



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No:	14/11460/FUL	Case Officer:	Mr Rhodri Davies
Site Notice Posted:	28th Oct 2014	Consultation Date:	24th Oct 2014
Date Valid:	22nd Oct 2014	8 Week Target:	17th Dec 2014
Decision Type:	Delegated Decision		
Proposal:	Siting of a temporary (6 Months) sales cabin, generator and signage within the red line boundary of the recently approved 13/10295/FUL permission.		
Address:	Land Off Abergavenny Road, Gilwern,		

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	10 th Dec 2014	Due to the lack of off street and the sales unit being located on the side of a strategic route and main road into the community. Members from Llanelly Community Council would recommend that refusal. It is recommended the sales office is re-located to an on-site position on safety grounds for road users, along with sales staff and members of the public.
Monmouthshire County Council Highways	6th Nov 2014	I should reiterate that I have serious concerns regarding the siting of the sales office and the impact it will have on the safety of highway users and visitors to the premises and recommend strongly that the application is refused and the sales office be removed / relocated without delay.

PROPOSALS AND COMMENTS

I would offer the following observations and comments in respect of the details submitted in support of the application;

Access & Parking;

No vehicular access or off road parking is proposed to support the installation of the sales office. This will undoubtedly rely on visitors and service vehicles utilising

the adjacent highway for parking. The existing highway, A4077, Abergavenny Road is a strategic route providing access to and from Crickhowell / Abergavenny via the A465 and beyond as well as being the main thoroughfare through Gilwern. The A4077, Abergavenny Road does not experience any existing on street parking in the vicinity of the proposal, the vast majority of the existing dwellings are served via independent access roads and in one or two instances private drives directly off the A4077, Abergavenny Road, therefore visitors to the sales office in the absence of off street parking, will be expected to park on street in the vicinity of the proposed sales office which is contrary to current and good practice on what is heavily trafficked strategic route which will give rise to congestion and inappropriate manoeuvres. The siting of the sales office is also in close proximity to the junction of Greenwood Place and the drive to which in the event that parking outside the sales office occurs then the vehicle manoeuvres in and out of Redwood Place will be seriously and detrimentally affected by the proposal.

RECOMMENDATION

Therefore in the absence of off street parking and it being located on a heavily trafficked strategic route I would recommend refusal of the proposal on highway safety grounds and the sales office be re-located in the vicinity of the proposed main access into the development immediately.

NP Planning Ecologist 12th Nov 2014 No observations or comments to offer regarding this retrospective application for the siting of the sales cabin.

CONTRIBUTORS

S. J. South, Dunsmore, Abergavenny Road
M. M. Everett, White Cottage, 1 Greenwood Place
Mr. and Mrs. Hardwick, 3 Greenwood Place, Gilwern
Judith Belli
Tania Cleveland
Cllr. Giles Howard

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The occupier of Dunsmore has objected to the scheme on the basis that of numerous "near misses" due to vehicles parked on the roadside, the detriment to highway and pedestrian safety.

Judith Belli has objected to the development and was surprised to receive the notification letter at least 3 weeks after it was erected and open for business. The cabin itself is not a problem but their customers parking on Abergavenny Road is. They cause the road to become a single track road - the

road is busy as it is the main route in and out of the village and therefore becomes very congested in the area of the sales cabin.

The occupier of Delfryn, 3 Greenwood Place (and on behalf of the other residents of Greenwood Place) notes that the proposed development has been in place for at least 4 weeks; traffic problems have ensued due to vehicles being parked on the main road with the resultant rush hour queues making exiting from Greenwood Place and Usk Drive quite hazardous; why is this sales cabin erected adjacent to a main thoroughfare when access to the proposed development is on the Ty Mawr hill away from the mainstream traffic; in the past access has been denied to properties on Main Road due to traffic concerns; we intend taking up with our County Councillors the traffic dangers that can be foreseen with the current situation. In layman's terms "an accident waiting to happen"; we protested to the original proposed development with no success, we had hoped for a better outcome this time.

