



BREC CON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 12/07919/FUL **Case Officer:** Mrs Kate Edwards
Site Notice Posted: 20th Apr 2012 **Consultation Date:** 24th Apr 2012
Date Valid: 30th Mar 2012 **8 Week Target:** 25th May 2012
Decision Type: Delegated Decision
Proposal: Retention of single storey side extension and external lighting. Demolition of existing porch and replacement with a canopy porch. Removal of slabs, replace with grass mesh, replace fence with wire
Address: Grouse Cottage, Cymro Road, Llanelly

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council		No comments received.
Monmouthshire County Council Highways		No comments received.

CONTRIBUTORS

David Noon, TY'r-ywen Farm,
Julie Turner, Penyrheol Cottage, Cymro Road
Cllr Giles Howard, GilesHoward@monmouthshire.gov.uk,

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

A number of comments of support and objection have been received. In summary the comments are:

- Supports the replacement of the fence with a stock fence, the removal of the concrete slabs and proposed grass mesh.
- The new extension is much better than the previous extension.
- The retaining wall system and engineering works are overbearing and unnecessary. They give an overbearing feel to the site.
- Noise from the site is a problem, when the accommodation was restricted to the cottage there had been no complaints from neighbours.
- There is no information regarding the education activities.
- There is no mains water at the site. There is a private water supply and too much water is being taken by education centre.
- There are only two combined small wet rooms available for 30 youngsters and 4 adults. These are insufficient facilities for the numbers using the site.

- There is only a non-mains sewerage system. One application form acknowledges this and the other suggests that the development will be connected to the existing system.
- The form states that no trees or hedges will be affected by the development. This is not the case and a tree survey is warranted.
- The site is next to a SSSI and SAC, the development proposals are not sympathetic to the environment.
- The applicants have not consulted with neighbours. The camping proposals are particularly unwelcome and there is a question regarding the appropriateness of the activity. The form notes that there will be 30 annual trips involving durations of up to 2 nights. It is not worth travelling to South Wales for such short trips and this aspect of the application requires clarification.
- The children are not adequately supervised as they are very noisy, often late at night and they enter private land.

The majority of the comments above relate to the planning application for the retention of the engineering works and change of use of land to camping area. The application regarding the retaining wall was decided prior to the receipt of any of the third party comments. Comments regarding the extension, trees, non-main sewage disposal and the nearby Site of Special Scientific Interest/Special Area of Conservation will be considered below. All other comments will be considered as part of the processing of planning application reference 12/07918/FUL.

Issues regarding the water supply are private matters between the parties involved and will not be considered as part of this planning application.

There are no hedges and trees there are no existing hedges and trees effected through this planning application. Whilst there may have been trees effected by the engineering works, no trees around the site are the subject of a tree preservation order. However, as there are significant numbers of old trees with holes in the trunks and such holes may be used by bats for roosting and hibernating it is considered prudent to contact Countryside Council for Wales. Countryside Council for Wales is the Authority with powers to enforce the protection of bats and it is considered important to ensure that an investigation regarding the possibility that bats could utilise the trees is taken into consideration before further works which may not require the benefit of planning permission are carried out.

It is not considered appropriate to question the applicants duration of visits against the time taken to travel to. The application form clearly states that the duration of any visit will be 2 days and if planning permission is granted this can be controlled by condition.

RELEVANT POLICIES

- G3:** "Development in the National Park" (Unitary Development Plan 2007)
- G4:** "Development Affecting Trees" (Unitary Development Plan 2007)
- G6:** "Design" (Unitary Development Plan 2007)
- Q1:** "Sites of European Importance" (Unitary Development Plan 2007)
- Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)
- Q21:** "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)
- Q25:** "Residential Education, Training and Outd" (Unitary Development Plan 2007)
- LPG3:** "Development in the National Park." (Local Plan 1999)
- LPG4:** "Development in the National Park." (Local Plan 1999)
- LPG7:** "Design and energy conservation." (Local Plan 1999)
- LPCL3:** "Wildlife and landforms." (Local Plan 1999)
- LPCL4:** "Wildlife and landforms." (Local Plan 1999)
- LPCL6:** "Wildlife and landforms." (Local Plan 1999)
- LPT1:** "Tourist, recreation and education." (Local Plan 1999)
- LPT14:** "Recreational paths." (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
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12/07918/FUL	Change of use of land to activities and camping associated with the education residential study centre for the use by Moseley School for the purposes of field study. Also the retention of associated engineering works and land profiling	Pending Consideration	
11/06753/CPE	Educational residential study centre for use by Moseley School for the purposes of field study	Application Permitted	16th Nov 2011
12/07786/FUL	Change of use of land to activities and camping associated with the education residential study centre (C2 Use) for the use by Moseley School for the purposes of field study. The retention of associated engineering works and land profiling.	Invalid Returned	Application 19th Mar 2012

