

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 31 HYDREF 2017
ON 31 OCTOBER 2017**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal De/
Area South***



**Cyngor Sir Gâr
Carmarthenshire**
County Council

Application No	S/35265
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Application Type	Full Planning
Proposal & Location	PROPOSED CHANGE OF USE OF LAND FOR THE STATIONING OF UP TO SIX CARAVANS FOR RESIDENTIAL PURPOSES, INCLUDING FORMATION OF ACCESS ROAD, LANDSCAPING, ETC AT LAND AT GYPSY LANE, LLANGENNECH, LLANELLI, SA14 8UW

Applicant(s)	S LEE, C/O AGENT,
Agent	JCR PLANNING LTD - MR CRAIG JONES, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Paul Roberts
Ward	Llangennech
Date of validation	16/03/2017

CONSULTATIONS

Local Member - County Councillor GR Jones has not commented on the application to date. County Councillor G Thomas has objected to the application for the following reasons :

- The site was deemed to be unsuitable as a traveller site two years ago when the Local Authority was considering such sites during the preparation of the LDP.
- The Local Authority Housing Service decided against the possibility of providing a traveller site on the land as the Head of Transport considered the Gypsy Lane / A4138 junction to be substandard and dangerous considering the volume traffic travelling along the A4138. Nothing has changed since time other than the volume of traffic has increased over the past two years making the proposal even less suitable.
- Highway safety is of paramount importance and there has already been a fatality along this stretch of road and allowing the proposal to go ahead would be irresponsible.

Councillor Thomas requests a site visit by the Committee so that her concerns can be carefully considered.

Llangennech Community Council – Have objected to the application on the following grounds :

- The Community Council objected to the allocation of the site as a Gypsy and Traveller Site as part of the Local Development Plan process on the grounds that it is outside the development limits and the likely highway safety impacts. These reasons were accepted at the time.
- The curtilage of the site does not include land over which a suitable access can be achieved. The application is therefore deemed to be invalid and should have been returned to the applicant. The submission of an amended plan changing the curtilage of the application site to include additional land for the access would also be invalid and a complete new submission is therefore required.
- The Council query the ownership of the verge between the front boundary of the site and the road and, if this is Council land, was consent given for the existing narrow access to the site.

Head of Transport – Has raised no objection to the application subject to the imposition of suitable conditions.

Head of Public Protection – Has referred to the proximity of the site to the A4138 and the requirements of Technical Advice Note (TAN) 11: Noise (1997) in ensuring that noise levels within new developments are acceptable and meet the levels stipulated within the relevant BS Standard.

Head of Housing – Has raised no objection to the application and advised that the proposal will assist in meeting the identified need for additional gypsy and traveller sites in the County.

Welsh Water – Have raised no objection to the application.

Neighbours/Public – The application has been publicised with the posting of a site notice on the entrance to the site. In response, a number of third party letters of representation have been received which raise the following issues of concern:

- A previous proposal to use the land as a traveller site was rejected two years ago and the amenities of the site have not changed in the interim period.
- Likely increase in traffic and obstruction of a small lane that supports a dairy business and other farms and the potential detrimental impact upon these existing businesses.
- Gipsy Lane is a single track lane in most parts and can be blocked by the parking of the current tenant of the land and his horse box.
- The A4138 is one of the busiest roads in Llanelli with speeding traffic and a history of several accidents and fatalities. The inevitable increase in traffic will increase the risk of further fatalities.
- The junction of Gipsy Lane with the A4138 is hazardous and the staggered junction with the nearby junction leading to Llangennech School is even more hazardous during peak times due to school traffic.