The occupier of White Cottage, 1 Greenwood Place, notes that the road outside the cabin has now become a car park plus the constant hum of the generator that we hear all day long, but as usual, no consideration will be given to the "little people" against the "big boys" as was proved by the planning application.

Tania Cleveland (neighbour) finds it extremely annoying that after all the work that Howard and Giles have done, and their neighbour Scott, the sales cabin was still erected when it didn't have any permission to do so. Why are they allowed to get away with it? Surely there are rules? These companies are just allowed to do whatever they like. I don't feel Rhodri Morgan is doing too much either. They have no regard to the current pavement, they just came in, erected a base, delivered the unit and started work. They should be fined for breaking the rules.

Cllr. Giles Howard has objected to the proposal - firstly the location is thoroughly inappropriate given that the sole access for visitors to the cabin is via Abergavenny Road. There is no provision for any parking, yet the cabin is located on a bend on a busy main route. Furthermore any parked vehicles are directly opposite the junction with Greenwood Place, creating a further hazard. Secondly, the sales cabin and gaudy promotional signage and flags would be expected within the main area of the site and close to the entrance of the development site and show house. However, the current location of the cabin is within a long stretch and context of residential properties. It is incongruous visually, and potentially infringing on the amenity of neighbouring dwellings, particularly so given that this part of the site will be the last phase to be built out.

RELEVANT POLICIES

SPI	<i>"National Park Policy"</i> Local Development Plan (2013)
Policy I	<i>"Appropriate Development in the National Park"</i> Local Development Plan (2013)
SP3	<i>"Environmental Protection – Strategic Policy"</i> Local Development Plan (2013)
SLP2	<i>"Settlements Appropriate Development"</i> Local Development Plan (2013)
SLP3	<i>"Mitigating Impact"</i> Local Development Plan (2013)
Policy 59	<i>"Impacts of Traffic"</i> Local Development Plan (2013)

PLANNING HISTORY

App Ref	Description	Decision	Date
13/10295/FUL	The development proposal comprises the construction of 92 residential units and associated	Application Permitted Agreement)	7th Oct 2014 (S106

works, including a new road, public open space and recreational space.

OFFICER'S REPORT

Introduction and Site Description

Retrospective planning permission is sought for the temporary siting of a sales cabin, generator and signage to the south-western corner of an allocated housing site fronting Abergavenny Road, Gilwern.

The housing development was the subject of an application (13/10295/FUL) that was approved on 7th October, 2014.

The applicant/developer (Persimmon Homes East Wales) prepared the site in readiness to place a sales portacabin and generator on the site on the 22nd September, 2014 and positioned the portacabin and generator on the site on the 23rd September, 2014 in advance of the receiving planning permission for the main housing scheme on the site and without planning permission in its own right.

The application was registered as valid on 22nd October, 2014, neighbours have been notified and a site notice was erected on 28th October, 2014 adjacent to the sales cabin.

This site is located within the settlement development boundary of the Level 3 settlement of Gilwern and the allocated housing site CS012 (under policy SP5) as defined by the Brecon Beacons National Park Local Development Plan (December 2013) ('the LDP'). The site lies to the eastern end of Gilwern.

The 7m x 15m rectangular application site fronts onto the A4077 Abergavenny Road which is a Trunk Road allowing access to the Heads of the Valleys Road A465. It lies on the opposite side of the road, and close to, the access to Greenwood Place.

The site lies within the administrative area of Monmouthshire County Council and an area covered by Llanelly Community Council.

Proposal

The application seeks retrospective consent for the temporary siting of a sales office/portacabin, generator and signage for a period of 6 months (October, November, December, January, February, March) to allow sales of the 92 units as approved under App. No. 13/10295/FUL "off-plan" and prior to the erection and fitting out of a showhome and sales office (within a garage) on the site. The works necessitated the importation of soil/hardcore to raise the level of the land

The scheme equate to engineering works and the change of use of the land from agriculture to a sales office/cabin effectively as an Estate Agency (A2).