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

This application seeks consent to retain or replace development which has taken place without the benefit of planning permission. The developments to be retained are: demolition of a single storey lean-to and replacement with a new single storey lean-to. Proposed development which is proposed to replace existing development that has been carried out without the benefit of planning permission are: the existing porch to be replaced, hardstanding to be replaced with grass mesh and provision of a fence with the current boundary fence and fencing which has been erected next to existing retaining walls. The development of the retaining walls has been regularised through the granting of planning permission under reference 12/07799/FUL.

Photographs submitted with this planning application show that there was a single storey lean-to constructed against the northern elevation of Grouse Cottage and that the existing lean-to is situated in the same location. The lean-to to be retained measures some 3.5 m wide, 8.4 m wide, 2.6 m to eaves and 3.6 m to ridge. The elevations of the lean-to are rendered to match the rear elevations of the building. The roof is slate and windows uPVC.

Floor plans submitted with the application show one room at first floor level to be used as a dormitory. At ground floor level are four rooms: two shower rooms, one kitchen and one classroom.

The hardstanding to be replaced is currently paved with reconstituted concrete slabs which are orange in colour. The planning application seeks consent to replace the existing slabs with mesh.

The fence which is located along the eastern boundary and adjacent to the retaining walls is wooden picket fencing. This planning application seeks approval to replace all the picket fencing with agricultural style pole and wire fencing.

Further information submitted with the application

- A satisfactory Design and Access Statement has been submitted with the planning application.

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, G4, G6, Q1, Q2, Q4, Q21 and Q25 of the UDP and policies G3, G4, G7, CL3, CL4, CL6, T14 and T1 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.

A number of objections, supportive comments and comments which are not material planning consideration have been submitted. A summary of the comments that have been received is provided above. Issues regarding the water supply and the sewerage disposal are not within the powers of this Local Planning Authority to address through this planning application. Issues regarding the water supply are a private matter between the parties involved.

There will be no increase in the numbers of people using the cottage as a result of the extension and other areas of this planning application. Increase in numbers of visitors will be considered in respect to the planning application regarding the use of the land associated with the cottage as a camp site. The planning application relating to the camping application is listed above with the site planning history.

Principle of Development

Policy Q25 requires that proposals to create a new residential education, training or outdoor pursuits centre (use class C2) or hostel or to extend an existing one will only be permitted if i) it is within a settlement, or if not it utilises an existing building, or in the case of an extension is within the curtilage of the building being extended; and ii) activities can be regulated by a legal agreement so that no harm will be caused to the Park's special qualities or its natural beauty, wildlife and cultural heritage.

The property is an existing education centre. This planning application represents the replacement of a lean-to with another and other works which are considered to be minor. As such it is considered the principle of the proposed development and retention of existing developments meets with requirements of criterion i) of Policy Q25 and that criterion ii) does not apply in the case of this planning application.

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 the nearest properties are 111 m and 185 m distant from the site. The comments regarding noise pollution are connected with the planning application for the proposed campsite and noise will, therefore, be considered as part of planning application 12/07918/FUL.

It is considered the proposed developments and those to be retained will not create any detriment to the amenities of the public or neighbours and the requirement of the Policy is 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 lean-to to be retained is considered appropriate in respect of scale, size, character and appearance is considered to be acceptable. The proposed porch is significantly more appropriate than the existing porch. The removal of the existing fencing and replacement with agricultural fencing and the removal of the existing concrete slabs and their replacement with grass-crete are considered acceptable.

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, Site of Special Scientific Interest, Special Area of Conservation and Trees

Policies Q1, Q2 and Q4 require that development proposals do not detrimentally impact on Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or protected species. The SAC which is some 350 m from the development site is designated as such due to the use of the area by bats.