- Long waiting times at the junction of Gipsy Lane with the A4138.
- Travellers are known to operate their businesses from home resulting in large vehicles as well as caravans visiting the site and increasing the risk of accidents.
- Access for children to Llangennech School from the site will be hazardous and cannot be contemplated on foot. Similarly, access to the village and amenities would be across the A4138 which would be dangerous for pedestrians.
- The site is located in the green belt and planning permission for residential development has previously been refused.
- The site has no amenities, electricity, sewerage or water supply. Connection to existing water supply pipes would disrupt and affect neighbouring properties.
- Drainage problems within the site.
- The presence of mining shafts in the area.
- Safety concerns and loss of privacy.
- The proposal would represent an unnecessary encroachment into the open countryside and be detrimental to the character of the village and the greenfield site.
- Potential habitats for protected species of fauna and flora within the site and the adjoining woodland and mine workings are a known location for bats.
- The proposal conflicts with Policies H8, H7, H9 and ENV10 of the LDP.
- Noise from the site could affect animal welfare.
- Elevated position of site above A4138 and likely visual impact of the development.
- Devaluation of property prices and increase in car and house insurance costs.
- Lack of consultation.
- Question the need for the applicant to have his own private site that would provide no benefit to the community.
- Allowing a gypsy site on the main route into Llanelli would not be a good advertisement for the town which is currently the subject of regeneration to attract new businesses.
- Loss and damage to surrounding properties.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway verge which is included within the application site for access and visibility purposes.

THE SITE

The application site consists of an irregular shaped parcel of land located on the eastern side of Gipsy Lane on the outskirts of the village of Llangennech. It extends to some 0.2 hectares and forms part of a larger field enclosure that flanks the side of Gipsy Lane adjacent to its junction with the main A4138 that links Hendy and Llangennech with Llanelli. The site is located approximately 50 metres from the junction.

Access to the site is via an existing gated entrance onto Gipsy Lane which is an unclassified road that narrows to a single lane width to the north of the site entrance. The road has no footways or pedestrian facilities.

There is an existing hardstanding area in the north western corner of the site which is separated from the remainder of the land by post and rail fencing. This area of the site includes a small brick building and a number of steel container structures the latter of which are being used to stable horses which graze the field. The site falls gently in a southerly direction and is bounded by established trees and hedgerows on its northern, eastern and western boundaries. The southern boundary of the site is currently open having no defined feature.

The main built form of Llangennech is located to the south of the site beyond the A4138 with areas of countryside to the west, east and north. The Maes y Dderwen housing estate is located beyond the A4138 as are Llangennech Junior and Infant Schools. The site is located approximately 1km from the centre of the village and the services and facilities therein.

THE PROPOSAL

The application seeks full planning permission for the siting of six static caravans on the site together with the formation of an access road and landscaping works. The site is to be used for residential purposes by the applicant and his immediate family who are members of the local traveller community.

The caravans will be arranged around a new internal access road that will extend towards the southern and eastern boundaries of the site from the existing access. The access is to be widened to a minimum width of 5 metres with a splayed entrance onto Gipsy Lane. Four of the caravans will be positioned along the western boundary of the site behind the existing trees and hedgerow while the remainder will be set against the southern boundary of the site which is to have a new planted hedgerow. Each caravan is to have a compacted gravel base and parking area for two vehicles. Similarly, the roadway will consist of a granular sub-base and have a width of between 5 and 6.5 metres to allow vehicles to easily access and egress the site. The existing hardstanding area in the north western part of the site is to be retained as part of the proposal albeit the existing steel containers will be removed. The layout submitted shows the future siting of a modest sized recreation building within the centre of the site, however, this does not form part of the current application.

With regard to drainage, foul drainage from the site will be via either a sealed cesspit or a septic tanks which will discharge to a drainage field in the southern part of the site. Surface water will be disposed of via soakaway through the granular base of the roadway, caravan pitches and parking areas.

