

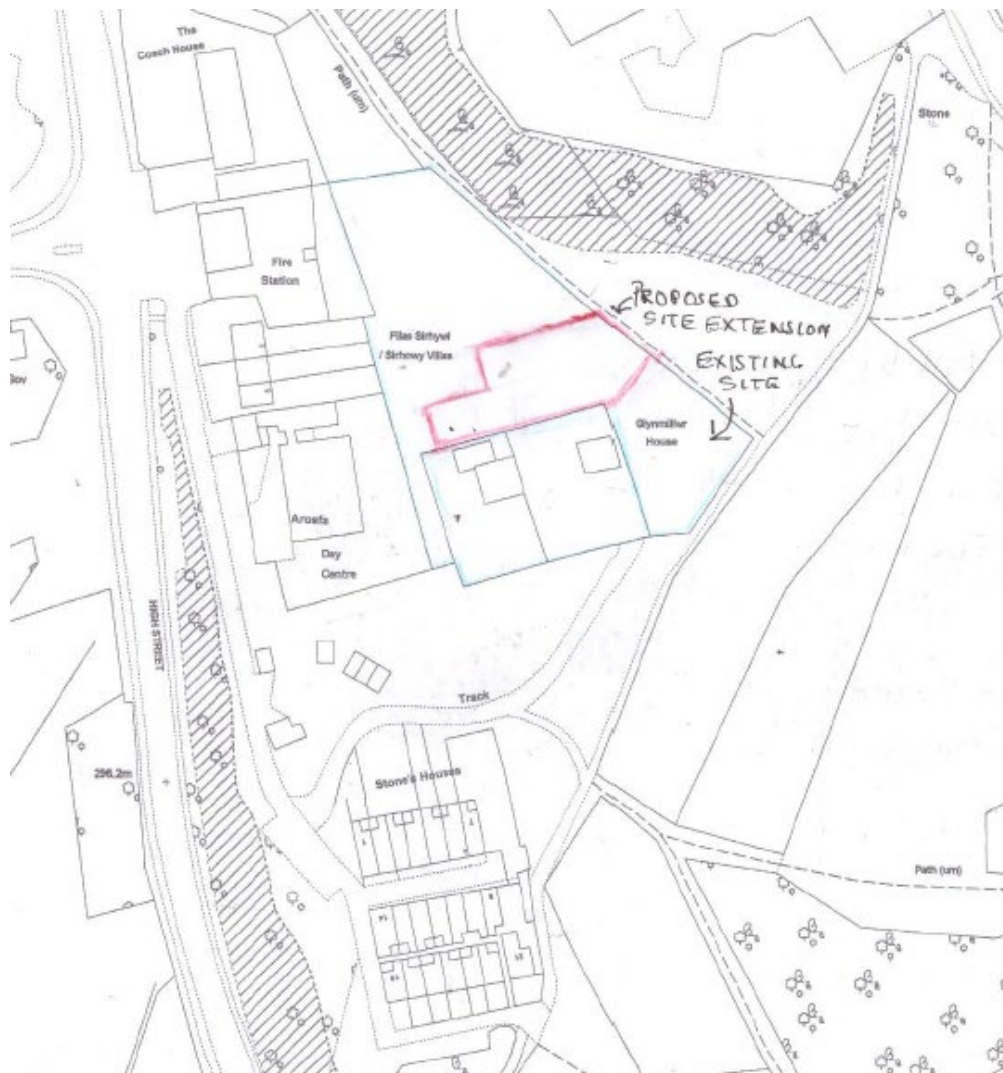
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	26th September 2022
Directorate	Regeneration & Community Services
Date of meeting	8th September 2022

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2022/0114	Glyn Milwr Stones Houses Blaina Abertillery NP13 3AA
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2022/0114	App Type: Full
Applicant: Mr Robert Smith Glyn Milwr Stone Houses Blaina NP13 3AA	Agent:
Site Address: Glyn Milwr Stones Houses Blaina Abertillery NP13 3AA	
Development: Retrospective application for extension to existing travellers' site to accommodate an additional 5 pitches including hardstanding, parking, toilet, fencing and extension to access drive.	
Case Officer:	Joanne White



1. Background, Development and Site Context

- 1.1 This application seeks planning permission to retain a change of use of land for the extension of the existing travellers' site to accommodate an additional 5 pitches for closely related families. The proposal includes provision of hardstanding, parking, toilet, fencing and extension to the access drive. The application was submitted following an enforcement investigation.
- 1.2 The statement submitted with the application states that the families currently occupying the extended site, which forms this application, have been there since approximately 2021 due to being made homeless from their previous home. It is also stated that the children of the families attend local schools.
- 1.3 The application site lies within the settlement boundary as defined by the Blaenau Gwent Local Development Plan (LDP). It is located to the north of the existing travellers' site and is bound by wooded areas. Beyond that, at an elevated level to the north east, is Blaina Central Park. The western boundary is bound by vacant land (formerly Arosfa Day Centre) and a terrace of residential properties known as Sir Howy Villas. Access to the site is to the south via a track which leads up off High Street to Stone's Houses. The track also provides access to garages and some rear gardens of Stone's Houses; the track is not within the ownership of the applicant.

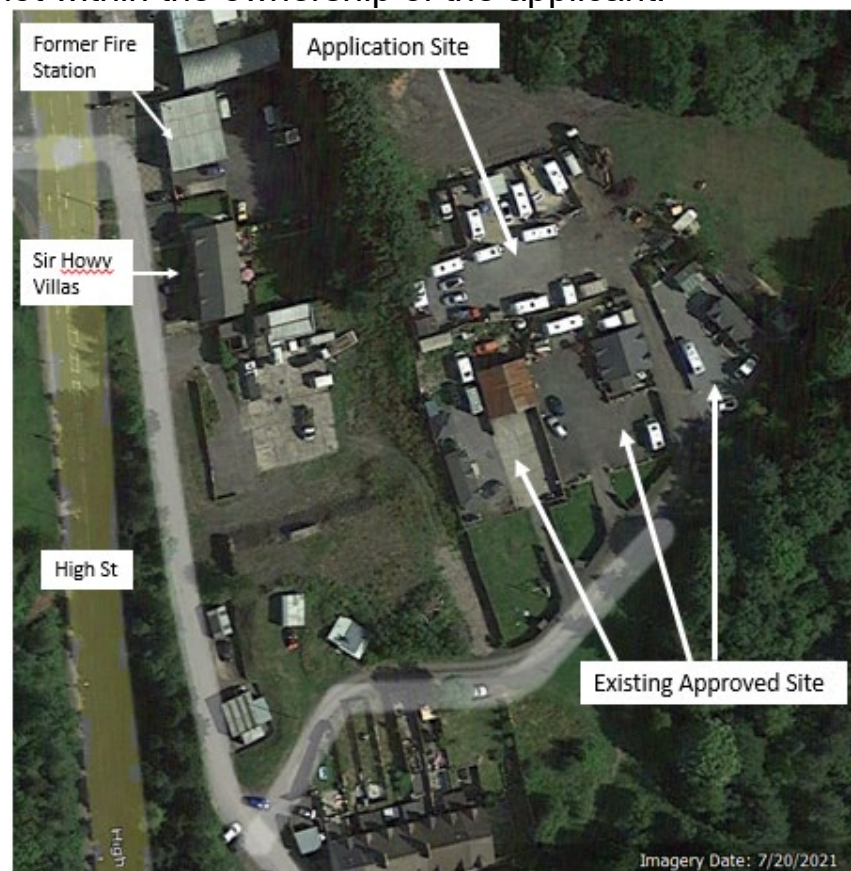


Fig 1: Site context (Image: Google)