The 0.01 Ha site includes:

- a 9.2m x 3.5m x 3m high flat roofed portacabin (an open plan area with w.c.) in white
- an enclosed area measuring 2.8m x 1.9m to house the generator
- timber fencing to secure the site
- a paved footpath providing a level access to the sales cabin/marketing suite from the adjoining

highway

- a large sign announcing the housing development and the title of the estate (“The Alders”)
- two “Charles Church” flag poles and flags
- a sign illustrating the approved site layout for the estate and the housetypes that are for sale
- planting

The signs and flags/flagpoles require advertisement consent in their own right as they do not satisfy the limitations and conditions of Class 11 (Directional Advertisements), Part 1 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 1992 as advertisements directing potential buyers and others to a site where residential development is taking place.

However, it is not expedient to seek the submission of advertisement consent applications for the signs in the circumstances.

The “marketing suite” is proposed to be open to the general public 7 days a week between the hours of 9am and 5.30pm.

Officer Appraisal

The application is considered against the policies SPI, 1, SP3, SLP2, SLP3 and 59 and of the Local Development Plan (December 2013).

The application has also been assessed against Chapter 8 – Transport of Planning Policy Wales (Edition 7, July, 2014) and Technical Advice Note 18: Transport (March, 2007).

Principle of the Development

It is considered that the development in this location, in conjunction with the approved housing scheme, is acceptable in principle subject to detailed design considerations.

Impact on Visual Amenity

Policy SPI ‘National Park Policy’ states that developments in the National Park will be required to comply with the purposes and statutory duty set out in legislation and will be permitted where it conserves and enhances the Natural Beauty, wildlife and cultural heritage of the Park and/or provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those qualities.

The impact of the proposal on the landscape character of the fringe of Gilwern can be considered against the relevant criteria of policy I ‘Appropriate Development in the National Park’ of the LDP as follows:

i) the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park’s Natural Beauty, wildlife, cultural heritage and built environment;

ii) the proposed development is integrated into the landscape to the satisfaction of the NPA through planting and appropriate management of native species or through the construction of appropriate boundary features.

Policy SLP2 'Settlements Appropriate Development' requires a positive contribution to the setting and enhancements to the quality of the landscape.

It is considered that the scale and form (and temporary nature) of the development are generally in keeping with the area and the development is acceptable in visual amenity terms in compliance with Policy SPI, criteria i) and ii) of Policy I and Policy SLP2 of the Brecon Beacons National Park Authority Local Development Plan (2013).

Neighbouring Amenity

Planning Policy Wales (7th Edition, July 2014) at paragraph 9.3.3 states:

"Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

PPW paragraph 3.1.8 advises that in determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations.

The portacabin is approximately 15m from the boundary with Glenside, Lancaster Drive to the east and approximately 30m from the boundary with 8 Basildene Close to the west. Therefore, it is considered that the portacabin does not have a detrimental impact on the residential amenities of either property.

Whilst the occupier of 1, Greenwood Place has complained about the noise of the generator, the property is approximately 40m to the south-west of the generator and cabin and is separated from the unauthorised development by a busy main road and it would not be reasonable to cite the noise emanating from the generator as a reason to refuse the application.

Therefore the proposal is considered to comply with the requirements of PPW and TAN12 as the development does not have a significantly detrimental impact on the residential amenities of neighbouring properties.

Access and Highway Safety

In terms of accessibility and highway issues the application is assessed against policy I and policy 59 of the LDP, Planning Policy Wales (2014) and TAN 18 – Transport.

Policy I requires that all proposals for development or change of use of land or buildings must comply with the following criteria:

i) the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment.

Policy 59 'Impacts of Traffic' of the LDP states that, development will be permitted where appropriate access could be achieved and instances where access will be considered to be inappropriate are:

- a) **traffic is likely to generate an unacceptable impact on congested areas or at times of peak traffic flows;**
- b) traffic is likely to be generated at inappropriate times such as late at night in residential areas;
- c) **where there is an unacceptable impact on road safety;**
- d) where significant environmental damage would be caused and cannot be mitigated.