The supporting information accompanying the application confirms that the proposal will provide residential accommodation for the applicant and his extended family who have longstanding multi generation links to the Llanelli area. Fifteen family members will reside on the site who will include the applicant's father, brothers, uncle and cousins. The family's lifestyle is described as falling under the definition of "travellers" as defined in Welsh Assembly Circular 30/2007 "Planning for Gypsy and Traveller Caravan Sites" whereby they are of a nomadic habit of life. They have previously resided at the traveller sites in the Morfa and Penybryn in Bynea but left the latter some 10 years ago on safety grounds

following tensions with other residents. The applicant and his extended family have since been living in houses as well as residential caravans located in their gardens and highlight their wish to return to their traveller way of life with the creation of a new private site on the application site. In doing so, they draw reference to the lack of council owned sites being brought forward in the County and the need for new privately owned sites.

The application has been accompanied by a tree survey of the site as well as a transport statement. The former confirms that the existing trees bordering the site will be retained as part of the proposal. The transport statement includes details of a speed survey undertaken along Gipsy Lane to establish the visibility requirements from the existing access. Based upon the speed surveys it concludes that the available splays at the entrance to the site are sufficient and accord with advice set out in Technical Advice Note (TAN) 18 : Transport (2007).

PLANNING POLICY

In the context of the Authority's current Development Plan the application site is located in the countryside outside the development limits of settlements defined in the Local Development Plan. The following policies are of relevance to the proposal.

The LDP does not contain any allocated gypsy and traveller sites, but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to a four qualifying criteria. These include the need for the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. Thirdly, sites must be capable of being serviced with water, electricity, sewage and waste disposal, while the fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment.

Policy GP1 is a general policy which, amongst others, promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the

surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

National policy advice relating to gypsy and traveller caravan sites is set out in Welsh Assembly Government Circular 30/2007.

THIRD PARTY REPRESENTATIONS

The application has attracted numerous letters of objection from neighbouring residents as well as the local member for the ward and Llangennech Community Council. The issues raised are appraised below.

A common ground of objection amongst respondents is that the site's potential as a gypsy and traveller site was considered as part of the preparation of the LDP where it was deemed to be unsuitable on the basis of its location outside the development limits and the impact upon highway safety. Many refer to the narrowness of Gypsy Lane and the substandard nature of its junction with the A4138 as well as its ability to safely accommodate the additional traffic generated by the proposal.

By way of background to the site's consideration as part of the LDP process, the Authority's Housing Service undertook an accommodation needs assessment for gypsies and travellers back in 2012 which identified a requirement for a new site to be located within the Llanelli area for those gypsies and travellers who have long established links to the area. In light of the findings of this assessment, the Planning Authority undertook a consultation exercise in January 2013 inviting land owners, developers and other interested parties to put forward sites for consideration and potential inclusion in the LDP. Three sites were submitted as part of the process which included land at Gypsy Lane with the others being located in Bynea and Dafen. The Authority subsequently undertook a consultation in respect of the three sites before deciding on their suitability for inclusion in the LDP.

Following consideration of the sites and the consultation responses received, all three sites were deemed to be unsuitable as gypsy and traveller sites. The site at Gypsy Lane was deemed unsuitable on the basis of its countryside location and visual impact upon the character of the area as well as the significant increase in traffic movement at its junction with the A4138.

However, it is noteworthy that the site considered as part of this LDP process was significantly larger than the current application site in that it included the entire field enclosure extending down to the junction of Gypsi Lane with the A4138. The site measured some 0.8 hectares in area compared to the 0.2 hectare area of the current application site. The significant reduction in the size of the site and modest number of caravans currently proposed will mean that the proposal will not be visually prominent from public vantage points. Although it will be contiguous with the site's boundary with Gypsy Lane, the existing trees and hedgerows will provide roadside screening that will mean it will be reasonably unobtrusive to those travelling along the road. Similarly, the separating distance to the A4138 combined with the roadside screen of trees and hedgerows along its route will safeguard against any unacceptable visual impacts. Moreover, the provision of a new landscape framework along the southern boundary of the site as part of the proposal will, over time, supplement and reinforce the existing screening.