- 1.4 Prior to occupation of the site in 2021, the site was undeveloped.
- 1.5 The adjacent approved travellers' site which has permission for 3 static caravans, 4 touring caravans, associated hardstanding, outbuildings, drainage, access and boundary treatments was allowed on appeal in January 2017 (C/2015/0189).
- 1.6 Upon entering the application site, via the existing approved travellers' site to the south, there is a utility block which sits adjacent to the southern boundary. At present there are 2 pitches that can be identified on the site (to the north) which are delineated by close boarded timber fencing, to the northern boundary. During my site visit I noted that there were a number of tourer caravans parked on site (on hardcore/chippings) which were parked in an adhoc manner, with no obvious signs of pitch boundaries. There was also an area of grassland which falls outside of the application site, to the west, which has a fence line to three sides (Fig 2 below). There were a number of small outbuildings on site, but no static caravans.



Fig 2: Area of land fenced off, outside the application site



Fig 3 (above): proposed site with tourers parked in adhoc manner.
Fig 4 (below): Outbuildings on site



Fig 5: Access from the proposed site into the approved site (looking south)



1.7 I noted during my site visit that there was a commercial vehicle parked within the application site, one within the approved site and one larger commercial vehicle and horse box on land to the north of the application site.

1.8 Boundary treatments comprise of high level fences to all boundaries. Beyond the fence to the north it appears that the former scrub land has been laid with hardcore, with access gained via a gap in the fence line of the application site to the north-east corner. Beyond this the site is well screened to the north, east and west by high level dense trees.



Fig 6: boundary fence erected. Gap in the fence shows an access leading to the land to the north (outside the application site).

1.9 There is access to water and electricity connections and foul drainage is to be provided to an existing septic tank.

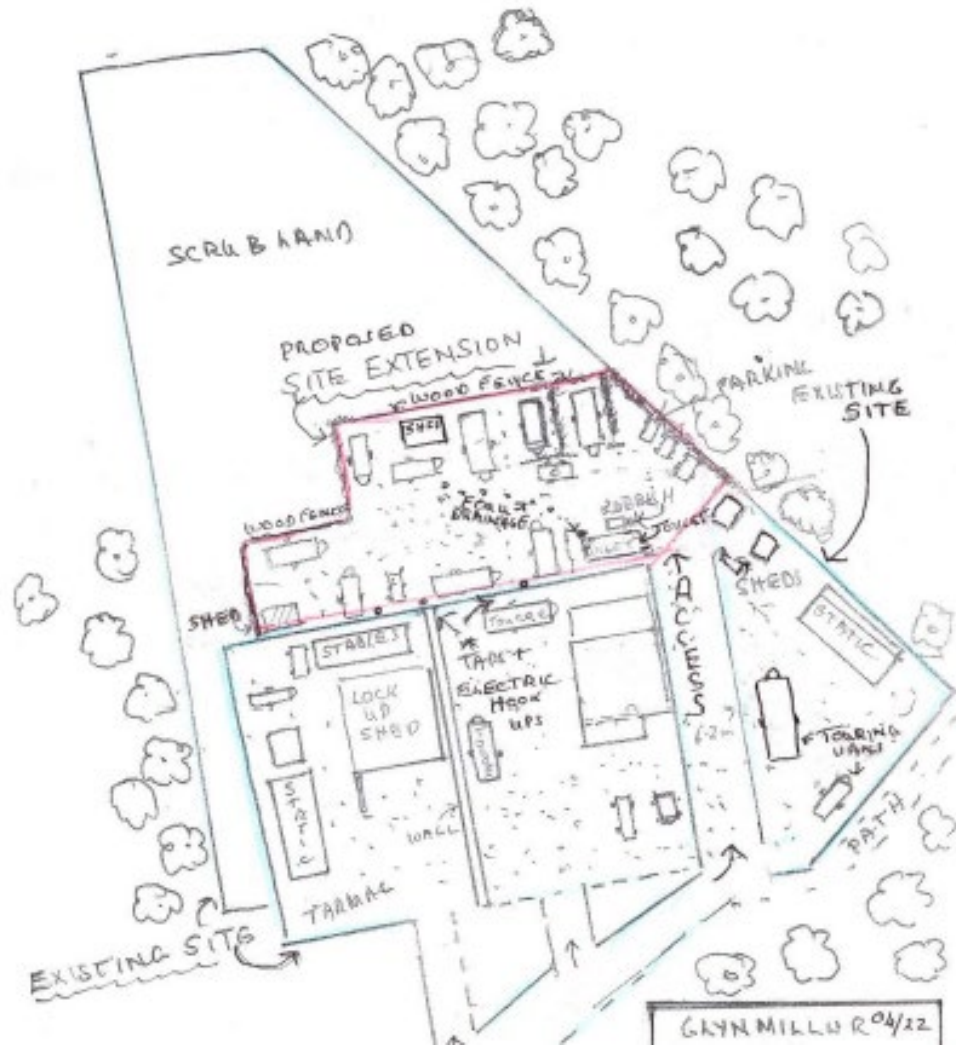
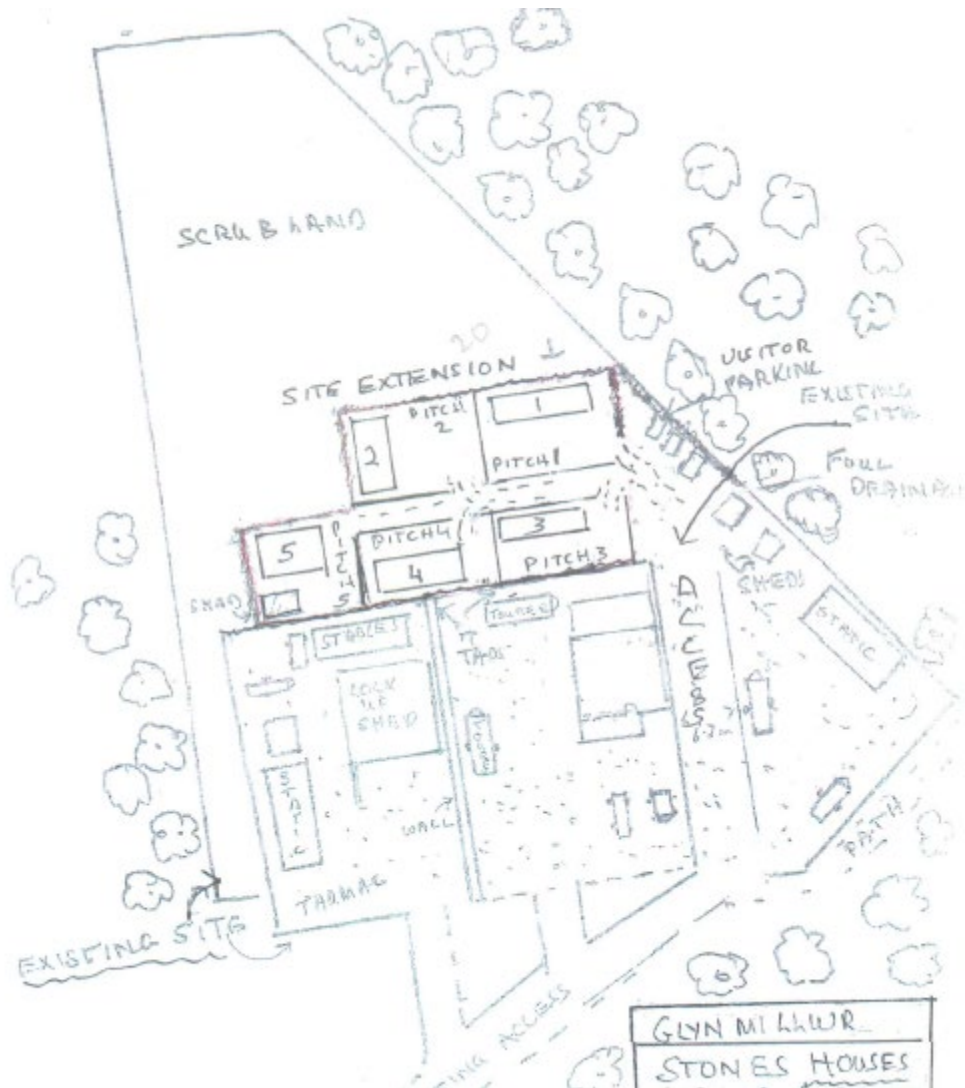


