

REFERENCE: P/19/810/FUL

APPLICANT: Morganstone Ltd & Pennant Homes Ltd
Morganstone House, Unit 3 Llys Aur, Llanelli, SA14 8LQ

LOCATION: Housing development off All Saints Way Penyfai CF31 4BT

PROPOSAL: Siting of a temporary one storey sales suite for the marketing of the residential development

RECEIVED: 31 October 2019

SITE INSPECTED: 8 January 2020

EOT AGREED: 2 March 2020

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the siting of a temporary, single storey sales suite on land off All Saints Way, Penyfai.

The sales suite is proposed to be located at the southern entrance to the site off Clos Smyrna in order to ensure the site can be safely accessed by members of staff and the public throughout the construction period. The exact location of the sales suite is identified on the plan below in orange:

Figure 1 - Proposed Site Layout



The sales suite will comprise a prefabricated rectangular one storey unit measuring approximately 7.3m x 3m to a height of 2.7m with a flat roof. An open plan layout with one bathroom and kitchenette is proposed and the unit will be clad externally with oak effect PVC panels. The entrance to the building will be double patio style entry doors and windows which will be finished in anthracite UPVC. The external sides and rear of the building will be painted white.



Jonathan Parsons
 Group Manager
 PLanning & Development Services
 Communities Directorate

Bridgend County Borough Council,
 Civic Offices,
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 Bridgend,
 CF31 4WB

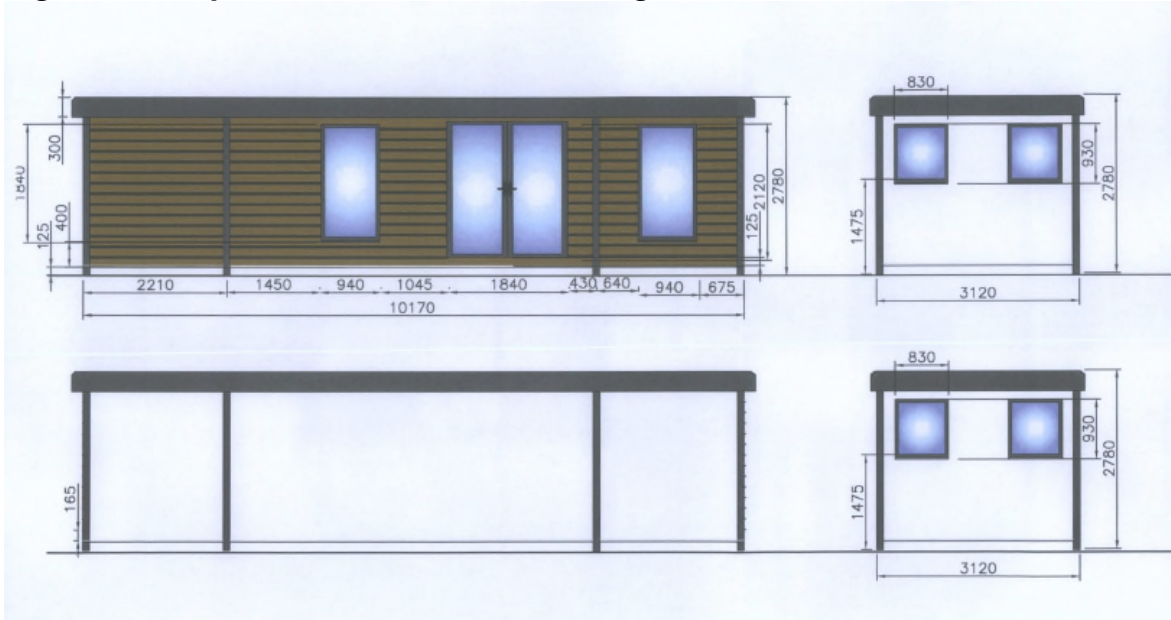
P/19/810/FUL

**All Saint's Way
 (Land off)
 Penyfai
 CF31 4BT**

Scale: 1: 1,250
 Date: 18/02/2020

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Figure 2 - Proposed Elevations of Building



The proposed building will be used as the marketing suite for the development site and will be a base for all on-site sales and marketing activities. It will be a temporary fixture which will be removed once it is no longer required, however, a condition attached to the recommendation requires the removal of the sales unit by the end of 2021 at the latest. The applicant also proposes that the sales suite will be occupied by a trained member of staff at all times and will operate from Thursday – Monday 10am – 5pm.

Amended plans were received on the 24 January 2020 revising the Site Layout Plan and updating the Parking Management Plan. The revised plan now shows three off street parking spaces located within and at the entrance to the application site which will be exclusively used by visitors to the sales suite.

