

<b>Application No</b>	<b>E/35356</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	IMPROVEMENT TO EXISTING FIELD ACCESS TO FACILITATE ACCESS TO A 5 CARAVAN CL SITE AT LAND AT BRYNHYFRYD, TALLEY ROAD, LLANDEILO, SA19 7HU

<b>Applicant(s)</b>	MR & MRS EYNON PRICE, BRYNHYFRYD, TALLEY ROAD, LLANDEILO, SA19 7HU
<b>Agent</b>	NAYLOR SALE & WIDDOWS LLP - IAN NELSON, THE OLD LIBRARY, RISLEY LANE, BREASTON, DE72 3AU
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Manordeilo & Salem
<b>Date of validation</b>	31/03/2017

## CONSULTATIONS

**Head of Transport** – Offers no objection to the proposal subject to the imposition of eight conditions.

**Manordeilo and Salem Community Council** – Offers no objection to the application.

**Local Member** - County Councillor J Davies is a member of the Planning Committee and has made no prior comment on the proposal.

**Public Rights of Way Officer**- Footpath 44/104 abuts the proposed development site. If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time.

**National Grid** – No comments received.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice and six letters of objection have been received. The issues of objection raised are as follows:-

- There is highway safety concern from the increased traffic to/from the site and the creation of a new access.
- Safety concern for local children.
- There is concern regarding noise and pollution for refuse collection.

- Concerns of the proposal upon the local ecology.
- The proposal is not in keeping with the rural character of the area.
- Concern that caravanners will become grounded at the site because of the poor ground conditions.
- Loss of privacy for local residents.
- Light pollution for the area.
- Concern regarding the ability to access water and the safe disposal of waste.
- The proposal has resulted in the public footpath being blocked.
- Concern that pollution from vehicles enters the watercourses.
- The application form conveys that there are no trees or hedgerows impacted and their removal will make the site more visible.

## **RELEVANT PLANNING HISTORY**

E/ENF/08072 – Unauthorised creation of an access and tracks. – Investigation ongoing.

## **APPRAISAL**

**The application was reported to the Planning Committee on 14 December 2017, whereby it was determined to undertake a site visit to enable the Committee to assess the visibility splay and access at/to the site.**

## **THE SITE**

The application site is an agricultural field that forms part of the holding at Brynhyfryd, Llandeilo. Access to the site is from the C2118 road that runs from the B4302 Talley road, to the village of Penybanc to the west. The road is delineated by mature hedgerows and there is a single dwelling, Llety-Maelog opposite.

## **THE PROPOSAL**

This is a retrospective application for a new improved access onto a “C” class road, to facilitate a proposed 5 caravan or motorhome certified (CL) site that the applicant intends to pursue at the application site.

For information, the Camping and Caravanning Club holds a Certificate of Exemption under Section 269 (6) of the 1936 Public Health Act, as well as Section 2 of the First Schedule to the Caravan Sites and Control of Development Act 1960, which permits the Club to establish small sites without the need to obtain a specific planning approval. Within that certification process there is however, a need to consult the Local Authority in relation to the aspect of the highway safety.

In response to the certification consultation the Head of Transport required the submission of a routing plan that controlled the arrival and exit of the visitors to the site and improvements to the visibility splays for the access. Whilst there was an acceptance by the applicant and the motor caravanners club in terms of adherence to the routing stipulations to/from the site and the visibility splay requirements, works were undertaken by the applicant that resulted in a new and enlarged access being formed without the submission of a planning application.

This application seeks planning permission in retrospect for the enlarged access.

## **PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Carmarthenshire Local Development Plan. In terms of the application's policy context, reference is made to the following Carmarthenshire LDP policies and guidance.

Policy GP1 Sustainability and High Quality Design is a general policy which 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy TR3 Highways in Developments - Design Considerations requires the design and layout of all development proposals to, where appropriate, to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; an infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced; and provide for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

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.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

## **THIRD PARTY REPRESENTATIONS**

Six letters of objection have been received from local residents and the issues of objection shall be addressed herewith:

**There is highway safety concern from the increased traffic to/from the site and the creation of a new access and safety concern for local children**

The Head of Transport has been consulted on the application for the access and there is no objection to the proposal, subject to the imposition of 8 conditions on any permission that may be granted.