Fig 7: 'Existing' Site Layout (at the time of submission of the application)

- 1.10 As part of the application the agent has submitted a plan indicating provision for 5 distinctive pitches within the extended land; 2 the north of the site, 1 to the west and 2 to the south. The agent has confirmed that each pitch would accommodate 1 static caravan, 1 tourer, plus parking (up to 10 caravans in total). If approved, this site, together with the existing site, would provide for a total of 9 pitches, comprising of up to a total of 17 caravans (8 statics, 9 tourers) plus parking.

Fig 8: Proposed Site Layout



2. Site History

	Ref No	Details	Decision
2.1	C/2015/0189	Retention of material change of use of land to residential travellers site including siting of 3 static caravans, 4 touring caravans, associated hard standing, outbuildings, drainage, access and boundary treatments	Allowed on Appeal 24/01/2017
2.2	C/2017/0192	Discharge of Condition 5 of C/2015/0189	24/01/2018

3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**
Team Leader Building Control: Building Regulations would be required.

3.2 Service Manager Infrastructure:

3.3	<p><u>Highways: Object.</u> Approval of this application would be contrary to Policy DM 1 (3 a & b) of the Authority's LDP, nor is it conducive with the principles of Manual for Streets, Planning Policy Wales – Technical Advice Note 18: Transport or the Councils' 'Access, Car Parking and Design' SPG. It is recommended that the application be refused on both highway safety and capacity grounds due to the sub-standard design of both the existing public highway and the track which serves as the only means of access to the site.</p>
3.4	<p><u>Drainage:</u> The development area is over 100 square metres in floor area and will therefore require separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).</p>
3.5	<p><u>Landscape:</u> The site is devoid of landscape features. The proposed development should include the use of tree planting in order to complement the local landscape characteristics, maintain connectivity with the wider landscape and comply with policy DM1(2). The use of hedgerow and tree planting would be appropriate, particularly to the site boundaries.</p>
3.6	<p><u>Service Manager Public Protection:</u> No objection but request that an unforeseen land contamination condition be attached.</p>
3.7	<p><u>Head of Estates and Strategic Asset Management:</u> No objection.</p>
3.8	<p><u>Team Manager – Housing Solutions and Compliance</u> If planning permission is granted the owners would be required to obtain a licence from the Housing Solutions and Compliance Section. Requirements for drinking water, waste disposal and drainage would be regulated under the terms of such a licence.</p> <p>The most recent Gypsy and Traveller Accommodation Assessment (GTTA) identifies a need for an additional 9 pitches in Blaenau Gwent (reduced from the former need for 12). The updated assessment is currently awaiting approval and sign off from Welsh Government.</p> <p>Based on the GTTA and the number of units proposed (5), which doesn't exceed the number identified to meet the need for additional pitches in Blaenau Gwent, the officer supports the application.</p>

3.9	<u>External Consultation Responses</u>
3.10	<u>Town / Community Council:</u> No objection but the Town Council understands and supports the concerns and views of local residents.
3.11	<u>Welsh Water:</u> No objection subject to condition that no surface water and/or land drainage shall connect to public sewerage network.
3.12	<u>Western Power:</u> Identified apparatus in the vicinity
3.13	<u>W&W Utilities:</u> Identified apparatus in the vicinity
3.14	<u>Coal Authority:</u> No objection. Suggest an informative advising of mining hazards and information to be submitted with Building Regulations application if applicable.
3.15	<u>Public Consultation:</u> <ul style="list-style-type: none">• 15 letters to nearby houses• 2 site notices• website public register of applications• ward members by letter• all members via weekly list of applications received
3.16	<u>Response:</u> <p>11 Objections have been received, one of which is from Cwmcelyn Tenants and Residents Association. The main issues raised from objectors are summarised below:</p> <ul style="list-style-type: none">• The Planning Inspectorate previously specified the number of static and touring caravans permitted for 3 static caravans and 4 touring. This was to protect highway interests and the residential amenity of local residents and was necessary to prevent commercial activities taking place on the site and to restrict commercial vehicles kept on the site. This application goes against the conditions imposed by the Inspector.• Highway safety concerns -the existing road infrastructure is not suitable for the heavy volume of traffic that operates in and out of the site. Lorries, flatbed trucks and speeding cars, plus numerous horse, and carriages;• Impossible for vehicles to pass due to the width of the carriageway and the number of pick-up trucks and large lorries using it.• A pedestrian footpath is required alongside the existing road for safety and is therefore a danger to pedestrians;

