

**Application Number:** DM/2020/00623

**Proposal:** Removal of condition number(s): 5, 6 and 12 relating to application DC/2015/01424.

**Address:** Land Adjacent Upper Maerdy Farm, Red Hill To The B4235, Llangeview, Usk

**Applicant:** Mr Tom, Barley & Johnny Lee, Lee & Owen

**Plans:** Location Plan AVH 62001D - , Site Plan AVH 620 02B - , Floor Plans - Proposed AVH 620 04B - Plots 1 and 2, Elevations - Proposed AVH 620 05E - Plots 1 and 2, All Drawings/Plans AVH 620 03D - Plot 3,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 18.05.2020

**This application is presented to Planning Committee due to the number of objections received**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site relates to part of a long field which hugs part of the southbound slip road of the Usk interchange on the A449 trunk road. The site covers an area of 0.9 hectares and is surrounded by mature hedgerows. An application for use of the site as a permanent base for an extended Romany Gypsy family was allowed on appeal in 2011. This allowed two pitches by the entrance to the site. In allowing the appeal, the Inspector agreed that the use of the site should be limited to the appellants only and not extended to all gypsies and travellers. In 2016 further planning permission (DC/2015/01424) was also subject to appeal which granted permission for a further 5 pitches, subject to conditions.

This application seeks permission to vary the details of the siting and the buildings for plots 1, 2 and 3 as requested via conditions applied by the Inspector, notably 5,6 and 12 of DC/2015/01424.

At the time of the site visit on the 24th June 2020, there was an existing access into the site, a mobile home, two touring caravans, one day room for plot 3 under construction and a shed also under construction. The use of the site seems not to have properly commenced and if it is not occupied, it has been used no more than on a sporadic basis.

#### 1.2 Value Added

Officers have worked with the applicants to ensure that the application is of an appropriate standard and has adequate information for determination.

#### 1.3 Proposal Description

This current application seeks to amend the layout, siting of caravans and utility/dayrooms and landscaping on Plots 1, 2 and 3 in order to improve the welfare facilities for the residents. These proposed changes therefore affect Conditions 5, 6 and 12 of the 2017 appeal decision (DC/2015/01424) and the changes agreed in DM/2019/01223.

It is proposed to increase the size of the day rooms for plots 1, 2 and 3. The size of the approved day rooms for plots 1 and 2 was 3.3 metres by 4.9 metres giving a total floor area of 16.4 square metres of utility room for each plot. Their size do not meet the minimum size recommended set out in WG Gypsy and Traveller Site design guidelines. It is proposed that plots 1 and 2 have single storey day rooms/ treatment rooms measuring 12m by 8m with a total floor area of 96 square metres each. Internally, the proposed building is shown to provide a bespoke day room with basic kitchen/utility facilities, a bathroom and separate medical treatment room. The treatment room area has an area of some 12.5 square metres out of a total floor area of 76 square metres. The additional space is required for specific medical needs of the applicant.

The day room for plot 3 was increased in size to 8 by 5 metres under a previous NMA DM/2019/01223. Plot 3 is currently under construction. The current proposal includes a further increase in size to approximately 9.5m by 6.5m, with a floor area of 61 square metres. In order to accommodate these changes the layout and orientation of the site will be altered.

It is important to note that there is an unauthorised outbuilding being constructed on the site, but this does not form part of the current application. The suitability of this structure will be considered under a separate application and is the subject of a separate enforcement case.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00959	Discharge of conditions 4,5,6,7,8,12 and 14, - change of use of land to private gypsy caravan site consisting of 7 no. residential caravan and associated development - original application DC/2015/01424 and appeal 3168486	Split Decision	02.05.2019
DM/2019/00801	Non material amendments in relation to planning permission DC/2015/01424 - to re-orientate and increase the size of the previously approved utility / day room.	Application returned	
DM/2019/01223	Variation of condition no. 6 of application (DC/2015/01424) to seek an amendment to the orientation and scale of one of the authorised day/utility rooms located towards the centre of the site. Also details for the safeguarding of the water main and details of the foul and surface water	Approved	28.02.2020
DM/2020/00510	Modification of conditions 5, 6 and 12 relating to application DC/2015/01424 (APP/E6840/A/17/316848).	Application Returned	
DM/2020/00623	Removal of condition number(s): 5, 6 and 12 relating to application DC/2015/01424.	Pending Determination	

DC/2014/00659	Change of use of land to a private gypsy and traveller caravan site comprising of 5 no. pitches.	Withdrawn	
DC/2015/00357	The change of use of land to a private gypsy caravan site consisting of 7 no. residential caravans and associated development.	Withdrawn	
DC/2015/01424	The change of use of land to a private gypsy caravan site consisting of 7 no residential caravans and associated development.	Refused	02.11.2016

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Development Management Policies

Policy H8 Specifically refers to the delivery of sites for Gypsy, Traveller and Travelling Showpeople sites stating that where a need is identified sites will be permitted subject to a set of key criteria.

