



PLANNING & DEVELOPMENT COMMITTEE

7 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1388/10
(GH)
APPLICANT: Miss D. Jones
DEVELOPMENT: Retention to change use of land from storage yard to a one family traveller site including stationing of one mobile home, one touring caravan, toilet block/dayroom, foul drainage and parking/lighting.
LOCATION: ROSE ROW CARAVAN, PENDERYN ROAD,
HIRWAUN, ABERDARE, CF44 9SQ
DATE REGISTERED: 11/01/2019
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

REASONS:

The proposed development would intensify the use of a substandard lane that lacks adequate vision splays, a turning area, suitable carriageway width, passing bays and adequate structural integrity, to the detriment of highway safety and the free flow of traffic.

In addition, it is considered that by virtue of its location within open countryside, the layout and appearance of the site, is visually intrusive and appears incongruous, and is therefore harmful to its setting.

Therefore, it is considered that the application does not comply with Policies AW2, AW5 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

Full retrospective planning consent is sought for the change of use of a field to a traveller site for one family, at Rose Row Caravan, Penderyn Road, Hirwaun.

The development consists of the siting of a touring caravan, a mobile home and a timber structure to provide toilet facilities and a dayroom. In addition, a septic tank has been installed and all of the ground within the fenced enclosure has been laid with hard core for the purposes of parking.

A separate timber boundary fence has been constructed to the southern and western boundary, upon which a series of external lights have been attached above ground level. The site is gated and has access from a track leading to Penderyn Road.

The application is accompanied by a planning statement which outlines the Applicant's background as a traveller in addition to discussing the merits of the case and the planning policy background.

Since the application has been submitted it has been confirmed that one of the two touring caravans not shown on the site layout plan would be removed in lieu of the proposed mobile home.

Should Members determine to refuse the application in accordance with the recommendation, the matter will be referred back to the Planning Enforcement Section.

SITE APPRAISAL

The application property is an enclosed field, is located outside the settlement boundary to the north of Hirwaun, and comprises a surface area of approximately 880m².

There is a single access track to the site, which is gained from the A4059 Penderyn Road to the west, and which provides an access to adjoining fields. At the end of the track the route becomes a bridleway HIR/38/1 and continues past Bryn Maerdy Barn to the north-west.

Previously gated and enclosed by a wire fence, hedge and mature vegetation, the field has been laid with hardcore and partly laid out as described above, such that it now accommodates two caravans and a day block. A separate timber inner fence has been erected inside the western and southern boundary.

Although the field has been described as having a past use as a storage yard, aerial photography from 2001 onwards demonstrates that the site appeared to be mostly unmaintained and overgrown.

However, as its name would suggest the site once accommodated a row of cottages and a public house. Correspondence relating to a previous application both refused by the LPA and dismissed on appeal (02/1110/13), demonstrates that the cottages were occupied until circa 1947. Subsequently, the buildings were demolished.

The closest neighbouring properties are located 81m to the west, 61m to the south and 127m to the north-east.

PLANNING HISTORY

The most recent or relevant applications on record with this site are as follows:

02/1110	Outline permission for bungalow and garage	Refused 06/09/02
51/87/0383	Proposed Bungalow.	Refused, 03/09/87
51/84/0112	Proposed Bungalow. Decision:	Refused, 17/10/84

Furthermore, the adjoining land to the south, between the site and the railway line and sharing the same access was subject to the following application:

14/0077	Detached dwelling house.	Refused 18/03/14
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PUBLICITY

The application has been advertised by direct notification to ten neighbouring properties and notices were erected on site.

Forty letters of objection have been received raising concerns which can be summarised as follows:

- Would be unsightly and not in keeping with the setting or the nearby Brecon Beacons National Park
- The site access is dangerous and has poor visibility
- The land was never a storage yard
- The site would be overlooked by residents
- There is no evidence to suggest the site has had previous traveller use
- A previous planning application at the site was refused
- The Cemetery, on the opposite side of the road, is very busy
- Poor consultation
- Safety of the Welsh ponies on the Beacons
- A right of way passes the site
- Any consent would set a precedent
- Property values would be affected

These matters are considered within the body of the report below.

CONSULTATION

Highways and Transportation - an objection is raised on highway safety grounds.

Brecon Beacons National Park Authority - no objection.

Hirwaun and Penderyn Community Council - the site access is of particular concern and highway safety would be compromised. The Community Council also highlights that there have been no changes to the access since a previous application was refused.

Dwr Cymru/Welsh Water - no objection since a septic tank facility is proposed.

Drainage - no objection or condition recommended.

Natural Resources Wales -the applicant is responsible for securing a permit and consent for the septic tank.

Public Health and Protection - no objection. However, a noise complaint is currently under investigation.

South Wales Police - no observations or objections.

Western Power Distribution - a service connection or alteration will require the consent of WPD.

Wales and West Utilities - WWU has provided a plan and list of general conditions for the benefit of the applicant.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside the settlement boundary for Hirwaun

Policy CS1 - in the northern strategy area the emphasis will be on promoting residential development in locations, which support and reinforce the Principal Towns and Key Settlements.