- Clouds of dust in the air during warm weather from the commercial vehicles affects use of garden and in the wet weather it causes loose debris to be dragged into the road.
- Since the original planning application was granted, the increase of vehicle traffic on this narrow stretch of road has increased immensely and is causing pedestrians an extreme hazard. This road now sees over 30 large vans including lorries pass over this carriage way every day, plus the extra domestic vehicles.
- The vehicles from Glyn Milwr do not drive in accordance to the road conditions, and always drive with excess speed which causes a hazard. Due to the absence of street lighting and the unbound and uneven surface of the track it is not safe for use outside daylight hours. Allowing even more vehicles to use this unsuitable carriageway does not comply with criterion 3a of Policy DM1 of the adopted Blaenau Gwent Local Development Plan.
- Access to the Ebbw Fach Trail is compromised by this excessive use.
- Concerns of foul drainage arrangements. Although drainage arrangements were a condition cited by the Planning Inspector, it was never inspected on site until recently. Actual discharge soakaway area has been continually filled with soil and compacted by commercial vehicles.
- Access from Central, Park via the footpath is now unsafe for pedestrians who are also intimidated by a large number of dogs roaming the area. These belong to site residents and often run wild. Horses are also pegged out to wild-graze. Residents are also concerned about the damage caused to recreational areas including the football field.
- Extending the existing site will exacerbate problems within the area e.g riding pony and traps up and down local roads; fly tipping and the cutting and burning of vegetation.
- The area often visited and appreciated by tourists and would therefore lose a great deal of this impact should the area become damaged as a result of anti-social behaviour.
- Multiple instances of anti-social behaviour including deliberate damage to floodlights and windows at Central Park, horse and carts being driven around the playing fields causing damage to the surface and gangs of youths causing fires and behaving aggressively towards wildlife at the pond. A horse has even been taken into the co-op supermarket.
- The site residents have failed to adhere to the previous permission granted – fencing off council land and blocking a footpath, causing damage to the turning point, causing a build-up of mud which flows to the nearby streets in Stones Houses.

	<ul style="list-style-type: none"> • Dog and horse mess is a regular problem as well as fires burning and loud music. • The site has attracted other travellers who have set up on land outside Glyn Milwr on any bit of space that's available. <p>A local ward Member has requested that the application be presented to committee for the following reasons:</p> <ul style="list-style-type: none"> • Highway Safety grounds (the road cannot accommodate the amount of traffic, and the use of HGV's that are currently using this site, sometimes over 35 vans/lorries per day visiting the site); • Anti-Social behaviour issues (community impact and the amount of anti-social behaviour from the users of this site); • Environmental Health reasons (Noise Impact which is already having a very negative impact on the residents who live in very close proximity to the site); • Drainage Issues (Drainage is not fit for purpose of these extra vans), currently using this land for business purposes as well as living on the land.
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4. Planning Policy

4.1	<u>Team Manager Development Plans:</u>
4.2	Broadly support the development without prejudice to issues regarding landscaping and planting, sewer connection, home based business restriction, waste, ecology, visual impact, surface water, amenity, highway safety and parking being satisfactorily addressed.
4.3	<u>LDP Policies:</u> SB1 Settlement Boundaries SP4 Delivering High Quality Housing DM1 New Development DM9 Caravan sites for Gypsies and Travellers GT1 Gypsy and Traveller Accommodation
4.4	<u>Supplementary Planning Guidance</u> Access, Car Parking and Design Supplementary Planning Guidance Blaenau Gwent Gypsy and Traveller Housing Needs Assessment (2020) Blaenau Gwent Annual Monitoring Report 2019-2021
4.5	<u>PPW & TANs:</u> Future Wales: The National Plan 2040 (policy 19);

4.6	<p>Planning Policy Wales Edition 11 (February 2021) 4.2.35; Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018; Welsh Government Enabling Gypsies, Roma and Travellers plan June 2018</p> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<h3>5. Planning Assessment</h3>	
5.1	<p>The Blaenau Gwent Local Development Plan indicates that the site lies within the settlement boundary (policy SB1) within which development will normally be permitted subject to policies in the Plan and material considerations.</p>
5.2	<p>The main considerations of this application are the acceptability of the proposal in policy terms, in particular the need for the site, and the impact upon highway safety. Due consideration is also given to other material planning considerations including the impact of the proposal on neighbouring and visual amenity of the area.</p>
5.3	<p><u>Gypsy Status and Need</u></p>
5.4	<p>In applications such as this it is important at the outset to establish Gypsy Status of the applicant and the occupiers of the site. Welsh Assembly Government Circular 005/2018 (paragraph 2) provides a definition of Gypsies and Travellers which is also contained within section 108 of the Housing (Wales) Act 2014 and reads as follows:-</p>
5.5	<p><i>‘Gypsies and Travellers’ (‘Sipsiwn a Theithwyr’) means</i> <i>(a) Persons of a nomadic habit of life, whatever their race or origin, including – (i) Persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently, and (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and;</i></p>
5.6	<p><i>(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.”</i></p>
5.7	<p>The applicant is the owner of the approved traveller site, whom the Inspector confirmed in 2017 to be of Gypsy status (along with his family) for the purposes</p>

of the definition in Paragraph 3 of Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'. Whilst the 2007 circular has since been superseded by circular 005/2018, the definition remains largely the same but has been extended to include the reference to persons or family members who have ceased to travel, members of an organised group or travelling show or circus and other persons with a cultural tradition of nomadism or living in a mobile home. Furthermore, the applicant has confirmed that the application is to provide accommodation for closely related family members. I have no reason to dispute this claim and as such circular 005/2018 is applicable together with policies relating to gypsy travellers' contained with the LDP and national planning policy.

5.8 Gypsy & Traveller Accommodation Need

5.9 Future Wales - the National Plan 2040 was published on the 24th February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policies in relation to this development are Policies 1 and 19. Policy 1 promotes continued growth and regeneration in the area. Policy 19 states that Gypsy and Traveller sites should form part of a regional Strategic Development Plan (SDP). However, in the absence of such a plan, weight must be given to national and local planning policy.

