



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 11/06909/FUL **Case Officer:** Mr Jonathan James
Site Notice Posted: 8th Jul 2011 **Consultation Date:** 7th Jul 2011
Date Valid: 5th Jul 2011 **8 Week Target:** 30th Aug 2011
Decision Type: Delegated Decision
Proposal: Retrospective application for the retention of a new dwelling
Address: Plot 1 Ty Seren, Main Road, Clydach North

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	18th Jul 2011	Defer any decision on this application until members from the Llanelly CC visit the site with a Highways Officer from Monmouthshire County Council
Monmouthshire County Council Highways		
Monmouthshire County Council Waste Management		

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

None received

RELEVANT POLICIES

- G3:** "Development in the National Park" (Unitary Development Plan 2007)
- G6:** "Design" (Unitary Development Plan 2007)
- Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)
- Q5:** "Biodiversity and Development" (Unitary Development Plan 2007)
- LPG3:** "Development in the National Park." (Local Plan 1999)
- LPG7:** "Design and energy conservation." (Local Plan 1999)
- LPCL5:** "Wildlife and landforms." (Local Plan 1999)
- LPCL6:** "Wildlife and landforms." (Local Plan 1999)
- LPH4:** "New Housing in smaller settlements." (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
M16841	Construction of 5 dwellings with garage & accesses	Application Permitted	7th Dec 2000
M20598	Proposed retention of works to provide 2 dwellings	Application Permitted	27th Jul 2005

OFFICER'S REPORT

Site description and proposal

The site lies within the settlement development boundary of Clydach as defined by the Brecon Beacons National Park Unitary Development Plan 2007 (UDP). The site is located adjacent an existing dwelling Primrose Cottage.

The application site has an approximate frontage of 13m and a depth of 45m; the dwelling has been constructed in accordance with the approved plans. The topography is steeply sloping to the rear, the garden being created through a number of stepped levelled areas. The Heads of the Valleys Road (A465) is situated 20m to the south.

The application submitted is retrospective for the continued use of the dwelling, as the previous consent was breached through the landscaping condition. The property has been finished in painted render walls, tiled roof and brown timber style UPVC windows and doors.

Relevant Planning History

Planning permission was granted on 7 December 2000 (M16841) for five dwellings, however as works commenced without complying with relevant conditions a subsequent a new application had to be submitted to resolve this. A new application for two dwellings was submitted (application M20598) which was approved on the 27 July 2005. Again however conditions were imposed requiring further detail; a landscaping scheme was not submitted as required hence the submission of this latest retrospective application for one dwelling.

Appraisal

Whilst the Local Plan remains the formal statutory policy framework for the area, the Authority Approved UDP provides a more up to date and relevant planning framework. The UDP may not have been formally adopted but it has been subject to all the statutory consultation and procedures required for development plans. It is for this reason that the NPA has determined to afford greater weight to the UDP in the determination of planning applications than the Adopted Local Plan of 1999.

The Brecon Beacons National Park Authority Local Development Plan (LDP) has been published in draft and progressed to public deposit state. Legal Advice is that whilst the emerging LDP is now material, little weight can be given to it in planning decision making at this stage.

This application was considered against policy G3, G6, Q4 and Q5 of the UDP and policies G3, G7, CL5, CL6 and H4 of the Local Plan. Whilst the development proposal will be considered against both the Approved UDP and Adopted Local Plan policies, greater weight shall be given to the more up to date UDP policies unless the Local Plan policies materially differ to warrant a departure from the UDP.

In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the following national guidance:

- Planning Policy Wales (PPW, 2011)
- Technical Advice Note 12 Design (2009)
- Technical Advice Note 5 Nature Conservation and Planning (2009)

The dual purposes of National Park designation are, as first set out in the National Parks and Access to Countryside Act 1949 and updated by the Environment Act 1995:

- conservation and enhancement of natural beauty, wildlife and cultural heritage; and
- promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Following a review in 1974 of the operation of the 1949 Act, led by Lord Sandford, an important recommendation emerged that became known as the Sandford Principle. This principle was enshrined in the 1995 Act, to the effect that where irreconcilable conflict arises between the two main National Park purposes, then the conservation of natural beauty should prevail over promotion of public enjoyment and understanding.

Criterion ii) of Policy G3 of the Brecon Beacons National Park Approved Interim Unitary Development Plan - March 2007 (UDP) requires proposed development to lie within the 'white area' of a settlement. The site lies within the settlement development boundary of Clydach, thus conforming to the requirement of criterion ii) of policy G3 of the UDP. The principle of the provision of a dwelling at this location is considered to be acceptable subject to other material planning considerations. The principle of the development, that is the erection of the dwelling at this site has been established through the previous two approvals; the only reason this application is before the authority to day is because of a breach of condition. The applicant was informed of this and invited to submit a new application in order to rectify the situation.

Comments received from the Community Council have requested deferral of a decision until such time as they can carry out a site visit with a member of the highways department. No response has been received from Monmouthshire County Council Highway in relation to this application. The existing dwelling has been developed in accordance with the scheme as previously approved; therefore it would be unreasonable now to revisit this as an issue at this late date. On this basis the current application is considered to be acceptable on highway grounds.

Policy Q4 and Q5 aim to ensure that protected species and their habitats are protected from inappropriate development. The dwelling exists and no further works are required as such there would not be an impact upon any species through the granting of approval of this application.

Policy G3 (iii) of the BBNP UDP refers to Development in the National Park and indicates that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding area and will maintain or enhance the quality and character of the Park's landscape and built environment. Policy G6 refers to Design and indicates that applications for development will be expected to meet WAG's key design objectives and respond to the local context.

The site is steeply sloping and the rear garden comprises three terraced areas. The land on the lowest terrace area has been planted with species (maple and birch) as recommended in list I the BBNPA UDP guide at appendix 3. The next layer is a mixture of grass and natural stone and the third layer is timber decking. Bounding the site at the rear east and west is cupressus castlewella (Golfgift Leylandi), which is not on the recommended species list, however the result is not unacceptable in this instance and would not constitute a reasonable recommendation for refusal.

There are a mixture of boundary treatments and surface finishes to the property, ranging from simple post and wire fence to the rear boundary, low masonry wall to the front elevation and close board timber fencing to the side boundaries in the location of the decking. Also in the side boundaries are the leylandii hedge. Surface finishes range from timber decking, natural grass and bark to the rear with a mixture of tarmac and gravel to the front areas.

On balance the landscaping that has taken place is considered acceptable visually within the setting and context of this area. An important material consideration is also the previous planning

permissions granting consent for this dwelling at this site. As such it is considered that the dwelling is acceptable in terms of policy and principle and would not result in any material harm to the character of this part of the National Park.

Conclusion

Overall, it is considered that the dwelling created at this site including the landscaping that has taken place will not result in any visual harm to this part of the National Park and is considered to be in accordance with policies G3 and G6 of the BBNPA UDP and relevant Local Plan policies.

RECOMMENDATION: Permit

Conditions and/or Reasons:

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the 1990 Town & Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the above Act, shall have been deemed to have been implemented on 5 July 2011 .
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP3v1 rcvd 5/7/2011), unless otherwise agreed in writing by the Local Planning Authority.
- 3 The integral garage and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Reasons:

- 1 To comply with Section 73A of the above Act.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To ensure adequate off street parking arrangements remain available at all times.

Informative Notes:

Signed (Case Officer):

Mr Jonathan James
Senior Planning Officer (DC)

Date: 15/8/2011

Checked (Principal Planner):

Date: 15/8/11

Signed (National Park Authorised Officer):

Date: 16/8/2011