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

#### Welsh Government Circulars

Gypsy and Traveller sites advice set out in Circular 05/2018.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Llantrisant Fawr Community Council** - No reply to date

#### **NATS** (Air Traffic)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

#### 5.2 Neighbour Notification

Letters of objection received from 5 addresses which all raise similar issues these include;  
The proposals will have a detrimental effect on local ecology  
A concern over an increase in traffic, caused by the potential increase in occupancy on the site.

A concern over an Increase of pollution caused by the increased traffic movements to and from the site.

That the development is out of keeping with character of area

There is a general dislike to the proposal and a reference to all of the objections submitted under the original application DC/2015/01424. The principle of the use of the site for Romany Gypsies is objected to. There are concerns that this is now an attempt to enlarge the site to an unsuitable level which will put a strain on the facilities necessary to serve the site. This gradual expansion gives cause for concern that, it will over time, become a sizeable traveller site with all the problems that will entail in a rural area on a road as narrow as the B4235.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The principle of using this site as a private gypsy site for 7 plots has already been established with planning permission granted on two separate occasions for the use of the site for 2 and then 7 pitches. This has been considered and assessed against the relevant national and local planning policies, twice by independent inspectors who both approved the use and current capacity of the site. The principle of the use has been established and is not under consideration here. Therefore objections received in relation to the principle have not been taken into account. The current application is only concerned with increasing the size of the day rooms and the altered layout of the site for three of the approved seven plots.

6.1.2 Paragraphs 3.42 – 3.51 of the 'Designing Gypsy and Traveller Sites' Guidance relates to the provision of amenity blocks with a diagram provided at Annex 2 providing an example illustration of how this could be designed. Whilst this guidance was written as a guide for the delivery of Local Authority owned Gypsy and Traveller sites, the parameters set out in the guidance have been considered to provide a suitable starting point for the delivery of appropriate facilities on this site. The guidance provides a recommended minimum floor space of 23 square metres, however there is no maximum. It also recommends that such buildings should be constructed to building regulation standards and that 'Detached or semi-detached designs should be appropriate'. Having a residential appearance will enhance the look of the pitch and the general aesthetic of the site.

6.1.3 The size of the proposed day rooms is above the minimum standard recommended by the guidance but plots 1 and 2 also include treatment rooms required to support the applicant's medical health. Medical information has been provided to substantiate this. The size and internal layout of the utility/day room unit on Plot 3 is commonly accepted on gypsy sites. Paragraph 3.44 of the above Guidelines advises that the prospective occupiers of a site may determine the final details of amenity block plans, which might include different sized rooms or have particular needs which require adaptations.

6.1.4 Paragraph 3.45 is particularly relevant and states, 'The construction and layout of the amenity block should take account that some users may have special requirements, for example disabled users and the elderly can find steps hard to manage if using a walking aid or wheelchair. All new blocks should have access ramps rather than steps (or both). Further adaptations may be required to amenity blocks which will be allocated to disabled residents. Amenity blocks should be designed in such a way that will allow for adaptations to be made in the future to accommodate disabled and/or elderly residents.' The utility block for Plots 1 and 2 has therefore been designed to meet the current and future requirements of the applicants. It is intended that the applicants sleep in their static caravans of which there will be one per plot, and that they will use the dayrooms for cooking, dining, washing and medical treatment.

6.1.5 It is acknowledged that the size of the amenity blocks now proposed are towards the upper limits of acceptability. However, the proposals relate only to an increase in size and not an increase in the number of pitches. As the guidance supports the need to provide suitable accommodation for the occupants, and evidence has been provided in this respect, the consideration is therefore the

visual impact on the surrounding environment of the enlarged buildings. The impact of the development in the landscape was considered acceptable by the Inspector referring to the context of the site at the intersection of the Usk A449 interchange concluding that the 'overall harm to character and appearance would be modest and localised'. It is not considered that the proposed increase in size conflicts with this assessment.

## **6.2 Sustainability**

Increasing the size of the day rooms does not have an impact on sustainability. As stated the site already has permission for 7 plots. There is no evidence to suggest that increasing the size of the day rooms will affect the number of car journeys to the site or the number of people using the site. It is considered that the change in size of the proposed buildings will have a neutral impact on car borne traffic movements.

### **6.2.1 Good Design**

Policy DES1 of the LDP states that all development should be of high quality sustainable design and respect local character and distinctiveness. Plots 1 and 2 would have L shaped day rooms, which would have the appearance of a modern bungalow. Plot 3 also appears as a modern bungalow. There would be blue/grey slate on the roofs and the external walls would be of smooth painted render. The structures are single storey being 4 metres in height to the ridge and as such they are not visually prominent when viewed in the wider landscape especially as the site is surrounded by mature hedgerows. The design of the day rooms is very similar to those approved under the previous applications, the changes mainly relate to the size and orientation of the buildings. Therefore the overall change is considered acceptable and conforms with the objectives of Policy DES1 of the LDP.