5.10 Welsh Government Circular 005/2018 provides guidance on planning for Gypsy and Traveller caravan sites. In identifying sites for Gypsy and Traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlement with access to local services such as schools, health services and shops (para 38). The Circular identifies the issue of site sustainability as being important for the health and well-being of Gypsies and Travellers in terms of environmental issues and for the maintenance /support of family and social networks (para 37). It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services but that consideration should also be given to a range of other issues, including:

- opportunities for growth within family units;
- Promotion of peaceful and integrated co-existence between the site and the local community; Wider benefits of easier access to GP and health services;
- Access to utilities;
- Children attending school on a regular basis;

5.15	<p>Paragraph 12 of the Circular also identifies that some Gypsies and Travellers' may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers' most in need of public provision. The application site is one such site that is privately owned by the applicant.</p>
5.16	<p>Section 38 of the Planning and Compulsory Purchase Act 2004 provides that determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 58 of Circular 005/2018 sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for Gypsy/Traveller sites. These include:</p> <ul style="list-style-type: none">• the impact on the surrounding area• the existing level of provision and need for sites in the area; and• the availability (or lack of) alternative accommodation for applicants and their specific requirements.
5.17	<p>Paragraph 62 of the Circular also advises Gypsies and Travellers should consult with Local Planning Authorities (LPA) on planning matters before buying land on which they intend to establish any caravan. In this instance, I can confirm that the applicant did not consult with the LPA prior to occupying the extended site.</p>
5.18	<p>Paragraph 65 of the Circular advises that LPAs are <i>'entitled to refuse applications in locations that do not comply with planning policies, especially where the authority has complied with the guidance outlined in Circular and proceeded properly to ensure needs identified by accommodation assessments are being met.'</i></p>
5.19	<p>Paragraph 69 goes on to advise that when considering to refuse planning permission <i>'planning authorities should assess what effect, if any, the absence of existing site provision would have on the ability to take, and defend such actions successfully in any subsequent appeal. Planning authorities should have regard to the duty in Section 103 of the Housing (Wales) Act 2014 – requiring an authority to exercise its power to meet any needs for the site provision that are identified through its Gypsy and Traveller Accommodation Assessment (GTAA)-in deciding on an appropriate course of action to take'.</i></p>

5.20	This is supported by PPW 11 (February 2021). 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 of Wales as required by the Well-being of Future Generations (Wales) Act 2015. In particular, paragraph 4.2.35 of PPW states that local authorities are required to assess the accommodation needs of Gypsy families and have policies for the provision of Gypsy sites in their development plans.
5.21	In assessing local need the requirements of Circular 005/2018 and PPW 11 are considered in the context of Blaenau Gwent's LDP:
5.22	Policy SP4 Delivering Quality Housing identifies that land will be made available to accommodate unmet gypsy and traveller accommodation. The Blaenau Gwent Gypsy and Traveller Housing Needs Assessment (September 2011) identified a need for a further 4 pitches.
5.23	<u>Policy GT1 Gypsy and Traveller Accommodation</u> identifies land adjacent to the existing Cwmcraehen site which can accommodate 6 pitches. Although the Council approved a planning application for 4 new pitches at this site (ref C/2016/0151), the permission has since lapsed and the need to improve the existing facility will mean that this land will no longer be available.
5.24	More recently The Council has updated the needs assessment (Gypsy & Traveller Accommodation Assessment 2020), although it has not yet been approved by Welsh Government. This study identifies that the unmet need is 9 pitches for the Plan period 2018-2033 (Gypsy & Traveller Accommodation Assessment 2020).
5.25	It is clear from the latest needs assessment that there is a higher pitch requirement than what the LDP currently caters for. Given the issue with delivery of additional pitches at the Cwmcraehen site and taking into account the advice contained in Circular 005/2018, this proposal for 5 pitches would go some way towards meeting this unmet need. Furthermore, the Council has a statutory duty to make provision for sites to meet the identified need under the Housing (Wales) Act 2014.
5.26	Given the unmet need, which is greater now than when evaluated in 2011 during preparation of the LDP, Members are advised that the Local Planning Authority may not be in a position to refuse the application on grounds of need and defend such a decision successfully in any subsequent appeal.
5.27	<u>Principle of Development</u>

	<p>Where there is an identified need (as has been accepted above), new Gypsy Traveller sites will be permitted where they comply with the relevant criterion outlined in policies SB1, DM9 and DM1.</p> <p>5.28 In considering the principle of the use of the site, Policy DM9 (a) requires the site to be well related to community facilities and services and Policy DM1 (2a) requires the development to be compatible with other uses in the locality. It is accepted that the proposal is for an extension of the existing approved Gypsy Traveller site located within the urban area of Blaina. It is therefore compatible in terms of land use. It is also well related to community services and located in close proximity to a residential uses. The principle of the use of the site is acceptable and complies with planning policies SB1, DM1(2)a and DM9(a).</p> <p>5.29 DM9(b) requires adequate landscaping to help blend the site into its surroundings. The Landscape Officer has advised that the site is devoid of landscape features and that the proposal should include the use of hedgerow and tree planting, particularly to the site boundaries, in order to complement the local landscape. I acknowledge the comments raised, and note that the site itself has limited soft landscaping. Whilst I am mindful that there is a band of dense trees around the periphery of the site, to the north-west, north, north-east and south-east which largely screens the development from the wider landscape there is scope for additional landscaping to be provided as part of the development, namely to the western boundary between the site and the residential properties at Sir Howy Villas which would not only provide additional screening but would provide for biodiversity enhancements. As such, a condition could be imposed to secure a landscaping scheme in order to comply with LDP Policy DM9(b) and DM1(2).</p>
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Fig 9: Extent of existing landscaping to the periphery of the site (Image: Google)

- 5.30 **DM9(c)** requires the site to be capable of being provided with foul and surface water drainage, including appropriate infrastructure and facilities to manage waste. In terms of surface water drainage, the Council's Drainage Engineer has confirmed that the development incorporates provision of a hard surfaced area exceeding 100m² and therefore requires separate SAB approval of Sustainable Drainage Systems (SuDS). An informative note could be added to any approval to ensure the developer is applicant is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.
- 5.31 In terms of foul drainage, the agent has confirmed that foul would continue to discharge to a septic tank on the existing site.
- 5.32 Dwr Cymru/Welsh Water have been consulted and have not raised any objections but have requested a standard condition be attached to any permission preventing any surface water or land drainage to be connected directly or indirectly to the public sewerage system.
- 5.33 The Council's Housing Solutions and Compliance Team Manager has confirmed that if planning permission is granted the applicant would be required to obtain a license to regulate waste disposal and drainage.

5.34	Objectors have raised concerns that the existing drainage is not fit for purpose and that drainage arrangements were also a condition of the previous approval but were not inspected on site until recently. Concerns have also been raised that the soakaway area has been continually filled with soil and compacted by commercial vehicles.
5.35	In response to the concerns raised, the adequacy of the septic tank and drainage on site would be controlled by Building Control and a licence may be required from Natural Resources Wales (NRW).
5.36	The imposition of a condition for foul drainage within clear timescales for submission and implementation would be reasonable in addressing the concerns regarding drainage and would ensure that the proposal complies with policy DM9(c) and DM1 (2e).
5.37	DM9(d) requires that the site can accommodate residential and home-based business uses without detriment to the amenity and character of the area. The application site itself is not excessive in size and is therefore unlikely to support commercial activities at the site without detriment to the amenity of the surrounding residential properties. Nevertheless, it is not proposed that business activities will operate from the site.
5.38	It is noted that the permission granted for the existing site is subject to two conditions in relation to commercial activities. Condition 3 of planning permission C/2015/0189 prevents commercial activities including storage of materials (unless they are on a vehicles belonging to one of the occupants) and Condition 4 prevents more than one commercial vehicle per static caravan pitch (and the vehicle must not exceed 3.5 tonnes in net weight).
5.39	Objectors have raised concerns that the application goes against the conditions imposed on the existing site in terms of commercial activities taking place on site and noise and dust emissions from approximately 30-35 commercial vehicles using and accessing the site on a daily basis.
5.40	The Council's Enforcement Officer has confirmed that a complaint was received regarding commercial vehicles being on the site. This was investigated and subsequently a commercial vehicle was moved from the site. The Council's Environmental Health department have also advised that complaints regarding a vehicle recovery business and the crushing/dismantling of vehicles have been received over recent years. The complaints have been investigated by the Environmental Health team but there has been insufficient evidence to substantiate the claims.

