



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 11/07447/REM **Case Officer:** Mr Jonathan James
Site Notice Posted: 7th Dec 2011 **Consultation Date:** 6th Dec 2011
Date Valid: 30th Nov 2011 **8 Week Target:** 25th Jan 2012
Decision Type: Delegated Decision
Proposal: Access, parking and turning, scale of building, appearance of building, layout of site inc building and parking and shed.
Address: Pant -Yr - Eros, Fairhome, Lower Common

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	19th Dec 2011	No Objections on condition that no vehicular access is granted onto Ty-common Road, west of the site.
Monmouthshire County Council Highways	14th Dec 2011	Comments the site is a narrow strip with frontage onto two public highways. Access from both highways has been considered. This application is for the upgrading of the existing access onto Fairhome, which is preferred from a highway standpoint. It offers a lower than current visibility however the proposal is an improvement to that existing and would be supported. A full access detail would be required.
Monmouthshire County Council Building Conservation		No comments received
Dwr Cymru Welsh Water	3rd Jan 2012	Comments that if the NPA are minded to grant planning consent that attached conditions and advisory notes are included with consent.
Monmouthshire County Council Highways	14th Feb 2012	Details submitted now satisfy my requirements therefore would offer no adverse comments tot he proposed dwelling

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by site notice displayed on the front entrance and through notification letters to neighbouring properties and no comments have been received.

RELEVANT POLICIES

G3: "Development in the National Park" (Unitary Development Plan 2007)

G6: "Design" (Unitary Development Plan 2007)

LPG3: "Development in the National Park." (Local Plan 1999)

LPG7: "Design and energy conservation." (Local Plan 1999)

LPH3: "New housing in larger settlements." (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
10/05253/OUT	Residential development	Application Permitted	7th Oct 2010
M19174	Erection of dwelling	Application Permitted	23rd Sep 2003

OFFICER'S REPORT

Site description and proposal

The site lies within the settlement development boundary of Gilwern as defined by the Brecon Beacons National Park Unitary Development Plan 2007 ('the UDP') and the Brecon Beacons National Park Local Plan 1999 ('the Local Plan'). The site is located within the suburban part of Gilwern with much of the surrounding area being characterised by 1960's and 1970's bungalows and houses. The site comprises a narrow strip of land with road frontage on both the east and west sides. To the north and south the site bounds onto neighbouring gardens. The site is otherwise generally level.

The current application is for an approval of reserved matters for consideration of access, appearance, layout and scale with landscaping to be reserved for further consideration.

Site History

There has been a previous application (M19174) for a new dwelling at this site, which was approved conditionally on the 23rd September 2003. This was in outline form with all matters reserved for future consideration. Within the decision notice an informative was included that stated the Authority considered that the site was only capable of being developed with one dwelling. Application M19174 was left to expire and another application 10/05253/OUT in outline form was submitted in 2010. Following negotiations further detail was negotiated, however the design was considered unacceptable and an approval was granted in outline form with all matters reserved for future consideration.

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.

This application was considered against policy G3 and G6 of the UDP and policies G3, G7 and H3 of the Local Plan. Local Plan policies will only be considered where they differ significantly from their UDP counterpart.

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)

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.

Principle of Development

The application is within the settlement development boundary of Gilwern as defined by the UDP and Local Plan; a previous consent was granted for a new dwelling under outline application M19174 at this site and there was an existing dwelling previously on the site that suffered extreme fire damage. Outline consent was granted for one dwelling under application 10/05253/OUT, which is extant. Surrounding the site are existing dwellings. On balance it is suggested that the principle of development is acceptable, the issue lies in the detail and how a dwelling can be accommodated within the curtilage. The proposal thus complies with criterion ii) of UDP policy G3 however, the detail must be assessed against other relevant policies in the UDP and any other material planning considerations.

Drainage

Policy G3 (viii) and (xii) and ES47 aim to ensure that development is covered by adequate services. Comments have been received from Dwr Cymru who have recommended conditions to be imposed on any grant for consent. Officers are therefore satisfied that the proposed development need not have a detrimental impact on the existing sewerage facilities within the area. In the interests of encouraging a sustainable form of development and in order to prevent hydraulic overload of the mains system a sustainable urban drainage system will need to be designed at detailed stage, this can be covered by condition.

Summary of issues

Therefore the main considerations in this case are the impact of the proposal on highway safety, the potential for impact on the amenity of the neighbouring properties and the visual impact of the proposed development within the context of the area.

Highway Safety

Policy G3(vii) and (ix) aims to ensure that adequate parking and turning facilities will be provided and that a proposal will not have an unacceptable impact on road circulation or highway safety.

It is apparent from the site history that access to the previous dwelling was via the east side and so it could be argued that the reinstatement of the existing access to provide for one dwelling would not lead to a significant impact upon highway safety.

Comments have been received from the local highways authority, who support the application with the access onto Fairhome, this access point is supported by the community council. Details have been provided in relation to the proposed access and these have been agreed within the local

highways authority. On balance it is therefore considered that the proposal for a new dwelling with access onto the east side of the site would not lead to a significant and detrimental impact on highway safety within the area. As such the proposal is considered to comply with the criteria of policy of G3 (and relevant local plan policies).