### **There is concern regarding noise and pollution for refuse collection**

While the application refers to a revised access to facilitate a proposed 5 caravan or motorhomes certified site the specific development that requires planning permission is the alteration of an existing access. The alteration to the access shall not result in refuse collections. It is considered that the level of waste will not be such that it will result in significant noise from refuse collection.

Any issue of noise generated from the potential caravan use of the site will be a public nuisance issue for action by the Public Protection section.

### **Concerns in regard to the proposal's impact upon the local ecology**

The Authority's Planning Ecologist has raised no objection or concerns regarding the proposed development at the site.

### **The proposal is not in keeping with the rural character of the area**

The access for which a retrospective planning permission is sought is not considered to be out of keeping with the rural character of the area.

### **Concern that caravanners will become grounded at the site because of the poor ground conditions**

This is not a material planning consideration in this application in respect of the vehicular access.

The suitability of the land as a caravan site is a matter for the Camping and Caravanning Club.

### **Loss of privacy for local residents**

This is a retrospective planning application for an access to serve a proposed CL site which does not presently benefit from a CL certificate, and any issue or concern regarding the impact that the proposed 5 caravans or motorhomes will have upon the living conditions of local residents is a matter to be raised with the caravan certifying body. The proposed access at this location will not result in any significant loss of privacy for local residents.

### **Light pollution for the area**

This is not considered to be a material planning consideration in the determination of this planning application for the access.

### **Concern regarding the ability to access water and the safe disposal of waste.**

This is not considered to be a material planning consideration in the determination of an application for the access.

The guidance applied in terms of the CL site will require that organisations will act responsibly when disposing of the contents of chemical toilets and waste water and take full account of the need to safeguard water supplies and prevent the pollution of rivers and streams.

There is an ongoing enforcement investigation into an unauthorised waste water and storage facility sited within the ground at the site, which is not the subject of this application.

**The proposal has resulted in the public footpath being blocked.**

The Country Footpath Officer has visited the site and whilst it has been conveyed that the footpath is in a poor condition and appears not to be in regular use, and the stile at the entrance is overgrown and dilapidated, it is intended to improve the situation with the footpath through appropriate highways legislation.

**Concern that pollution from vehicles enters the watercourses.**

The proposal in terms of the new access to serve a possible CL site is not considered to be of a scale that will result in any significant harm from pollution from visiting vehicles.

**The application form conveys that there are no trees or hedgerows impacted and their removal will make the site more visible.**

This is a retrospective planning application and the works to create the access has already resulted in the translocation of the hedgerow fronting the site to the western side, to allow for the visibility improvements when accessing/exiting the site, in accordance with the Head of Transport's requirements. The hedgerow remains and continues to screen the enclosure to the south.

**CONCLUSION**

The two central issues in the determination of the application are firstly, whether the access is acceptable in terms of highway safety, with regard to which the Head of Transport offers no objection, and secondly, whether the altered access is acceptable in terms of amenity.

Although the altered access has been the subject of a significant engineering operation, the resulting development is not considered to have caused an unacceptable impact upon the visual amenity of the area.

After careful consideration of the site and its surrounding environs together with the representations received, it is concluded on balance that the proposed access is acceptable and accords with policy. In light of the above, and having assessed the principal issues of highway safety and amenity concerns, this application is put forward with a recommendation for approval.

**RECOMMENDATION – APPROVAL**

**CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 13 April 2017

- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:
  - Location Plan, Field Plan, Site Plan, Entrance and Tracking in and out plans (3369/01B), received 15 May 2017.
- 3 Any access gates shall be set back a minimum distance of 12.0 metres from the highway boundary, and shall open inwards into the site only.
- 4 There shall at no time be any means of vehicular access to the development from Brynhyfryd Farm via the B4302 Road.
- 5 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 90 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. And there shall at no time be any growth or obstruction above 0.9 metres in height within this splay.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 The access shall be hard surfaced for a minimum distance of 12.0 behind the highway boundary, in materials which shall be subject to the 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 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenity.
- 3-7 In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy GP1 of the Carmarthenshire LDP in that it is an appropriate form of development that is acceptable to the character of the area.
- The proposed development complies with Policy TR3 of the Carmarthenshire LDP in that the access is an appropriate design and layout that is acceptable to the requirements of the site and the character of the area.

## NOTES

- 1 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](http://www.carmarthenshire.gov.uk)).
- 2 Please note that this permission 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 permission 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 commencement if 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 conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 3 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.