Policy G4 requires that where planning applications are submitted on sites containing trees that are considered valuable to the amenity of the area the NPA will seek to ensure that: i) the trees and their root systems will be retained and adequately protected prior to, during and after, development

takes place; and ii) where it is agreed that trees are to be removed, replacements will be required, where appropriate. A scheme for replacement shall be agreed with the NPA prior to the commencement of development.

The DAS contains information regarding the potential impact on the SSSI and SAC and states that there will be no impact on the SSSI and that the external lighting needs to be upgraded to ensure protection of nocturnal species and that any lighting will be activated by movement. The DAS also contains a statement regarding the willingness of the applicant to plant of a hedgerow along the easterly boundary of the site.

The use of the cottage by bats has been considered. No comments have been received regarding the use of the property by bats.

There are no existing hedges and trees directly effected as a result of the development proposed in this planning application. There is a Yew tree located to the north of the Cottage and it is considered appropriate that a condition preventing the storage of materials associated with the proposals contained in this planning application are placed around the tree. Whilst there may have been trees effected by the engineering works, no trees around the site are the subject of a tree preservation order. However, there are significant numbers of old trees with holes in the trunks and such holes may be used by bats for roosting and hibernating. It is considered prudent to contact Countryside Council for Wales to make them aware of the possibility that the site could support a protected species, particularly given that the site is in close proximity to a SAC designated as an important habitat/area for bats.

Countryside Council for Wales is the Authority with powers to enforce the protection of bats and it is considered important to ensure that an investigation regarding the possibility that bats could utilise the trees is taken into consideration before any works which may not require the benefit of planning permission are carried out.

It is considered that through the imposition of conditions regarding external lighting and the planting of a hedgerow the proposed developments meets with the requirements of the above policies.

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 and the consultation period has expired.

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

Foul and surface water disposal.

Policy G3 xii) requires that proposed development does not have an unacceptable impact on surface waters or groundwater resources in either quality or quantity. Policy G3 viii) requires that adequate services exist, are reasonably accessible or can be provided without unacceptable detriment to existing users or the environment.

This planning application relates to physical development ^{and} does not represent an intensification of use of facilities at the cottage. _^

In respect of possible land contamination as a result of existing non-main sewage disposal that is broken or unsatisfactory, the Environment Agency Wales would need to be involved. Whilst planning permission would be required for any new sewage disposal plant the Brecon Beacons National Park Authority does not have the powers to enforce the requirement of a new system without the intervention of the Environment Agency Wales.

The Environment Agency Wales have published guidance regarding non-mains sewerage and do not wish to be consulted on planning application such as this.

It is considered therefore 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 ****. 30/3/12
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1 and NP3v1) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the commencement of any further development a scheme of lighting including methods of preventing light-spill, wattage of lighting and location of lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of the extension hereby approved and lighting of the site shall be provided in accordance with the approved scheme in perpetuity.
- 4 Prior to commencement of any further development plans and details of a hedge planting scheme, including details of plant spacing, protection and species, which will be located along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the next planting season after the approval of the scheme.
- 5 Any trees or plants which, within a period of 5 years from the date of planting that die are removed or become seriously damaged or diseased they 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
- 6 Prior to any further development on site or storage of construction materials or equipment on site plans illustrating the protection of trees in accordance with BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be fully implemented and approved by an officer of the Local Planning Authority before any further development commences. Once development has been completed the Local Planning Authority shall be informed in writing. The tree protection measures shall not be removed until approval is given in writing by the Local Planning Authority.
- 7 No external fires shall be lit within 20.0 m of any trees.

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 the development does not impact on a protected species and to ensure the rural characteristics of the area during the hours of darkness.
- 4 To achieve sustainable development through biodiversity enhancement and enhance the character and appearance of the site.

- 5 To ensure sustainable development through biodiversity enhancement and maintain the character and appearance of the site.
- 6 To protect and maintain biodiversity on and around the site and protect and maintain the character and appearance of the site.
- 7 To protect biodiversity on and around the site and protect the character and appearance of the site.

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.
- 3 Only the developments which will or have taken place within the red line shown on approved plan reference NPIv1 are the subject of this planning permission.

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


----- **Date:** 23.05.12

Checked (Principal Planner):


----- **Date:** 25/5/12

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


----- **Date:** 25/5/2012