### **6.2.2 Place Making**

PPW 10 states that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and visual appearance of the development does engage with its surroundings. Increasing the size of the day rooms does not impact on a sense of place which has been created and approved under the previous applications. In addition there is no public access to the site and the alterations will not be discernible when viewed from outside the site, having little impact on the wider public realm. The proposed access road stays in the same place and the location of the individual plots stay the same. It is the location of the static caravans and the associated day rooms that alter slightly. The alterations are not so significant that they would impact on the wider landscape. The proposed alterations as proposed are considered to be satisfactorily assimilated into the landscape and comply with the objectives of policies LC1 and LC5 of the LDP. The proposed alterations to increase the size of the day rooms for plots 1, 2 and 3 would not have an unacceptable adverse impact on the surrounding landscape.

### **6.2.3 Green Infrastructure**

The proposal will alter the approved landscaping plan. In order to accommodate the larger day rooms, some additional hedgerow within the site will be removed however this is not considered to have a sufficiently detrimental visual impact on the character of the landscape to warrant refusal.

## **6.3 Impact on Amenity**

6.3.1 Opposite the entrance to the site is a detached property known as The Yews. The proposed day rooms are approximately 170 metres from The Yews. It is considered that the increase in the size of the day rooms will have no impact on the residential amenity of the occupiers of the Yews given the distance between them and the intervening boundary treatments. There will be no loss of privacy or overbearing impact as a result of the alterations as proposed. Therefore it is considered that the proposal accords with the objectives of policies DES1 and EP1 of the LDP. It is important to note that the buildings were originally approved by an independent Inspector and that this application is for alterations to the approved scheme. It is considered that these proposed alterations

will not have any detrimental impact on the residential amenity of the neighbouring properties, given the intervening distances and boundary treatments. As stated it is considered that there will be no increase in traffic movements as a result of the alterations and it will not result in more people using the site. There are no other residential properties close enough to the proposed site to be significantly adversely affected by it. The residential properties at Upper Maerdy Farm are at least 170 metres from the site and so the resultant changes are not considered to have a detrimental effect on neighbouring residents.

## **6.4 Highways**

6.4.1 The alterations to the size of the day rooms and the slight alteration to the layout of the plots will not impact on the existing vehicular access into the site or affect the parking provision within the site. The alterations will not lead to a more intensified use of the site.

## **6.5 Foul & Surface Water Drainage**

The details of the foul water and surface water drainage from the site were agreed under a previous application DM/2019/01223. The altered scheme will have to comply with the SuDS regulations.

## **6.6 Response to the Representations of Third Parties**

6.6.1 The majority of the objections received from third parties relate to the principle of the development. This has been fully considered on two separate occasions and is already established. The principle of the development is not a consideration of this application. It is not considered that the alterations as proposed will increase the number of people using the site or the number of vehicular movements or pollution. Increasing the size of the day rooms and slightly altering the layout of the plots will only have a minimal impact on ecology and the landscaping, which for the above reasons is considered acceptable. There is no suggestion that the alterations will alter the nature of the site or allow it to become a general, unregulated gypsy site

## **6.7 Well-Being of Future Generations (Wales) Act 2015**

6.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

3 The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 2 of WG Circular 05/2018

REASON: This site is only allowed as a Gypsies and Travellers Site.

4 There shall be no more than 7 pitches on the site and on each of the 7 pitches hereby approved no more than one static caravan as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

REASON: To prevent over development of the site.

5 The development shall only take place in accordance with the scheme approved by Welsh Water for safeguarding the water main through the site in perpetuity. No operational development, structures or fences are to be erected within an easement of 6.25 metres of the centre of the mains water pipe/

REASON: To protect the integrity of the water main.

6 Any material change to the position of a static caravan or its replacement by another mobile home in a different location , from that approved on the layout plan AVH 518 (B) 01, shall only take place in accordance with details submitted to and approved in writing with the Local Planning Authority

REASON: To ensure a satisfactory form of development is retained on the site.

7 The development shall be carried out in strict accordance with the Delivery and Construction Management Plan by Hurlstone Partnership approved under Discharge of condition application DM/2018/00959. The Delivery and Construction Management Plan shall be adhered to throughout the delivery and construction period.

REASON: To protect highway safety.

8 The development shall be carried out in strict accordance with the foul and surface water drainage details set out in Appendix A of the Planning Statement by Hayston Developments & Planning Ltd - Client: Mr Tom Lee dated 29/07/19. . The proposed drainage scheme shall be completed before any of the caravans hereby approved are occupied.

REASON: To ensure adequate drainage of the site and to prevent flooding.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls and no buildings, containers or other structures shall be erected or brought onto the site other than those expressly authorised by this permission.

REASON: To ensure a satisfactory form of development.

10 No commercial activities shall take place on the land, including the storage of materials.

REASON: This is a private Gypsy and traveller site.

11 No vehicles over 3.5 tonnes shall be stationed , parked or stored on the site.

REASON: To protect residential amenity.

12 The development shall take place in accordance with the approved landscaping plan and the Landscape Management Plan  
TDA.2137.C.12.18 rev C

REASON: To protect the visual amenities of the area

13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, 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.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.