Figure 3 - Revised Site Layout



The application site is located within the settlement boundary of Penyfai as defined by Policy PLA1 of the BLDP(2013) and lies approximately 2 miles from Bridgend. The development is currently under construction and is surrounded by existing residential dwellings.

RELEVANT HISTORY

P/17/1073/FUL - Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works – Approved (S106 agreement) – 24/04/2018.

P/19/703/NMA – Non material amendment to P/17/1073/FUL - amendment to the siting of dwelling on Plot 20 – Approved – 10/12/2019.

P/19/945/RLX -Vary condition 1 of P/17/1073/FUL to refer to amended site layout plan and external works layout plan to relocate footpath – awaiting determination.

PUBLICITY

The application was advertised on site.

Neighbouring properties were notified of the application.

The period for consultation/publicity originally expired on 5 December 2019 however, following submission of the amended plans on 24 January 2020, a re-consultation was undertaken which expired on 12 February 2020.

CONSULTATION RESPONSES

Newcastle Higher Community Council – raise concerns regarding the proposed development and the impact it will have on neighbouring residential amenities.

Highways Officer – No objection subject to conditions for a parking scheme and compliance with the approved Sales Management Plan.

Drainage Officer – No objection subject to a condition requesting a comprehensive and integrated drainage scheme to be submitted and agreed by the LPA prior to works commencing on site.

Welsh Water Developer Services – No objection subject to an advisory note.

Rights of Way Manager – No objection.

Head of Public Protection – as the application relates to a temporary sales building and the operational hours have been restricted, it is unlikely that the activities involved for the development will generate noise nuisance actionable by this department.

REPRESENTATIONS RECEIVED

Cllr Altaf Hussain (Local Ward Member) – raises an objection to the proposed development and requests that the application is referred to the Council's Planning Committee as he feels that one of the newly constructed dwellings could be used as a sales suite for marketing.

4 letters of objection have been received from neighbouring properties regarding the proposed development raising the following concerns:

- Increased noise and disturbance from visitors to the site and sales office;
- Concerns over lack of visitor parking and increased on street parking which will cause obstruction and hazards to vehicles and pedestrians;
- No need for an additional building, sales office should be accommodated within one of the properties that they are building on the site;

- Loss of privacy to neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above have been addressed within the appraisal section of this report however, with respect to the additional sales unit, the applicants' agent has advised that they are unable to accommodate the proposed sales suite within a newly built dwelling on the site due to health and safety reasons as construction of the other dwellings will still be continuing on the site.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 - Householder Development

SPG17 – Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

APPRAISAL

The application is referred to Committee at the request of the Local Ward Member and to enable consideration of the objections received from the local residents.

The main issues to consider in the determination of this application are the impact on the character and appearance of the existing street scene, the impact on neighbouring properties and impact highway safety.

Impact on the character and appearance of the existing street scene

The application site forms part of the construction site for the approved residential dwellings and currently there are two porta cabins sited at the entrance of the site which comprise the site office. It is proposed to position the temporary sales suite building in front of the existing site office and along the boundary wall with Healthy Close. Whilst the proposed design and materials of the building would not normally be acceptable, due to its temporary nature and limited use as a sales office, the proposed sales suite is considered acceptable and therefore accords with Policy SP2 (2) and SP2 (3) of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development.

Figure 4 – Photograph of Location of Proposed Sales Suite Building



Impact on neighbouring properties

The proposed building is to be located within close proximity to the neighbouring properties (1 and 2 Healthy Close and 6 Clos Smyrna). Whilst the proposed development may have a slight adverse impact on the neighbouring properties in terms of its siting and use, due to its temporary nature and use as a sales suite with restricted hours of operation, it is not considered to be so significant to warrant refusal of the application.

The submitted plans of the proposed building indicate that two windows are to be inserted into the eastern elevation of the proposed building which lie within close proximity to the residential properties at Healthy Close. Whilst metal hoarding is currently erected around the site which protects the privacy of the dwellings, it is considered necessary to attach a condition to request that these windows are obscurely glazed to ensure the privacy of these neighbours are protected in the event that the hoarding is removed from the site.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties and therefore accords with Policy SP2 (12) of the LDP 2013 and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Following the Highway Authority's objection, the applicant has submitted a revised indicative site layout which has sketched out the provision of 3 off-street parking spaces within the curtilage of the site. These 3 spaces will provide 1 space for the sales suite employee and 2 spaces for customers. As the sales suite will work on an appointment basis only, it is considered that the provision of 2 spaces will be adequate to cover any crossover of appointments.

