in terms of its impacts on residential amenity. Therefore, subject to relevant conditions being imposed, Officers do not consider the proposal would adversely impact on amenity.

4.2.5 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

Planning Policy Wales (PPW 11) sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Public Representations have raised concerns regarding the impact on wildlife and ecological interests.

NRW and the County Ecology Officer have raised no objection to the proposal, and have advised that ecological interests can be protected through the imposition of conditions.

The application is supported by an Ecology Appraisal, a Mitigation Strategy and species specific statements have been submitted setting out the reasonable avoidance measures to be followed. A Tree Condition Survey has also been carried out.

The Ecological Mitigation Strategy confirms protected species are present on the site, and in particular Great Crested Newts. The Mitigation Strategy sets out avoidance, mitigation, compensation and enhancement measures which should be carried out.

A Condition can be imposed to require a site wide Conservation Plan to be submitted, which should build upon the recommendations of the Mitigations Strategy and contain the detailing specified in NRW and the Ecology Officer response.

However, a licence would be required for the development should permission be granted. In considering this application and to avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the following derogation tests:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*
- ii. There is no satisfactory alternative; and,*
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.*

In relation to the first test, in the absence of a demonstrable business case for the development or evidence of an over riding need for the development, Officers cannot conclude that the works are for imperative reasons of overriding public interest, or for reasons of a social or economic nature and beneficial consequences of primary importance for the environment. Similarly the proposal is clearly not for the purpose of preserving public health or safety.

The second test relates to there being no satisfactory alternative. Officers consider that whilst there may not be alternatives for the current site owner/developer, it does not follow that this is the only site in the locality available in general to deliver this type of use. Given the unsustainable location and the lack of justification for developing this site, officers consider that there is likely to be alternative sites which would be preferable to this site for a tourist use.

The third test is commented on by NRW who consider that subject to appropriate planning conditions being imposed the development may be acceptable and would not be detrimental to the maintenance of the favourable conservation status of European protected species.

In conclusion, whilst it is noted that it may be possible to develop the site without detriment to the favourable conservation status of Great Crested Newts, the proposal does not pass all 3 of the derogation tests – there is no justification to develop the site. Therefore the proposal is considered to be unacceptable in terms of its impact upon ecology. The proposal is in conflict with Policy VOE5, Planning Policy Wales, and Technical Advice Note 5.

4.2.6 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for

example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Public representations have raised concerns regarding the proposed drainage. NRW initially objected to the proposed private treatment plant as there is a main sewer within 1.2km of the site.

Following submission of additional information from the applicant setting out why a connection to the mains sewer is not feasible in the instance, NRW have withdrawn their objection to the foul water drainage, subject to conditions being imposed. NRW have also advised the private treatment plant will also require an environmental permit from NRW, and that a grant of planning permission does not guarantee a Permit or exemption will be granted.

Drainage Engineer has confirmed the surface water drainage would require separate SAB approval.

Foul drainage is proposed to discharge to a new private treatment plant. SUDS features are proposed to be incorporated within the site and surface water drainage would be attenuated onsite, and surface water would then be discharged into watercourses and ditches at controlled discharge rate.

The supporting information provided confirms that Welsh Water have advised the distance to the nearest available combined public sewer as approximately 1,350 m north east from the Site, which is greater than the maximum distance that NRW should expect a connection to be made from a proposed development of this size. The connection route would also be almost wholly located through private third-party land comprising farm units, arable land and grazing land. Directing a sewer through 1,350 m of third-party land would result in significant and incommensurate disruption, which may render a development of such nature unfeasible prior to considering design and construction costs.

Having regard to the supporting information provided and that NRW have now confirmed a private sewage system is now justified, the proposed drainage arrangements are considered acceptable in principle.

Officers would also note that separate regulatory controls would control environmental pollution of ground and water and surface water management, and the planning system should not replicate other consenting regimes.

Subject to a condition being imposed to control the details and siting of the proposed foul water drainage, Officers consider the drainage is considered acceptable.

4.2.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors

relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

PPW Section 3.12 states “Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.”

PPW Section 3.39 states “In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.”

PPW 4.1.34 states “In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.”

Representations have been received from Town and Community Councils and local residents raising concerns over highway safety in relation to the access and inadequacy of the local highway to accommodate increased traffic. Concern has also been raised regarding accessibility of the site, in terms of access to public transport and dependency on car based travel.

In terms of the proposals impact on the highway network, Highways Officers consider that there is sufficient capacity in the existing network, that the site access and layout is acceptable, and that sufficient parking would be provided. Consideration to the Welsh Ministers decision which concludes that the much larger previous scheme would not have been unacceptable in terms of its impact upon highway safety.

However, significant weight must be given to the Welsh Ministers decision that found that the sites location was not well places in relation to public transport services and that it would be impractical to expect the majority of visitors to journey to the site other than by car. Users of the proposed development would be heavily if not solely reliant on the private car. It would, therefore, be contrary to PPW and would not contribute to the overall objectives of reducing the need to travel, particularly by private car, and in supporting sustainable transport. In not demonstrating that walking and cycling would be prioritised for all local travel, the proposal would also be contrary to Policy 12 of Future Wales.

Having regard to the Welsh Ministers reason for refusal it is noted that it is not linked to scale. There is no suggestion that a smaller scale proposal, such as that now being considered, would be less unacceptable; it is a straight statement that the site is in an unsustainable location which would conflict with the objectives of reducing the need to travel, particularly by private car, and in supporting sustainable transport.

It is therefore recommended that the proposal is refused on the basis of being in an unsustainable location and contrary to the Planning Policy Wales and Policy 12 of Future Wales.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst Officers acknowledge that the scheme is significantly smaller than the scheme refused permission by the Welsh Minister, it is considered that the Ministers reasoning for refusal (in relation to principle and the location of the site) is relevant to any scale of tourist development in this location.

5.2 It is noted that although the reduced scale of development has overcome the previous refusal reason based on loss of agricultural land, the objection to the sites unsustainable location and lack of justification for its development still remain. This in turn brings the proposal into conflict with legislation and policies relating to the protection of European protected species.

5.3 Officers therefore recommend that planning permission is refused.

RECOMMENDATION: REFUSE- for the following reasons:

It is the opinion of the Local Planning Authority that the proposal is not supported by a sufficient business case highlighting the benefits to the local economy. As such it fails to demonstrate the need for the proposed glamping site and is considered to be tantamount to the establishment of a new static caravan site. The proposal is therefore considered to be contrary to adopted Local Development Plan Policies PSE 5, PSE 12 and PSE 14.

It is the opinion of the Local Planning Authority that the site is not well placed in relation to public transport services and that it would be impractical to expect the majority of visitors to journey to the site other than by car. Users of the proposed development would be excessively reliant on the private car. The proposal would, therefore, be contrary to Planning Policy Wales and would not contribute to the overall objectives of reducing the need to travel, particularly by private car, and in supporting sustainable transport. In not demonstrating that walking and cycling would be prioritised for all local travel, the proposal would also be contrary to Policy 12 of Future Wales.

It is the opinion of the Local Planning Authority that in the absence of an overriding need for the development in this location, the proposal would be in conflict with the Conservation of Habitats and Species Regulations 2017 (as amended) derogation tests in relation to a European protected species (Great Crested Newts). The proposal is therefore in conflict with Local Development Plan policy VOE 5, Planning Policy Wales 12 and Technical Advice Note 5.