



BRECCON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 14/10731/FUL **Case Officer:** Mr Lloyd Jones
Site Notice Posted: 1st May 2014 **Consultation Date:** 28th Apr 2014
Date Valid: 23rd Apr 2014 **8 Week Target:** 18th Jun 2014
Decision Type: Delegated Decision
Proposal: Replacement dwelling.
Address: 1 The Gardens, Gilwern, Monmouthshire

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly CommunityCouncil	13th May 2014	Community Council attending the site visit on the 16th May 2014 Would request an extension on the time, to allow the information to be collated and a formal response submitted in relation to this application.
Llanelly CommunityCouncil	13th May 2014	No objection
NP Planning Ecologist	7th May 2014	Recommendations If the appropriate mitigation measures can be clarified and this application is to be approved, I recommend the inclusion of planning conditions and informative notes to cover the following issues: 1. Prior to commencement of development, a full working method statement shall be submitted to the Local Planning Authority and shall be implemented as approved. Construction measures shall incorporate the recommendations in the ecological report, particularly those covered in Section 5. The mitigation and enhancement measures shall be undertaken and/or installed prior to first use of the development. 2. A bat specialist must 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 NPA presenting the results and any recommendations for localised remedial or

improvement measures necessary to maintain/enhance the bat species and numbers.

3. No external lighting shall be installed until an external lighting plan is submitted to and approved in writing with the Local Planning Authority. The scheme shall avoid conflict with bat mitigation measures and shall be implemented in full.

Informative note:

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: NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 01873 737000

Reasons:

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

NP Head Of Strategy
Policy And Heritage

15th May 2014

LDP Policy Context

The proposed development is primarily located within the settlement boundary for Gilwern as defined by the LDP Proposals Map.

Gilwern is defined by S LPI as a level 3 settlement. Policy S LP2 sets out the forms of development which are considered acceptable within a level 3 settlement. Level 3 settlements are defined as sustainable locations to accommodate development. Policy S LP2 sets out the forms of development that the BBNPA consider acceptable within such locations. Criteria 1 enables proposals that strengthen and enhance the mix of dwelling types and tenure options within the Settlement. As such this proposal is in keeping with this policy objective and the principle is sound/

Recommendation:

The principle of the development is in keeping with S LP2

The strategy and policy team have no objection to this proposal.

As always if you have any concerns relating to the contents of my observations, or require additional clarification of any point please do not hesitate to get in

contact.

NP Tree Consultant	22nd May 2014	No objection subject to condition
Monmouthshire County Council Highways		No response
Natural Resources Wales/Cyfoeth Naturiol Cymru	8th May 2014	No objection
Dwr Cymru Welsh Water - Developer Services	27th May 2014	No objection subject to conditions

CONTRIBUTORS

Mrs J Meredith, 5 Elms Grove, Gilwern
Giles Howard and Simon Howarth
Keith Jones, 3 Elm Grove, Gilwern
Linda Davies, 1 Elm Grove, Gilwern

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

Four letters of objection have been received and can be summarised as:

1. Not in keeping with existing dwellings in the immediate area.
2. Out of character with immediate area and impact on visual amenity of area.
3. Against policies in LDP as dwelling is larger than existing dwelling.
4. Proposal would dominate area.
5. Overbearing impact, loss of privacy, light and overshadowing.
6. Owner has planted a leylandi hedge and a suitable restriction should be applied.
7. Would set a precedent for future development.
8. The footprint of the bungalow is larger than the existing at 164%.
9. Proposal does not comply with paragraph 6.2.2.4 or policy 26 of the UDP in that the design, size and siting of proposal is not sympathetic to setting.
10. The substantial increase in the size of the premises is not within the spirit of the plan and is contrary to paragraph 6.2.2.4.
11. The increase of 286% of the existing property is too large and not sympathetic to the setting.
12. Does not comply with policies 8 and 9 regarding development affecting trees in that it will have an adverse effect on adjacent elm tree.
13. Loss of views and possible reduction in house value.
14. Could result in first floor being built over garage.

RELEVANT POLICIES

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)

PLANNING HISTORY

App Ref	Description	Decision	Date
13/09917/FUL	Replacement Dwelling	Application Withdrawn	17th Oct 2013

OFFICER'S REPORT

Introduction

This is a full planning application for the demolition of an existing bungalow and its replacement with a dormer style bungalow at 1 The Gardens, Gilwern.

Application Site

The existing property occupies a corner plot with frontage on to the Gardens and Common Road. The site has the maximum dimensions of 30m by 20m with the dwelling having a footprint of 14.0m by 6.5m. The bungalow is finished in render and a tiled roof. The street scene to the east comprises a row of similarly designed bungalows, whilst to the south is a row of two-storey detached dwellings. A two-storey detached dwelling is sited on the opposite side of the road to the north. A mature sycamore tree is located outside the application site at the junction with Common Road and The Gardens.

Proposal

The application details the demolition of the existing bungalow and its replacement with a detached dormer style bungalow. The proposed dwelling will measure 18.65m by 11.31m, and a pitched roof running parallel with Common Road is proposed rising from an eaves height of 2.2m to 6.7m. The dwelling is of simple proportions with small pitched roof dormers being provided at first floor facing Common Road. Windows are proposed at ground floor level in the rear elevation, with windows at ground floor and first floor side elevation facing The Gardens.

The exterior of the dwelling will be finished in brick work plinth with render above and a natural tiled roof. No alterations are proposed to the access, parking arrangements or boundary treatments.

Planning History

The previous planning application (13/09917/FUL) for a two-storey dwelling was withdrawn on 17th October 2013.