Policy AW2 - the policy stipulates that development proposals will only be permitted in sustainable locations

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - supports development proposals which are not detrimental to public health or the environment.

Policy AW15 - proposals for the use of land for the stationing of caravans occupied by Gypsies, Travellers and Travelling Show People will be permitted where it can be demonstrated that the proposed development:

1. Cannot be accommodated on the site allocated by policy SSA 26.
2. Is reasonably related to local services.
3. Where possible, is located on previously developed land.

4. Includes sufficient space for parking and manoeuvring of all vehicles associated with the occupiers of the site curtilage.
5. Is provided with adequate on-site services for water supply; power; drainage; sewage disposal; and waste disposal facilities.
6. Does not adversely affect surface or ground water resources.

Policy SSA26 - land is allocated at Beddau Caravan Park for the provision of Gypsy and Traveller accommodation for the whole of the County Borough

Supplementary Planning Guidance

- Design and placemaking
- Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes 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.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposal seeks consent for a mobile home and touring caravan, with a toilet block/dayroom on a parcel of undesignated, brownfield land, just outside the defined settlement boundary.

The site once accommodated a small terrace of cottages and a public house, and is in close proximity to the Key Settlement of Hirwaun, which is a sustainable location as defined by LDP Policy AW2.

Within the centre of Hirwaun there are a number of facilities and amenities, although the safeguarded routes for the rail line to Tower Colliery (Policy NSA 22.1) and the cycle route to Hirwaun Industrial Estate (Policy NSA 23.3) run between the settlement boundary and the proposed site.

In addition to the national planning policy requirements set out in Planning Policy Wales and Technical Advice Notes that would apply, for example, to the consideration of a new dwelling in the countryside, Welsh Government Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites - requires the LPA to give due regard to additional criteria.

Firstly, paragraph 12 of the Circular considers that approved private sites have the potential to release pitches on local authority sites for those Gypsies and Travellers most in need of public provision; thus local authority pitches are available to those who are unable to buy and develop their own sites.

In relation to LDP Policy AW15, which is the criteria based policy for the use of land for the stationing of caravans occupied by Gypsies and Travellers, the matter of private ownership outweighs criteria 1. Otherwise the applicant would be required to demonstrate why the development could not be accommodated at the Beddau site identified by Policy SSA26; although the Applicant's supporting statement has already justified this.

The proposal is also compliant with the other requirements of Policy AW15 in respect of its proximity to local services and due to the fact that the site is brownfield land. There is also sufficient space on site for parking and manoeuvring of associated vehicles, and the site can be provided with adequate on site services for water, power and waste disposal. There would therefore be no objection in relation to Policy AW15.

Secondly, paragraph 39 of the Circular states that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries.

In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.

Furthermore, the Circular notes that over-rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate. Sites should be considered in context and in relation to the local infrastructure, population size and density to ensure they are in proportion to local settled communities.

In effect this suggests, given that no alternative sites have been identified within the settlement boundary, that an objection based upon the requirements of LDP Policy AW2 - and which stipulate the criteria for a sustainable location – should be afforded minimal material weight.

Notwithstanding the above and that the development could be considered to be in accordance with both Policies AW15 and AW2, Policy NSA12, against which housing proposals within or adjacent to settlement boundaries should be considered, requires development not to adversely affect the highway network. As noted further below, an objection has been received from the Highways and Transportation Section, on the basis of detriment to highway safety.

Previous planning applications at this and a neighbouring site, both proposing use of the same site access onto Penderyn Road as the current application, have been refused. The reasons for refusal, which included detriment to highway safety, have been twice upheld at appeal and the appeals dismissed. Consequently, whilst concerns in respect of the sustainability of the site may be put to one side, the proposal would be contrary to criteria 2 of Policy NSA12 and the development is, on balance, considered to be unacceptable in principle.

Impact on the character and appearance of the area

The consultation response from the Brecon Beacons National Park Authority noted that due to the nature of the surrounding topography and the location of the development, the Authority did not consider that there would be any detriment to the special qualities of the National Park landscape.

However the BBNPA response also stated that this did not represent an assessment of the potential visual impact on the countryside outside of the National Park boundary, and in this regard there is some concern about the visibility of the site from the highway and its visual impact. On account of its location in open countryside and outside the settlement boundary the LPA gives greater weight to this matter.

Although the site benefits from some natural screening, by way of vegetation and mature trees, this was not sufficient, particularly at the time of the midwinter site visit, to fully screen the development. In addition, much of this screening is outside of the site boundary and therefore not within the control of the Applicant.

As far as the toilet block and dayroom are concerned, this is considered less problematic, since its natural timber elevations are not so conspicuous. Conversely, the bright sides and roof of the caravans are readily apparent.

However, whilst no details have been provided in respect of the mobile home, other than for its intended location shown on the site plan, there is further concern about its scale and external finish. In accordance with Section 29(1) of the Caravan Sites and Control of Development Act 1960, and the dimensions specified by Section 13(1) of The Caravan Sites Act 1968 (as amended), a mobile home could have a length of 20m and a width of 6.8m.