Figure 5 – Location of Proposed 3 Off Street Parking Spaces



Notwithstanding the above, it is considered that there is the potential to provide 1 or 2 spaces above the 3 proposed which may allow some of the site workers to park within the site. As a result a condition is required for a fully detailed scheme of parking to be submitted. The applicant has also provided a revised sales suite management plan which details how customers will be advised during the appointment booking process not to park on-street but instead use the on-site parking provided. In addition, the appointments will not commence until 10am which allows the peak network traffic to clear. Therefore it is considered that the proposal will not result in additional traffic in peak hours to the detriment of highway safety.

The Highway Officer also raised concerns that the sales suite conflicted with the location of the wheel washing facility however, the site's internal roads are now completed in a tarmac surface and therefore, the requirement for a permanent location for the wheel wash is less critical than during the muck shifting stage of construction which has now finished. Notwithstanding the above, a wheel wash facility will remain located further into the site to be used as and when required to ensure the highway remains free from soil deposits. In addition the Site Manager will utilise a road sweeper during periods of inclement weather.

Accordingly, it is considered that the proposed development is considered acceptable and accords with Policy SP2(6) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition to any granted consent requiring a comprehensive and integrated drainage scheme to be submitted and agreed prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Public Rights of Way

The Rights of Way Officer has confirmed that Footpath 29 Newcastle Higher is in close proximity to the western boundary of the proposed development. The approximate alignment of the footpath as it is currently shown on the Definitive Map is shown by a solid purple line on the revised site plan as this footpath is temporarily closed to enable the development to take place. On closer inspection of the plans submitted with the application, it would seem that none of the works associated with the proposed development would adversely affect the public footpath and therefore the works are considered acceptable however, once the temporary closure finishes, the applicant will be advised to keep the footpath clear of any materials whilst works are being carried out.

Noise

The Council's Public Protection Officer has assessed the application regarding the impact of noise and disturbance on the existing residents located around the application site and states that as the application is for a temporary sales building and the operational hours have been restricted, it is unlikely that the activities involved for the development will generate noise nuisance actionable under current legislation. Therefore the proposed development accords with Policy SP2(8) of the BLDP(2013).

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"

3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

Given the nature of the development as a construction site, it is considered that there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

Having regard to the above and notwithstanding the objections lodged by local residents and the Local Ward Member, it is considered that, on balance, and based on the temporary nature of the sales suite, the application is acceptable as it will not have a significant adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties and is not considered to have an adverse effect on the public right of way or highway safety in and around the site.

RECOMMENDATION

(R11) That permission be GRANTED subject to the following conditions:-

1. The development shall be carried out in accordance with the Site Location Plan, Proposed Elevation Plan and Sales Suite Brochure received on 31 October 2019 and amended Drawing No. 2209-01L – Site Layout and Sales Suite Management Plan received on 24 January 2020.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The sales suite building hereby permitted shall be removed from the site and the land restored to its former condition on or before 31 December 2021.

Reason: In the interests of visual and residential amenities.

3. The sales suite building hereby permitted shall operate on an appointment basis only and shall be open to customers between the following times:

Thursdays, Fridays, Saturdays and Mondays between 09:00 and 17:30; and Sundays and Bank Holidays between 10:00 and 16:30 only.

The sales suite shall not be open to customers at any time on Tuesdays or Wednesdays.

Reason: In the interests of residential amenities.

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul and surface water will be dealt with, including any future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme and so maintained until the sales suite has been removed from the site.

Reason: To ensure a satisfactory form of development, to prevent overloading of the public sewerage system and prevent pollution.

5. The windows located in the eastern elevation of the proposed sales suite building hereby approved shall be non-opening and fitted with obscure glazing to a minimum of level 5 on

the Pilkington of obscurity prior to the beneficial occupation of the approved sales suite and retained for the duration of the period that the sales suite is on site.

Reason: To protect the privacy and residential amenities of the neighbouring properties known as 1 and 2 Healthy Close.

6. No development shall commence until a detailed scheme for the provision of at least 3 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The agreed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes for the duration that the sales suite is on site.

Reason: In the interests of highway and pedestrian safety.

**** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:**

(a) The application is recommended for approval because the development complies with Council policy and guidelines and does not have a significantly adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties due to its temporary nature and is not considered to have an adverse effect on the public right of way or highway safety in and around the site.

(b) No surface water is allowed to discharge to the public highway.

(c) No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.

(d) In order to satisfy the drainage condition a foul and surface water drainage layout is required.

(e) The applicant is advised to contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus as the development site maybe crossed by a public sewer. Welsh water has the right of access to its apparatus at all times.

**JONATHAN PARSONS
GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES**

Background Papers

None