- 5.41 During one site visit I noted that there were approximately 3 commercial vehicles; 1 within the approved Traveller site, 1 within the proposed site and 1 located to the land to the north (outside the application site) but there was no evidence of commercial activities taking place, Two of the vehicles referred to 'highway maintenance' whilst the third vehicle, on land to the north, featured machinery on the rear. On another visit I noted 2 commercial vehicles within the proposed site plus 1 transit van but there was no evidence of activities taking place at that time. Members should note that with the exception of 1 vehicle parked within the approved site, all commercial vehicles witnessed have been located within the proposed site (and on land beyond) for which all activity is currently unauthorised. However, I am aware of enforcement investigations into allegations of commercial activities taking place on the proposed site.



Fig 10: Commercial vehicles parked on site.

- 5.42 If planning permission was granted for the retention of this development conditions similar to those imposed on the existing site would also be imposed on this site to protect highway interests and the residential amenity of local residents. Failure to comply with this condition could result in a Breach of Condition and/or an Enforcement Notice being served upon the landowner.

5.43 Access/Highway Safety

The Highway Authority has surveyed the existing adopted public highway which serves as access to Stone Houses and the access track serving as the only means of vehicular access to the development site. The Highways Manager has advised as follows:

- 5.44 *"I can confirm that the width of the existing carriageway of the adopted public highway linking from the end of Sirhowy Villas to the junction of the track varies between 4.1 metres and 3.8 metres, for a distance of approximately 90 metres. It is noted that there are no footway provisions over this length of highway. This falls well short of the recommended minimum width (as stated in the Council's 'Access, Car Parking and Design' SPG and Manual for Streets) of*

	<p><i>4.8 metres for two vehicles to safely pass and to act as a suitable shared space for vehicles and pedestrians. The speed limit of this section of highway is 30 mph.</i></p>
5.55	<p><i>The track linking from the development site to the access road serving Stones Houses is not an adopted public highway. This track is believed to be owned partly by the Council and partly by a third party. The track is poorly constructed and has fallen into considerable disrepair. The track varies in width and has 'pinch' points where the width reduces to approximately 4.2 metres between physical obstructions such as property boundaries, embankments, hedges etc. There are no footway provisions, no street lighting nor is there any form of surface water drainage along this track.</i></p>
5.56	<p><i>Whilst there are passing points for vehicles along the track, these areas are un-metalled and thus unsuitable for vehicular traffic. The surface treatment of the track is of such a poor standard that it does not secure appropriate provision for people with special access and mobility requirements as is an expected requisite for all new development.</i></p>
5.57	<p><i>The visibility splay of the track junction with the adopted highway in a Northerly direction falls well short of the minimum recommended junction visibility splays (as stated in Manual for Streets) of 2.4m x 43m for a 30mph speed limit. This splay is impeded by both an existing garage and the topography of existing ground levels.</i></p>
5.58	<p><i>In view of this information it is the opinion of the highway authority that both the existing highway network and the track are recognised as sub-standard in both design and layout. It would be detrimental to the safety of all road users to encourage any further development proposals at this location that would lead to additional pedestrian or traffic movements without highway improvements being completed. These highway improvements should include road widening, footway provisions, access track junction realignment, street lighting provisions and track surfacing and widening works. No such scheme has been submitted for consideration by the Highway Authority.</i></p>
5.59	<p><i>Whilst it is acknowledged that the Councils Estates Department owns part of the track to complete such works, a section of the track to the rear of Stones Houses is in fact owned by a third party – both sections of this track in third party ownership would be required to be upgraded. It is noted that the applicant does not own nor control the land required to complete any such works.</i></p>

5.60 *Approval of this application would be contrary to Policy DM 1 (3 a & b) of the Authority's LDP, nor is it conducive with the principles of Manual for Streets, Planning Policy Wales – Technical Advice Note 18: Transport or the Councils' 'Access, Car Parking and Design' SPG. It is on these grounds that I recommend that this application be refused on both highway safety and capacity grounds due to the sub-standard design of both the existing public highway and the track which serves as the only means of access to the site."*



Fig's 11 & 12 (above, L-R) Access road looking northwards and access track leading from the highway in an easterly direction

Fig's 13 & 14 (below, L-R) Access track leading up towards the approved site. Visibility splay coming back down the track to turn right onto the highway. Grass mound and garage impede the visibility splay.



5.61 Circular 005/2018, para 41, stipulates that Gypsy Traveller sites, whether public or private, should have regard to highways considerations including the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. However, projected vehicle movements for Gypsy and Traveller

	<p>sites should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.</p>
5.62	<p>In the context of this site, and the concerns raised by the Highways Manager, due consideration must be given to whether the additional daily vehicle movements could be considered over and above what is 'modest' and/or the impact on the minor road would be 'significant'.</p>
5.63	<p>It is acknowledged that when the Inspector considered the appeal for the existing site, he concluded that the need for Gypsy Travellers' accommodation in this location outweighed the impact upon the highway. Nevertheless, the Inspector imposed a condition to restrict the number of the caravans on the site to exercise control over the site so as not to exacerbate the highway conditions. The planning condition restricted the number and type of caravans on site to 7 (comprising 3 static caravans and 4 touring caravans). The Inspector stated "As the highway implications have been assessed on the specific scheme before me it is reasonable to limit the number of caravans on the site to that stated" (para 29 of the decision notice). Furthermore, he stated that "To protect highway interests and the residential amenity of local residents it is necessary to prevent commercial activities taking place on the site and to restrict commercial vehicles kept on the site". Consequently, a condition was imposed restricting the number and type of commercial vehicles to 1 per static caravan pitch and not to exceed 3.5 tonnes (net weight). Even if the same condition were to be imposed for the extended site, it would see an increase of 5 commercial vehicles accessing the site on a daily basis, in addition to general daily vehicular movements from cars.. This increase in vehicular movements would be considered a significant increase from what was approved.</p>
5.64	<p>Objectors have reported that since the original permission was granted, the increase in vehicular traffic has increased significantly; with over 30 large vans including lorries and flatbed trucks passing over the carriageway every day, plus additional domestic vehicles and horse and carriages. Vehicles have been alleged to travel at speed and in the absence of footpaths, street lighting and the uneven surface the area is not considered safe outside daylight hours.</p>
5.65	<p>The Highways Manager has already confirmed that the carriageway is sub-standard and does not meet the required minimum width of 4.8m and I have witnessed myself that commercial vehicles are accessing the site. This proposal would more than double the capacity of the previously approved site with the provision of up to an additional 10 caravans split across 5 pitches (1 static caravan and 1 tourer caravan per pitch) plus parking. I share the view</p>

