



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 13/10007/FUL      **Case Officer:** Mr Jonathan James  
**Site Notice Posted:** 7th Oct 2013      **Consultation Date:** 27th Sep 2013  
**Date Valid:** 25th Sep 2013      **8 Week Target:** 20th Nov 2013  
**Decision Type:** Delegated Decision  
**Proposal:** Replacement of fire damaged dwelling.  
**Address:** Tall Trees , Waenllapria, Llanelly Hill

### CONSULTATIONS/COMMENTS

| Consultee                             | Received      | Comments  |
|---------------------------------------|---------------|---|
| Heritage Officer<br>(Archaeology)     | 22nd Oct 2013 | Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that no known historic or archaeological features will be affected by this development, and this application is unlikely to have any archaeological impact. No archaeological mitigations required. |
| Llanelly Community Council            | 15th Oct 2013 | The Llanelly Community Council wish to make No Objections as long as the Application conforms to the NPA policies.  |
| Monmouthshire County Council Highways |               |   |
| The Coal Authority                    | 3rd Oct 2013  | The Coal Authority Response: Material Consideration   |

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

NP Tree Consultant

## CONTRIBUTORS

## NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by the erection of a site notice and by letter to neighbouring properties. No objections have been received at the time of writing the report.

## 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)

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

**LPG6:** "Development in the National Park." (Local Plan 1999)

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

## PLANNING HISTORY

| App Ref | Description | Decision | Date |
|---------|-------------|----------|------|
|---------|-------------|----------|------|

## OFFICER'S REPORT

### Site Description and Proposal

The site is located within the settlement development boundary of Llanelly Hill as defined within the BBNPA UDP (2007) and Local Plan (1999). The site is bounded north and south by existing highways, both of which are recognised rights of way. The roads are no through accesses to further properties.

Immediately adjacent to the site (east boundary) is an existing dwelling (dormer bungalow) Highland View which, is a modern detached dormer bungalow. The land rises from the lane to the north towards the rear of the site. Highland View is sited above the existing host structure on Tall Trees. The site is dotted with trees, however from the officers site inspection there did not appear to be anything of any note.

The existing building has historically be known as Tall Trees and is a modest single storey bungalow which has suffered extreme fire damage. The building is <sup>un</sup>inhabitable and requires significant refurbishment to bring it back into habitable accommodation. *ceymosju.*

The application before the NPA is for the creation of a new dormer bungalow on the site, footprint to be 8.9m x 11m, 1.1m x 2.3m porch, 3.4m x 2.5m conservatory; 3.4m to eaves and 8.3m to ridge. The proposed materials would be manmade slate roof, painted render walls, natural clay facing brick plinth, hardwood cladding to dormers, UPVC downpipes, guttering, windows and doors.

## 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, Q21 and ES24 of the UDP and policies G3, G7, CL5, CL6 and H11 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:

- o Planning Policy Wales (PPW, 2012)
- o 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:

- o conservation and enhancement of natural beauty, wildlife and cultural heritage; and
- o 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.

There are a number of trees dotted across the site and from the tree survey report the species in existence range from a poor to a fair to poor physiological condition. With reference to the tree report and following the case officer's site visit it is considered that the trees on site offer little to the overall quality of the environment. However, if the proposed development were to suggest their removal whilst it would be prudent to seek replacements to enhance the quality of the environment their loss would not be detrimental. The proposal is to build the new dwelling on the existing footprint and protective barrier details in accordance with BS 5837:2012 trees in relation to construction recommendations have been included within the submission. It is considered that the proposed development would unlikely lead to the loss of the existing trees as the proposed dwelling will sit on the existing footprint. Therefore, it is considered that whilst the proposal is unlikely to impact on the existing trees a condition requiring the protection of the trees during construction in accordance with the details submitted and the replacement of any trees lost during the development would be required in this instance.

There are rights of way adjacent to the site on both the north and south boundaries; these however will remain unaffected by the proposed development.

The site is identified as lying within coal field limits, the response received from the Coal Authority however clarifies that the site does not fall within the defined development high risk area and is located within the defined development low risk area. This means that there is no requirement

under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted. If consent is granted, it will be necessary to include the CA's standing advice as an informative.

## Principle

In principle the site (a former bungalow which has suffered significant fire damage) is located within the settlement development boundary and so there is a presumption in favour of development providing there are no material planning considerations that indicate otherwise. As such the development proposed for the erection of a new dwelling is acceptable in principle.

## 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 proposal is to replace the existing (dilapidated) bungalow with a dormer bungalow. The proposed front elevation does not extend any further forward than that exists. The proposed dwelling will incorporate first floor windows where none existed before, however the elevation to elevation the nearest dwelling would be in excess of 30 metres away. There should therefore be no impact upon the amenity currently enjoyed by the residents of neighbouring properties.

## Highways

The site is within the settlement of Llanelly Hill and there is on street parking that exists to the front (north) of the property. No comments have been received from the local highways authority. It is considered that the proposed development is acceptable and complies with Policy G3 (vii) of the BBNPA UDP etc.

## Visual Amenity

Policy G3 (iii) aims 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 materials proposed match those of the existing property and that of the surrounding built environment.

Concern was raised at the overall height of the roof in relation to the height of the eaves, it was considered that the proportion between these two features creates a top heavy dwelling. Negotiations were entered into to try to achieve a scheme that would overcome this potential issue; for example the lowering of the ridge or the creation of a handed forward projecting gable element to break up and/or reduce the mass of the roof.

The applicant has clarified that they have taken their design scheme inspiration from the adjacent dwelling (Highland View), which exemplifies the same proportions of wall to roof ratio. They have also identified a number of similar design within both the locality and in other areas of the National Park as an example to support their design.

After further consideration it is considered, on balance, that the two dormer windows and the rooflight aid in breaking up the expanse of slate proposed and with reference to the neighbouring property that displays the same proportions the proposed development would be acceptable in this instance. As such the proposed dwelling is considered acceptable in term of visual impact and to meet with policies G3 and G6 of the BBNPA UDP and relevant Local Plan policies.

## Conclusion

Overall, it is considered that the provision of a dormer bungalow on this site will not lead to a significantly adverse impact of visual harm or on highway safety. Impact on neighbour amenity would be minimal. No adverse comments have been received from statutory consultees. The proposal is therefore in accordance with policies G3, G6 of the Beacons National Park Unitary Development Plan (UDP) and policies G3, G7 of the Local Plan (1999) and it is recommended that the application is approved subject to the following conditions.

**RECOMMENDATION: Permit**

**Conditions and/or Reasons:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP3v1 rcvd 19/9/2013), 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 In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the dwelling.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work) or any standard amending or revocating it].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - (c) The erection of a protective barrier/fencing, in accordance with BS 5837:2012 trees in relation to construction recommendations, for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- 5 The dwelling shall achieve a Code Level 3 EnI in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (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 Code Level 3 EnI has been achieved. The development shall be carried out entirely in accordance with the approved assessment and certification.

**Reasons:**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 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 preserve the character and amenity of the area.
- 5 In order to ensure the proposed dwelling reaches the appropriate sustainable homes code, to satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010).

**Informative Notes:**

1 The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

It should also be noted that this site may lie within an area where a current licence exists for underground coal mining.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

**Signed (Case Officer):**

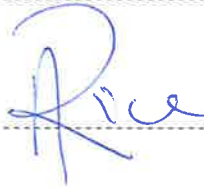
Mr Jonathan James  
Senior Planning Officer (DC)



**Date:**

1/11/13

**Checked (Principal Planner):**



**Date:**

1/11/13

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



**Date:**

5<sup>th</sup> November '13