

Brecon Beacons National Park Authority



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

NOTICE OF DECISION

Applicant/Agent:

Mr K Lloyd
K.J Lloyd- Architect
49 Coed Y Pia
Llanbradach
Caerphilly
CF83 3PT

Application Reference:

14/10731/FUL



**This permission does NOT
include approval under
Building Regulations**

In pursuance of its powers under the above mentioned Act, the Brecon Beacons National Park Authority (hereinafter called 'the Local Planning Authority') hereby grants **PERMISSION** for the following development:

“Replacement dwelling.” (Full Application) at 1 The Gardens, Gilwern, Monmouthshire, NP7 0BH

subject to the following condition(s):

- 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 and NP4v1) unless agreed otherwise 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 No development shall take place until details or samples of windows and rooflights have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 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, C, D and E of Schedule 2, other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
- 6 Prior to commencement of development, a full working method statement incorporating the construction measures recommended in Section 5 of the Merlin Bio-Surveys Bat Survey Report (June/July 2013) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved working method statement.
- 7 A bat specialist shall be retained to monitor the bat roost mitigation measures in the first year following the completion of the development. Within two months of the completion of the monitoring effort, a brief report should be issued to the Local Planning Authority presenting the results and any recommendations for localised remedial or improvement measures necessary to maintain/enhance the bat species and numbers.
- 8 No development shall commence until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 9 No development shall commence until details of the mitigation measures including their location on the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be installed prior to first use of the development and retained as such in perpetuity.
- 10 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'En1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
- 11 Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'En1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2010.
- 12 No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority, and these works shall be carried out as approved. Details of hard landscape works shall include, means of enclosure, vehicle and pedestrian circulation areas and hard surfacing materials. Details of soft landscape works shall include species of trees and shrubs, their sizes and positions, and the timetable for their planting. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 13 Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect, either directly or indirectly to the public sewerage system, unless otherwise agreed in writing by the Local Planning Authority.
- 14 The development shall be constructed in accordance with the Tree Survey, Constraints Plan and Tree Protection Plan prepared by Mackley Davies Associates Ltd (15th July 2013).

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 In the interest of the visual amenity of the area
- 4 In the interest of the visual amenity of the area
- 5 In the interests of visual amenity and to ensure for a satisfactory development.
- 6 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP
- To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006
- 7 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP
- To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006
- 8 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP
- To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006
- 9 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP

To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006

- 10 To satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010)
- 11 To satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010)
- 12 In order to protect the visual amenities of the area.
- 13 To prevent hydraulic overloading the public sewerage system
- 14 To safeguard the integrity of route system of the Sycamore Tree

Informative Notes:

- 1 Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at:
Cantref Court, Brecon Road, Abergavenny, NP7 7AX, Tel: 01873 737000
- 2 It is noted that the Merlin Bi0-Surveys Bat Survey Report (June/July 2013) states that a European Protected Species (EPS) license will be required in support of this development. A copy of a Welsh Government EPS License for the works should be provided to the National Park Authority for their information and records

Policies considered relevant to this decision:

Policy 1 Appropriate Development in the National Park (Local Development Plan 2013)
Policy 7 Protected and Important Wild Species (Local Development Plan 2013)
Policy 8 Trees and Development (Local Development Plan 2013)
Policy 9 Ancient Woodland and Veteran Trees (Local Development Plan 2013)
Policy 12 Light Pollution (Local Development Plan 2013)
Policy 24 Housing Requirement (Local Development Plan 2013)
Policy 25 Renovation of Former Dwellings in the Countryside (Local Development Plan 2013)
Policy 26 Demolition and Replacement of Dwellings (Local Development Plan 2013)
Policy 27 House Extensions and Ancillary Buildings (Local Development Plan 2013)
SLP1 Definition of Settlements (Local Development Plan 2013)
SLP2 Settlements Appropriate Development (Local Development Plan 2013)
SP6 Affordable Housing (Local Development Plan 2013)
SP9 Renewable Energy (Local Development Plan 2013)
SP10 Sustainable Distribution of Development (Local Development Plan 2013)
SP11 Sustainable Design (Local Development Plan 2013)
SP18 Sustainable Use of Land (Local Development Plan 2013)
Policy 61 Dwelling Density (Local Development Plan 2013)

Signed: 

National Park Authorised Officer

Date: 13th June 2014

Brecon Beacons National Park Authority

NOTES TO APPLICANT

Appeals to the National Assembly for Wales

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the National Assembly for Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

The National Assembly for Wales can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The National Assembly for Wales need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the National Assembly for Wales does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

If either the local planning authority or the National Assembly for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the National Assembly for Wales on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

Notes

Failure to adhere to the details of the approved proposals for development contained in this application, or to comply with any conditions or limitations subject to which this permission was granted, will constitute a breach of planning control. This may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990 (as amended).