Whilst it is acknowledged that the site lies in a rural setting to the north of the A4138, it is nevertheless located on the outskirts of the built form of Llangennech. Circular 30/2007 provides that gypsy sites on the outskirts of built up areas may be appropriate providing they are of an appropriate scale so as not to dominate the nearest community while they may also be found in rural or semi rural settings where there are no specific planning or other constraints. The application site is not located in an area that is subject to any landscape or environmental designation and it is not considered that the proposal will have an unacceptable effect on the character and appearance of the area. Furthermore, the modest scale of the proposal will ensure it will not dominate the village of Llangennech. In this regard, it is in accord with the objectives of policies H7 and GP1 of the LDP and the Circular.

Tuning to the issue of highway safety, having considered the findings of the transport statement submitted in support of the application the Head of Transport has offered no objection to the proposal from a highway safety perspective. The highway network serving the site is considered to be adequate to serve the proposal without causing detriment to highway safety or neighbouring farms and businesses. Moreover, sufficient visibility exists along the highway verge either side of the site to ensure that vehicles can safely egress the site. The proposal is therefore in accord with the objectives of Policies GP1 and T3 of the LDP in terms of its likely highway impacts. It is also in compliance with the requirements of the Circular which advises that proposals should not be rejected if they would give rise to only modest additional vehicle movements and the impact upon minor roads would not be significant.

Concerns that large vehicles visiting the site in association with commercial activities will be addressed with the imposition of a condition on any permission granted precluding the business use of the site and the parking of large commercial vehicles. This will also protect the surrounding area from potential visual and noise intrusion. Suggestions that the proposal will cause amenity and privacy impacts to neighbouring residents are misjudged in that the nearest neighbouring property is located some 160 metres to the north of the site. Similarly, it is not envisaged that the proposal will impact upon the welfare of animals grazing surrounding fields. The proposal is therefore in compliance with the requirements of policies GP1 and H7 of the LDP in that it will not be detrimental to nearby residents and land uses.

As to the concerns regarding the accessibility of the site to local schools and facilities and the lack of pedestrian facilities. The location of the site to the north of the A4138 and the absence of footways means that the occupiers of the site are likely to rely on a car to access most day to day services. However, the advice contained in Circular 30/2007 promotes a more pragmatic approach to car borne journeys in relation to gypsy site uses. It advises that the over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for any gypsy and traveller sites in rural locations.

The location of the site performs well against the objectives of the first criterion of Policy H7 of the LDP in that it is close to the village and easily accessible to its range of services and facilities which include schools, a surgery and chemist as well as numerous shops. Furthermore, it is close to main transport routes both in terms of the A4138 and the M4 which is located just 1km to the east of the site. The occupiers will also therefore have easy access to the higher order facilities available in the wider area.

The children who will reside in the development currently attend Bynea CP School and the applicant has confirmed that this will continue should permission be granted. The distance

involved will mean that the children will be transported to the school by car on a daily basis whereby there will be no requirement for them to cross the A4138 on foot as suggested by a number of respondents.

Concerns regarding the extent of the curtilage of the site have been addressed as part of the application process in that the highway verge fronting the entrance has been included within the application site and notice served on the Authority as the relevant landowner. Suggestions that the application is invalid are unfounded in that the information submitted accords with the relevant statutory requirements. The application has also been publicised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In terms of the amenities required to serve the development, foul drainage will be disposed of via a private sealed cesspit or septic tank while Welsh Water have raised no objection to the proposal from a water supply perspective. Furthermore, there appears to be no reason why an electricity supply could not be provided to the development. The proposal is not therefore in conflict with the requirements of Policy H7 in this regard.

The Authority's Planning Ecologist has raised no objection to the application from an ecological perspective. With regard to the suggested presence of mineshafts within the area, the nature of the proposal means that it will not involve significant engineering or ground works or any permanent structures whereby any former mineworkings in the area will be unaffected by the proposal.

