



BRECCON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 12/07799/FUL **Case Officer:** Mrs Kate Edwards
Site Notice Posted: 29th Mar 2012 **Consultation Date:** 19th Mar 2012
Date Valid: 12th Mar 2012 **8 Week Target:** 7th May 2012
Decision Type: Delegated Decision
Proposal: Retrospective Planning Approval for a system of retaining walls and the proposed cladding of the walls
Address: Grouse Cottage, Cymro Road, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Monmouthshire County Council Highways		No comments received.
Llanelly Community Council	4th Apr 2012	No objections.
Health And Safety Executive	20th Mar 2012	Do not advise against. Recommend contacting the pipeline operator.
Wales And West Utilities		No comments received.

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No comments received.

RELEVANT POLICIES

G3: "Development in the National Park" (Unitary Development Plan 2007)
G6: "Design" (Unitary Development Plan 2007)
Q21: "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)
H4: "Notifiable Installations" (Unitary Development Plan 2007)
LPG3: "Development in the National Park." (Local Plan 1999)
LPG7: "Design and energy conservation." (Local Plan 1999)
LPT14: "Recreational paths." (Local Plan 1999)
LPPU8: "Fuel and Power Supply" (Local Plan 1999)

PLANNING HISTORY

OFFICER'S REPORT

Site Description

Grouse Cottage is a residential study centre located on land allocated as open countryside. The centre is a former cottage.

The property is located in an elevated position with long distance views across the Usk valley towards Abergavenny and across the Clydach Gorge.

Proposal Description & Appraisal

The application seeks full planning permission to retain two retaining walls that have been constructed at the rear and to the side of the property. The planning application also proposes to clad the retaining walls in natural stone and top the walls with cock and hen coping. The external materials of the retaining walls are currently painted render and concrete slab coping.

The height of the retaining walls varies from 2.4 m to 0.7 m. The reason for the differences in height is due to the topography of the land near the property.

Further information submitted with the application

- A satisfactory Design and Access Statement has been submitted with the planning application.
- The proposed natural stone cladding will enhance and maintain the character and appearance of the cottage and surrounding area.
- The walls do not represent development that impacts on nearby habitat, landscape or protected species.

Officers Appraisal

Following statutory adoption of the Brecon Beacons National Park Local Plan 1999 (hereinafter called 'the Local Plan'), work on the Brecon Beacons National Park Unitary Development Plan (hereinafter called 'the UDP') commenced in 2000. The UDP was subject to all the statutory consultations and procedures associated with the preparation of development plans, including a local inquiry and an Inspector's report.

The Brecon Beacons National Park as Local Planning Authority (hereinafter called 'the Authority') received a direction from the Welsh Assembly Government (hereinafter called 'WAG') under Section 17(1) of the Town and Country Planning Act 1990 (as amended) in relation to the safeguarding of sand and gravel in the National Park. The Authority resolved not to comply with the WAG direction to modify the UDP as it was not considered that the quality of the resource had been adequately established or that the environmental constraints relating to the sites had been sufficiently considered.

The UDP was subsequently approved by the Authority for development control purposes in March 2007 and sets out the policies and proposals to guide development in this area from 2001 to 2016 and beyond. As a point of clarification, the direction from the WAG relates solely to sand and gravel issues and does not relate to any matters raised in this application.

Whilst the adopted Local Plan and its associated Structure Plans remain the formal statutory policy framework for the area, the UDP provides a more up-to-date and relevant planning framework in line with current National Planning Policy.

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 is, therefore, considered against policies G3, G6, Q21 and H4 of the UDP and policies G3, G7, T14 and PU8 of the Local Plan.

Constraints highlight that the site is within the consultation buffer zone of a Public Footpath (Policies Q21 and T14). The footpath is also the adopted public highway which runs near the site boundary. The existing walls or cladding does not represent any encroachment on to the road nor is there a need to use the road during the application of natural stone to the existing walls. There will be no detriment to the Right of Way and no further consideration will be given to Policies Q21 and T14.

Neighbour Amenity

Policy G3 (v) of the UDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area, adjacent properties or the general public.

The property is in an isolated position and there are no neighbouring properties. It is considered the proposed building will not create any detriment to the amenities of the public or neighbours and the requirements of the Policies are met.