Neighbour amenity

Policy G3 (v) aims to ensure that the amenity of neighbouring properties and of the area is not detrimentally affected. Concern has been raised with regards the potential for overlooking of neighbouring properties. Following negotiations over the design these concerns have been alleviated, however in order to maintain the existing status of the neighbouring amenity conditions will need to be imposed removing permitted development rights to create windows to the side elevations other than those hereby approved and where necessary those windows hereby approved shall be conditioned to be obscure glazing. It is considered that there would not be a significant impact through a loss of light through the development. As such the proposal is considered to comply with the criteria of policy G3 and relevant local plan policy.

Visual impact

Policy G3 (iii) aims to ensure that development is appropriate in scale, design, layout and use of materials to its surroundings. Within the area are a diverse mixture of style of dwelling in terms of scale, massing and materials used. The scheme originally proposed on submission of the application was considered unacceptable however following negotiations requiring the reduction in the scale of the proposed development amendments and additional information have now been received.

The proposed dwelling is set back from the front of the site, however the neighbouring property to the north of the site is set further back, whilst the property to the south is set further forward. The proposed layout therefore creates a connection between the two street lines, which in this instance appears to work. The design has been drawn from the local context, which is mixed, however the proposal is considered now to be sympathetic in scale and character to the context of the area. The proposed materials are similar to the existing surrounding dwellings and are also considered acceptable.

On balance the proposed development, in visual terms would now be considered acceptable with regard to the character of the building and this rural setting. The proposal is therefore considered to comply with policies G3 and G6 of the BBNPA UDP and relevant local plan policies.

Conclusion

The principle of development has been established and the previous concerns relating to loss of amenity and scale and design have also been adequately resolved. No adverse comments have been received from the local highways authority and there are no objections from Dwr Cymru.

Officers are therefore of the view that the development proposed complies with the relevant criteria of policy G3 and G6 of the BBNPA UDP and policy G3 and G7 of the local plan. As such the proposal is hereby recommended for approval subject to the following conditions.

RECOMMENDATION: Permit

Conditions and/or Reasons:

- 1 Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP4v1 rcvd 30/11/2011; NP2v2, NP3v2, NP5v1 rcvd 1/2/2012; NP1v2, NP6v1 rcvd 6/3/2012), unless otherwise agreed in writing by the Local Planning Authority.

- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Notwithstanding the details hereby approved, no new openings (either window or doors) including additional roof lights, shall be inserted in either the north or south elevations (either side elevation).
- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, amending and re-enacting that Order) no development of the types described in Part(s) 1 Class(es) A, B, E, F, G and Part 2 Class(es) A, B of Schedule 2, other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
- 6 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009 (or such national measure of sustainability for house design that replaces that scheme. The dwelling shall not be occupied until a Final Code Certificate has been issued for it certifying that a minimum of Code Level 3 has been achieved.
- 7 The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

The landscaping scheme shall include:

- (a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.
- (b) Full details of all proposed fencing, screen walls, hedges, hard surfaces, earth moulding, tree and shrub planting.
- (c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained, in accordance with BS 5837:2005 Trees in relation to Construction.
- (d) A written specification clearly describing species, sizes, densities and planting numbers.

None of the existing trees and/or hedgerows on the site shall be felled or wilfully damaged or destroyed. The detailed plan to be submitted shall show accurately the position, spread and species of each existing tree/hedgerow on the site, how these are to be incorporated into the layout of the development and measures for their protection during the construction period. Trees should be protected using scaffold frame supporting wild mesh panel fencing sited on the edge of the Root Protection Area as defined in BS 5837:2005.

- 9 Foul water and surface water discharges shall be drained separately from the site
- 10 Land drainage runoff shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

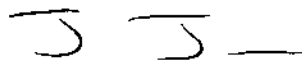
Reasons:

- 1 To enable the National Park Authority to exercise proper control over these aspects of the development.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To ensure that the materials harmonise with the surroundings.
- 4 In order to maintain the amenity of the neighbouring properties and prevent unacceptable over looking.
- 5 In order to safeguard the character and visual amenities of the locality.
- 6 In the interests of clarity and in order to encourage the creation of sustainable homes.
- 7 To prevent hydraulic overloading of the public sewerage system, pollution of the environment and in the interests of a sustainable form of development.
- 8 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 9 To protect the integrity of the public sewerage system
- 10 To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informative Notes:

- 1 The developer shall note if there are changes to the plans hereby approved due to building regulation requirements or any third party requirements, details should also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.
- 2 It is strongly advised that thorough site assessments are undertaken in relation to other constraints on and around the site which are not planning related but that you will need to consider and contact the responsible Authority or provider. These may include the location of utility infrastructure such as main sewers crossing the site, electricity lines, telephone lines, water pipelines (this list is not exhaustive).
- 3 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
- 4 Please note that prior to the commencement of any works approval will be required for the landscaping scheme.

Signed (Case Officer):
Mr Jonathan James
Senior Planning Officer (DC)



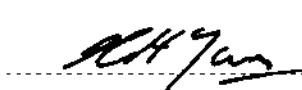
Date: 6/3/2012

Checked (Principal Planner):

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Date:

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



Date: 22/3/2012