Further to the above, the way the site has been almost entirely cleared of vegetation, laid with hardcore, fenced and gated, and fitted with lighting at upper body height, presents a stark appearance compared with the surrounding land and in this setting appears discordant and incongruous.

For this reason, the development is considered to be harmful to the character and appearance of the local area and contrary to LDP Policy AW6.

Impact on neighbouring occupiers

The benefit of the application site being located within open countryside is that its distance from most other dwellings prevents there being any direct consequences for the amenity of other residents, either in respect of privacy or harm to outlook.

It was noted that at the time of this report being written, a noise complaint was being investigated by the Council's Public Health team. However, as a matter that can be controlled by other legislation, it is not one that can be considered entirely relevant, and particularly so since a residential use of the site ought to be compatible with any neighbouring residential use.

Therefore no objections are raised in this regard.

Highways and accessibility

Retrospective planning permission is sought to change the use of land from storage yard to a one family traveller site including stationing of one mobile home, one touring caravan, toilet block/dayroom, foul drainage and parking/lighting.

In respect of the previous site history it is noted that an outline planning application (02/1110/13) was refused on highway and planning grounds and a subsequent appeal dismissed. A further application for a single dwelling on an adjacent site sharing the same access was also refused on appeal for the same reasons.

It is proposed that the site would be served from the same sub-standard lane as those earlier applications, which is also a Public Right of Way and where vehicular traffic could conflict with pedestrian use.

The lane was not designed and built to a standard that would facilitate the type and volume of traffic generated by the proposed development. It is not surfaced and its

use would therefore result in vehicles tracking mud and debris onto the A4059 to the detriment of highway safety.

The lane is approximately 3.2m wide with no turning facility to enable all vehicles to enter and leave in forward gear. Therefore its use by emergency service and delivery vehicles would result in vehicular reversing movements onto the A4059 to the detriment of highway safety and free flow of traffic.

The lane forms a substandard junction with Penderyn Road (A4059), which has a speed limit of 50mph. The junction should have minimum radii of 6.0m with vision splays of 2.4m by 160m. The achievable vision splay to the left is 2.4m by 70m which is well below the standard required. Any improvements to the vision splays would require third party land and re-profiling of the A4059, which includes that where a road bridge spans a railway line.

The Council's Highways and Transportation Section considers that since the proposed caravan site would generate a similar amount of vehicular trips as a residential dwelling, the proposal would intensify the use of a substandard lane lacking adequate vision splays, turning area, carriageway width, passing bays and structural integrity. Consequently the development would be detrimental to the safety of all highway users and the free flow of traffic and contrary to LDP Policy AW5.

Other matters

A number of other issues were raised by objectors including a concern that the site had not been used as a storage yard, as stated within the application details, and that the consultation was poor.

It was acknowledged that no evidence has been produced to demonstrate a previous use of the land for storage, although either way the absence of evidence was not considered to be germane to the determination of the suitability of the site for which consent is now sought.

In respect of the consultation undertaken by the LPA, this was in accordance with statutory requirements and comprised direct notification to the closest residents and the display of site notices.

Nonetheless a substantial proportion of the objections, including that complaining about poor consultation, were submitted prior to the application being made valid and before the consultation took place. Although not purporting to be from the LPA, anonymous letters/notices were posted directly to residents in both Hirwaun and Penderyn advising that the application had been submitted.

Other objections were made but are not material planning concerns and reflect views based on negative stereotypes. As such, these objections have not been included for consideration.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The Council's Legal Officers have advised that in this case the test that would have to be applied to determine whether any part of the development would be liable for CIL, is whether or not any of it constitutes a building; as per Section 55 of the Town and Country Planning Act (1990) as amended. In this regard the size, degree of permanence, and physical attachment to the ground are the relevant matters.

Should Members be minded to grant approval, further investigations would be required, as a matter of clarity, to establish this. However, the application site lies within Zone 1 of the Rhondda Cynon Taf's Residential Charging Zone, where a nil charge is applicable and therefore no CIL would be payable.

Conclusion

Planning Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites, has been considered in accordance with the Welsh Government's direction and against national and local policy requirements.

However whilst it is acknowledged that a location outside of the settlement boundary may be justified for this development, the visual impact and detriment to highway safety means that the proposal is considered to be unacceptable and contrary to LDP Policies AW5, AW6 and NSA12.

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. The proposed development would intensify the use of a substandard lane that lacks adequate vision splays, a turning area, suitable carriageway width, passing bays and adequate structural integrity, to the detriment of highway safety and the free flow of traffic.

In addition, it is considered that by virtue of its location within open countryside, the layout and appearance of the site, is visually intrusive and appears incongruous, and is therefore harmful to its setting.

Therefore it is considered that the application does not comply with Policies AW2, AW5 and NSA12 of the Rhondda Cynon Taf Local Development Plan.