Visual Amenity

Policies G3 (iii) aim to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Park's landscape and built environment. Policy G6 refers to design and states that development will be expected to meet the WAGs key design objectives and respond to the local context.

The current character and appearance of the retaining walls is considered to be unacceptable as the render and concrete slab coping is considered to be overly urban for the rural setting of the site. It is considered that the proposed natural stone cladding and cock and hen coping will ensure the character and appearance of the walls are acceptable and in keeping with the rural nature of the site.

It is considered that subject to the imposition of a condition ensuring the colour, texture coursing of the natural stone cladding is appropriate to the area, the proposal meet with the requirements of the above Policies.

Protected Species

Policy Q5, Biodiversity and Development requires that development will only be permitted where; i) the developer proves to the satisfaction of the NPA that there is no unacceptable loss or fragmentation of a characteristic habitat or landscape feature and/or increased isolation of important species as defined in the NPA's LBAP; ii) the developer identifies habitats and landscape features of importance for wildlife within the site and provides for the further creation, positive management, restoration, enhancement or compensation for these habitats and features to ensure that the site maintains its nature conservation importance; and iii) full provision is made for the future management of the site's habitats and features of nature conservation value. This will be secured either through planning obligations or the imposition of planning conditions.

No constraints relating to protected habitats or species have been highlighted. The retaining walls do not appear to be suitable as a habitat for species as there are no gaps available for species to inhabit. It is considered, therefore, that the requirements of the above policy are met. However, it is considered appropriate that a note explaining that Countryside Council for Wales should be contacted if any protected species are discovered is attached to any consent.

Notifiable installation – TRANSCO pipeline

Constraints indicate that the proposal falls within the buffer zone of the above pipeline. Policy H4 states development proposals affecting notifiable sites will not be permitted unless the NPA is satisfied that there is no risk to public health and safety, following consultation with the Health and Safety Executive (HSE) and other relevant bodies.

The HSE and pipeline operator Wales and West Utilities (WWU) have been consulted. The comments of the HSE are provided above and no comments have been received from WWU. Given the scale and location of the conservatory and the response of the consultees it is considered the proposal meets with the requirements of the above Policy.

Highway Safety

Policy G3 criterion vii) and ix) require that proposed development is compatible with the National Park road hierarchy in that it is within the capacity of existing approach roads, and does not have an unacceptable impact on traffic circulation or highway safety and adequate means of access and parking space can be provided to cater for the traffic generated by the proposal.

No comments or objections have been received from the Highway Authority. The walls are not adjacent to the public highway or interfere with the access from the site to the public highway. It is considered that no loss of parking will occur as a result of the retaining walls.

It is considered that the proposals meet with the requirements of the above policy.

Conclusion

Recommendation is one of consent subject to conditions.

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 and 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 12/03/12.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1vI received 12/03/12) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 All stone walling shall be carried out using either new or second-hand natural stone with appropriate colour, texture and weathering characteristics. Details of the source and samples shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The approved stone shall be laid on its natural bed with (in the case of second-hand stone) its undressed weathered face exposed on the external face, and shall be coursed and pointed.
The developers shall complete only the first three to five square meters of stone walling which shall be subject to inspection by an officer of the National Park Authority. Written approval must be obtained before further stone walling is undertaken. All subsequent walling shall closely match the approved sample walling in terms of colour, size and coursing and in colour, thickness and style of pointing.

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 In the interest of the character and appearance of the building and surrounding area.

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 Without the appropriate licence it is a criminal offence to harm or disturb many protected species of mammal (for example bats), reptile, amphibian, bird, plant and habitat. It is also an offence to disturb the nests or eggs of any wild bird during their breeding season. For further information about protected species visit www.ccw.gov.uk. If, during any works in relation to the development hereby permitted any protected species are discovered or nesting birds disturbed, works must immediately cease and the Countryside Council for Wales be contacted on 0845 1306229.

Signed (Case Officer):
Mrs Kate Edwards
Senior Planning Officer (DC)



Date: 01-05-12.

Checked (Principal Planner):



Date: 2/5/12

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



Date: 3/5/2012