	<p>of the Highways Manager and consider that an increase of over 100% capacity, and the risk associated with additional vehicular movements, would have a significant detrimental impact upon the highway and access track in this location.</p> <p>5.66 In the supporting statement submitted with this application the agent claims that the access has been improved over recent years in terms of widening, re-surfacing and improved visibility splays. However, the Highways Manager has confirmed that the public highway and track, which is the only access into the site, remains to be of a sub-standard design. Furthermore, the visibility splays remain impeded by the grass mound on site and a detached garage (Fig 14 above).</p> <p>5.67 Moreover, whilst the agent has stated that there have been no accidents reported on the minor road since the approved Gypsy Traveller site has been in existence ('Crash Map' www.crashmap.co.uk), it is worth noting that the latest verified data provided on Crash Map goes up to 2021. The extended site, which is the subject of this application, has only been on site since 2021. As such, the data is not representative of the current site circumstances. Nevertheless, the absence of crash data does not deem highway conditions to be safe.</p> <p>5.68 In considering the provision for pedestrians, it is important to note that the access track to the site also links to well-used footpath networks including a permissive route of the Ebbw Fach Trail and access to/from Central Park to the east along Surgery Road. The Highways Manager has highlighted that there are no footway provisions, street lighting or any form of surface water drainage along the track serving the site. In considering the previous appeal on the existing site, the Inspector acknowledged that "the absence of street lighting and the unbound and uneven surface of the track...are not conducive to encouraging its use, particularly by young children and those with mobility difficulties, especially outside daylight hours". Furthermore, the Inspector concluded that "provision in respect of pedestrians is deficient" (Para's 16 and 17 of appeal decision notice). Given that the track provides a link to a number of pedestrian routes, and in light of the increased vehicular movements that would be anticipated by the increase in site capacity of over 100%, it is considered that the development would pose a risk to pedestrian safety contrary to LDP Policy DM1(3)a and (b).</p>
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Fig 15 (above) red dotted lines show approximate walking routes. Image: Google Maps.

Fig 16 & 17 (below) – view of the footpath leading up from the access track to Surgery Road





Fig's 18-21 (L-R, top to bottom) footpath links in the area which link up to the access track and sign showing the Ebbw Fach Trail off Surgery Road that also has links back to the access track.

- 5.69 Objectors have also raised concerns that the footpath linking to Central Park is now unsafe for pedestrians who feel intimidated by a large number of dogs roaming the area which are said to belong to site residents and often run wild. If any dogs are found to be behaving in an aggressive manner then this should be reported to the Police who have powers under the Dangerous Dogs Act. Any stray dogs roaming wild in a public area would be controlled by Environmental Health.

5.70	<p><u>Scale, Layout and Design</u></p> <p>The site is currently occupied by only tourer caravans laid out in an adhoc manner with an amenity block located the southern boundary. A proposed layout plan has been submitted which indicates provision for 5 distinct pitches. The agent has advised that each pitch would provide for 1 static caravan, 1 tourer, plus parking. Having looked at aerial photography and having visited the site I have concerns that the proposed site cannot accommodate 5 pitches comprising the above configuration without resulting in overdevelopment of the site. Furthermore, the plan leaves limited scope for any amenity space and there is no provision for the amenity building and other outbuildings that are currently on site.</p>
5.71	<p>The cramped form of development also raises concern of fire safety. Welsh Government Guidance 'Designing Traveller and Gypsy Sites' (May 2015) indicates that the minimum distance between caravans should be 6m (para 5.5, p.23). I have serious concerns that this could not be achieved with the provision of up to 10 caravans on site (five of which would be static caravans).</p>
5.72	<p>In my opinion, the retention of the extended site to accommodate 5 pitches in which to provide for five statics and five tourers plus parking and associated outbuildings would result in a cramped form of development and would have a significant impact upon the amenity of occupiers of each pitch. As such, the development is contrary to LDP Policies DM2(a) and DM1(2)c.</p>
5.73	<p>In terms of the impact upon the 3 terrace dwellings to the west, I note that the site is largely screened by fencing and high level trees to avoid any unacceptable overlooking impacts. Furthermore, the western boundary is in excess of 30m from the rear of the dwellings (Fig 22). In respect of the impact upon Stones Houses to the south-east, the site is screened by the existing approved site and as such does not give rise to any privacy or overbearing issues. I am therefore satisfied that the presence of the caravans/buildings does not have an undue impact on the privacy of occupiers of nearby properties.</p>

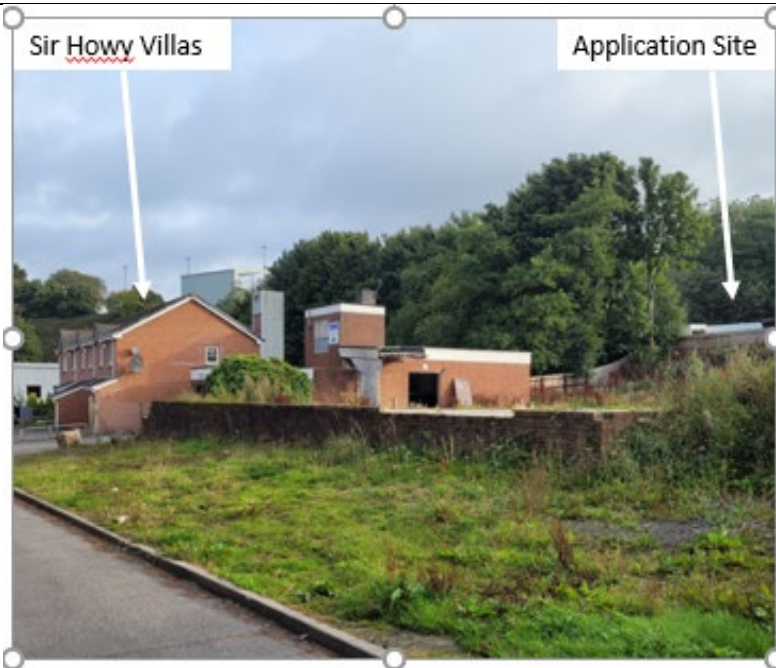


Fig 22: Application site relative to Sir Howy Villas.