Matters relating to the devaluation of neighbouring property prices and damage to properties are not material planning considerations.

CONCLUSION

Circular 30/2007 requires that the Authority make provision for gypsy and traveller caravan sites in the County through site allocation where a need is identified, along with criteria-based policies. Previous work undertaken by the Housing Service in 2012 identified a requirement for a new site in the Llanelli area for travellers with long established links with the area and this was reinforced by their more recent Gypsy and Traveller Needs Assessment which has recently been approved by the Welsh Government. Notwithstanding this there are no allocated sites in the Llanelli area with the LDP relying on a criteria based policy whereby proposals for new sites are considered against the requirements of Policy H7 of the Plan, as referred to above.

The Authority does have an existing gypsy and traveller site at Penybryn in Bynea which originally consisted of 30 caravan pitches. However, part of the site fell into a state of disrepair after it ceased being used in 2008/2009 and as a consequence 15 of the pitches and their associated amenity blocks were subsequently cleared from the site back in 2013. The Housing Service is currently considering the feasibility of reinstating these pitches to a habitable standard to meet the identified need in the Llanelli Area, however, this provision would not be suitable for the applicant and his family based upon their previous experience of living on the site. Cultural differences between the family's Welsh gypsy traditions and those of the Irish traveller community that presently occupy the site resulted in tensions and violence which culminated in the applicant and his family having to move from the site to housing and other accommodation in the Llanelli area.

In the absence of the availability of a suitable existing site or allocation, the applicant is seeking to establish a new privately owned site that will meet his family's accommodation needs and allow them to return to their traditional nomadic lifestyle. The family have long established links with the Llanelli area having previously lived on the Penybryn site and more recently in housing accommodation with the children also attending local schools. The proposal accords with the policy requirements of the LDP and Circular 30/2007 in that it is accessible to a range of facilities and services, will not be detrimental to the amenity of nearby residents and land uses and is capable of being serviced with the required amenities and infrastructure. Furthermore, the modest scale of the proposal will safeguard against any unacceptable visual impacts and the Head of Transport has raised no objections from a highway safety perspective.

Any permission granted will be conditioned to restrict the occupation of the development to gypsies and travellers as defined in the Circular. Moreover, in the interests of protecting the surrounding area from potential visual and noise intrusion further conditions will be imposed restricting the number of caravans on the site to six and to prevent commercial activities taking place.

In light of the foregoing, the proposal is considered to accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans :
 - 1:500 and 1:2500 scale location and block plans (REV – OCT 2017) received on 16 October 2017.
 - 1:500 scale tree survey plan received on 8 March 2017.
- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 3 of Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'.
- 4 No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 5 No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.
- 6 No development or site clearance works shall take place until a scheme for the protection of the existing trees and hedgerows bordering the site, as shown on the 1:500 scale tree survey plan received on 8 March 2017, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out throughout the course of the development.

- 7 The landscaping scheme shown on the 1:500 scale block plan (REV – OCT 2017) received on 16 October 2017 shall be carried out in the first planting season following the commencement of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8 No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained in perpetuity.
- 9 Prior to its use by development traffic, the new access road shall be laid out and constructed with a minimum 5.0 metre carriageway 6m metre kerbed radii at the junction with the U2301 road.
- 10 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 11 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the nearside edge of the carriageway.
- 12 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U2301 road frontage within 2.4 metres of the near edge of carriageway.
- 13 The parking spaces and layout shown on the plans herewith approved shall be provided prior to the occupation of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 14 The site access road shall be hard-surfaced for a minimum distance of 5.0 metres behind the nearside edge of highway in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out
- 3 To restrict the occupancy of the site.
- 4,5 In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.
- 6,7 In the interests of visual amenity and to protect existing landscape features.

8 To ensure the development is drained in an acceptable manner and to prevent the pollution of the environment.

9-14 In the interests of highway safety.

NOTE(S)

1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).