PPW at paragraph 8.7.1 states:

"When determining a planning application for development that has transport implications, local planning authorities should take into account:

- *the impacts of the proposed development on travel demand;*
- *the environmental impact of both transport infrastructure and the traffic; and,*
- *the effects on the safety and convenience of other users of the transport network."*

Monmouthshire County Council Highways Authority, Llanelly Community Council and interested third parties have all expressed their concerns at the location of the development and the subsequent negative impact on highway safety along the adjoining road and pavement (Abergavenny Road).

An earlier version of an application submission included a proposal to provide off-road parking to serve the site. However, this was questioned and omitted from the scheme due to the pronounced contrast in levels between the road and the site and the impracticality of achieving any on-site parking. There are no parking restrictions on this part of the A4077.

The site is opposite a junction into Greenwood Place and abuts a busy arterial A road. The Monmouthshire County Council Highways Officer has serious concerns regarding the siting of the sales office and the negative impact it has on the safety of highway users and visitors to the premises.

They note that the application does not include a vehicular access or off road parking. This inevitably causes a situation whereby visitors and service vehicles utilise the adjacent highway for parking. The existing highway (A4077 - Abergavenny Road) is a strategic route providing access to and from Crickhowell/Abergavenny via the A465 and beyond as well as being the main thoroughfare through the village of Gilwern. There is no on-street parking in the vicinity of the application site as existing dwellings are served by independent access roads and private drives off the A4077.

Therefore, as has been witnessed by neighbours and experienced by Officers, due to the lack of an alternative place to park, potential customers of the sales office station their vehicles on the highway which leads to congestion, overtaking manoeuvres and poor highway conditions close to an existing junction with Greenwood Place. This is exacerbated by the fact that it is intended to operate the sales office every day of the week between the hours of 9am and 5.30pm.

It is considered that the scheme does not satisfy policy I of the LDP as the layout and intensity of use of the sales cabin is not appropriate to the surroundings and adjoining strategic road network. The development is also contrary to policy 59 of the LDP as it generates an unacceptable level of visitors and cars to the site at inappropriate/peak times to the detriment of highway safety along Abergavenny Road. Finally, the development has a detrimental effect on the safety and convenience of other users of the transport network.

Having regard to the above and the consultation responses received, the scheme is considered to be contrary to the aims and objectives of policies I and 59 of the LDP and advice contained within national planning policy.

Conclusion

Retrospective planning permission is sought for the temporary siting of a sales cabin, generator and signage to the south-western corner of an allocated housing site fronting Abergavenny Road, Gilwern. The unauthorised development is intended to serve the adjacent housing development at "the Alders"/Cae Meldon.

Due to its proximity with the main road and the lack of any provision for safe and convenient parking within the site, the development has a detrimental impact on the free flow of traffic along the highway and is therefore contrary to policies I criteria i) and 59 criteria a), b) and c) of the Brecon Beacons National Park Authority Local Development Plan (2013) and paragraph 8.7.1 of Planning Policy Wales (7th Edition, July 2014) and should be removed from the site.

The application is recommended for refusal for the following reason:

RECOMMENDATION: Refuse

Reasons:

1. By reason of its nature and location directly abutting the A4077 (Abergavenny Road) and the lack of off-street parking provision, the unauthorised sales cabin is considered to have a significant and detrimental impact on highway safety and the free flow of traffic along this heavily trafficked strategic route contrary to Policy I criteria i) and Policy 59 criteria a), b) and c) of the Brecon Beacons National Park Authority Local Development Plan (2013) and paragraph 8.7.1 of Planning Policy Wales (7th Edition, July 2014).

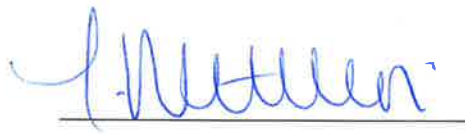
Signed (Case Officer):
Mr Rhodri Davies
Principal Planning Officer (DC)


Date: 11/12/14

Checked (Principal Planner):


Date: 11/12/14

**Signed (National Park
Authorised Officer):**


Date: 12/12/14