5.74 Environmental Considerations

The expansion of the site for residential purposes will undoubtedly result in additional noise in the same way that any residential development would, i.e. increase in vehicle movements, noise from occupiers, pet noises and use of machinery/tools to maintain property. It is not considered that the extension of the traveller site would introduce any unacceptable levels of additional noise that would be of undue detriment to the occupiers of surrounding residential properties. Concerns regarding fly tipping, dog and horse mess, fires burning and loud music and noise in general should be directed to the Council's Environmental Health Section who has the appropriate powers to deal with such nuisance complaints.

5.75 Objectors have referred to clouds of dust from commercial vehicles affecting the use of gardens during warm weather and in wet weather causes loose debris to be dragged onto the road. It is not clear if the objection is in connection with alleged business activities at the existing site or if it relates to the extended site. Either way, appropriately worded conditions can control business activity on the proposed site whilst the Council's Environmental Health Section has appropriate powers to deal with noise and dust nuisance complaints.

5.76 The Environmental Health team has been consulted on the application and whilst they have not raised any objections to the development regarding noise or the impact on the amenity of nearby properties, they have confirmed that a

	<p>number of complaints have been received over the years in relation to the existing site relative to noise from barking dogs, regular use of chainsaws, crushing/dismantling vehicles, noise from additional caravans placed on site at different times and the operation of generators and playing of loud music as well as burning of waste. The complaints have been investigated but there has been insufficient evidence to substantiate the claims. The last complaint was received in April 2022.</p>
5.77	<p>Given that the above complaints have not been substantiated, I cannot conclude that the expansion of the site would have an unacceptable impact on the amenity of occupiers of nearby properties from a planning perspective to warrant refusal on this basis. As mentioned above, Environmental Health maintain the appropriate powers under Environmental Health legislation to deal with noise complaints. The proposal complies with DM1 (2c and h).</p>
5.78	<p><u>Ground Stability</u></p> <p>There has been minimal ground breaking works carried out at the site, with the exception of the erection of timber fencing and there are no ground breaking activities proposed. Whilst the site falls within a High Risk Area, the Coal Authority have confirmed that a Coal Mining Risk Assessment is not required and they do not object to the development given the scale and nature of the development (i.e. limited ground breaking activities). An informative note should however be added to any permission drawing the applicant's attention to the potential risks posed by coal mining features and hazards for any future site investigation or operational development.</p>
5.79	<p>The Environmental Health Officer has confirmed he has no objection but has requested a standard unforeseen contamination condition be imposed should planning permission be granted. I am satisfied that the land is capable of supporting the development in its current form and accords with policy DM1 (2a).</p>
5.80	<p><u>Ecology</u></p> <p>In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. This can be achieved through the incorporation of bat and bird boxes into the development or within the wider curtilage.</p>
5.81	<p>Although these details have not been indicated as part of the application, they could be adequately secured by the imposition of a condition. Subject to such a condition, the application would be compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>

5.82	<u>Other Issues</u>
5.83	Other objections raised in response to the application related to: <ul style="list-style-type: none">• Concerns of anti-social behaviour.
5.84	This is not a material planning consideration and should be reported to the Police. <ul style="list-style-type: none">• The site residents have failed to adhere to the previous permission granted – fencing off council land and blocking a footpath, causing damage to the turning point, causing a build-up of mud which flows to the nearby streets in Stones Houses.• These matters are currently being investigated by the Councils Planning Enforcement Team and estates.
5.85	This is a separate matter and is not material to the determination of this application. <ul style="list-style-type: none">• The site has attracted other travellers who have set up on land outside Glyn Milwr on any bit of space that's available.• Again this matter is being investigated by the Councils Planning Enforcement Team.
5.86	The adjacent land use and occupiers are not connected to the applicant and breaches of planning control outside of the application site are not relative to the determination of this application.

6. Legislative Obligations

6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7. Conclusion and Recommendation

7.1	In conclusion, the principle of development, the need and impact upon neighbouring amenity, the local environment and highway have been carefully considered.
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7.2	The application seeks to extend an existing Gypsy Traveller site which obtained planning permission in 2017 to facilitate additional pitches for closely related family members.
7.3	It is clear from the latest 2020 Gypsy Traveller Accommodation Assessment that there is a need for an additional 9 Gypsy Traveller pitches in the Borough and this application would assist in meeting that need. The principle of the development is considered acceptable subject to the number of caravans being reduced via the imposition of a condition and other conditions relative to drainage details, restriction of commercial activities and commercial vehicles on site and ecology enhancements. However, the proposal seeks to increase the capacity of the site by over 100% which raises fundamental highway safety concerns.
7.4	<p>The number of caravans approved on the existing approved site was restricted by condition by the Planning Inspector given the highway implications. The Highways Manager fundamentally objects to the application given that the increase in additional daily movements and the associated impact on the sub-standard access track would be significantly more than the site previously approved. Furthermore, the absence of a pedestrian footpath and street lighting poses a risk to pedestrian safety on a track that is widely used by the public and provides links to a number of walking routes.</p> <p>Furthermore, given the number of caravans, parking provision associated outbuildings required for the development would, in my opinion, result in a cramped form of development that raises concern for fire safety and would have a detrimental impact upon the amenity of the occupiers of the site.</p> <p>I therefore recommend that the application is refused on highway safety grounds, scale and impact upon amenity.</p> <p>Planning permission be <u>REFUSED</u> for the following reason(s):</p> <ol style="list-style-type: none">1. The existing adopted highway from Filas Sirhywi/Sirhowy Villas and the access track serving the proposed residential site is sub-standard with regards to both highway design and construction and is unacceptable in terms of highway safety and capacity grounds. There are no pedestrian provisions and the access track and existing carriageway varies in width such that two vehicles cannot pass. Traffic engineering solutions to overcome the above concerns would involve upgrading, widening, provision for pedestrians and resurfacing. The land required to carry out these engineering solutions is not in the control of the applicant. Expansion of the Gypsy Traveller's site in this area would significantly

	<p>increase traffic and pedestrian movements to an existing adopted highway and access track already recognised as sub-standard in design for both vehicles and pedestrians alike. The retention of the development is therefore contrary to Policy DM1(3a and b) of the adopted Blaenau Gwent Local Development Plan.</p> <p>2. The scale of development by virtue of providing five pitches comprising of five static caravans and five tourer caravans plus parking, outbuildings and sufficient amenity space would result in a cramped form of development that not only raises concerns of fire safety but would have a detrimental impact upon the amenity of occupiers of each pitch contrary to Policies DM1(2)c and DM2(a) of the adopted Blaenau Gwent Local Development Plan.</p>
8. Risk Implications	
8.1	The granting of planning permission contrary to the recommendation of this report undermines the fundamental principles of the adopted LDP Development Management Policies and compromises highway safety.
8.2	Refusing to grant planning permission gives the applicant the right to appeal against the Council's decision to the Planning Inspectorate. There will be cost to the Council in defending any appeal and the potential of costs being awarded to the applicant.