Planning Policy Context

The development plan for the area is the adopted Local Development Plan (2013) and this planning application is considered against policies 1, 7, 8, 9, 12, SLP 1, SL P2, SP5, SP9, SP10, SP11, 24, 26, 59, SP18 and 61.

The following national guidance has also been considered in the determination of this application:

- Planning Policy Wales
- Technical Advice Note 12: Design (2009)

Principle of Development

Gilwern is defined by S LPI of the Local Development Plan (LDP) as a level 3 settlement. Policy S LP2 sets out the forms of development which are considered acceptable within such a level 3 settlement. Policy S LP2(1) enables proposals that strengthen and enhance the mix of dwelling types and tenure options within the settlement. This proposal is considered to comply with the policy objective, thus the principle of a replacement dwelling is acceptable. This is a position endorsed by the Authority's Strategy, Policy and Heritage Section.

Impact on Character and Appearance of Area

Policy I (i) expects proposals to contribute positively to their setting and enhance the quality of the landscape without adverse impact on the natural beauty of the area. Policy 26 is also relevant in the replacement dwellings will only be permitted where the existing dwelling is of no particular architectural merit and the design, size and siting of the replacement dwelling is sympathetic to the setting.

The existing property is not considered to be of any particular architectural interest and within the surrounding area there are a number of different architectural styles, finished in a variety of materials. The scale and form of the proposed dwelling within the settlement is considered to be acceptable and the design approach adopted takes architectural hints from dwellings within the surrounding area. The proposal is therefore considered to comply with policy 26 of the LDP.

Notwithstanding the above representations have been made by third parties in relation to paragraph 6.2.2.4 of the LDP, which states "*in particular, proposals for a replacement dwelling in excess of an increase of 30% of the cubic content of the original dwelling (over and above that allowed under permitted development rights where relevant) would be considered contrary to CYD LP 1, SP1 and SP3.*"

As identified above the site is located within a level 3 settlement, and policy S LP2 enables the provision of new dwellings. It is considered that paragraph 6.2.2.4 relates specifically to replacement dwellings in open countryside, as defined by policy CYD LPI. As a result, in the consideration of this application, greater weight has been given to policy S LP2 of the LDP which supports the creation of new dwellings within the settlement boundary. The proposed replacement dwelling is considered to be commensurate to the size of the plot and respects the grain of the surrounding development.

The dwelling will be a high quality addition to this street scene and one that will add interest and create an interesting street frontage at the junction of The Gardens and Common Road. The design, scale, form and layout of the proposed dwelling is considered to be appropriate to its immediate surroundings and one that will enhance the character of the existing street scene.

The proposal is considered to comply with policies I(i), 26 and 61 of the LDP.

Neighbour Amenity

The nearest residential properties are No. 2 The Gardens, 1 Elm Grove and 3 Elm Grove. The side elevation of No.2 The Gardens will be sited 4.2m off the rear elevation of the dwelling, which is the same distance as the existing bungalow. The proposed dwelling will have a ridge height of 6.7m and due to the pitch of the roof slope it is considered that there will not be any overbearing impact on the adjacent property. Windows and doors are proposed in the rear elevation, but due to the existing boundary treatment there will not be an unacceptable impact on the amenity of this property through loss of privacy, overshadowing, or loss of light.

The side elevation of the attached single-storey garage will be sited 11.0m off the rear elevations of No.1 and 3 Elm Grove and no windows or doors are proposed in this elevation facing this property.

It is considered that there will be no detrimental impact on the level of amenity enjoyed by this property through any unacceptable overbearing impact, overshadowing, loss of privacy or light.

A detached property known as the Kennels is sited 19.2m to the north. Windows are proposed in the side elevation and first floor elevation facing this property, but due to the presence of the highway and distance involved there will be no detrimental impact on the amenity of this property through overshadowing, loss of privacy or light.

Sustainable Development

Policy SP11 refers specifically to sustainable design. A Code for Sustainable Homes Pre-Assessment Report has been provided, which identifies that the dwelling will achieve a code level 3. In accordance with the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010), appropriate word conditions will be added to ensure that the proposed dwelling will achieve Code for Sustainable Homes Level 3 and at least 1 credit under ENEI dwelling emission rate.

Highway Safety

Policy 59 (Impacts of traffic) states that, development will be permitted where appropriate access could be achieved. The principal point of this policy is whether there would be an unacceptable impact on road safety.

In relation to highway safety, it is considered that the provision of a replacement dwelling utilising an existing access point will not have an unacceptable impact on highway safety.

Biodiversity

Policy 7 relates specifically to protected species and that proposals on land or buildings that support protected or important species will only be permitted where:

- i. the need for the development outweighs the nature conservation importance of the site, and in the case of European protected species, the criteria for derogation under the Habitats Regulations are met; and
- ii. positive measures are provided to contribute to species and habitat conservation targets; and
- iii. the developer proves to the satisfaction of the NPA that
 - a) the disturbance of the species and habitat in terms of the effect on species survival and reproductive potential or habitat function will be kept to a minimum; or
 - b) alternative areas are provided to sustain at least the current levels of populations or size of habitat affected by the proposal.

A Bat Survey prepared by Melin Bio-Surveys (June/July 2013) has been submitted in support of the application, which found evidence of a pipistrelle bat roosting in the building. Paragraph 5.1.4 of this report identifies that the proposed mitigation will be in the form of an integrated roost. Details were requested of the precise location of the roost and the elevation that it will be sited. However, at the time of writing this detail has not been forthcoming. Nevertheless, the mitigation proposed is deemed acceptable and this detail can be secured by condition.

The National Park Ecologist and NRW have no objection to the proposal subject to conditions and accept the recommendations presented in the Bat Survey report. The proposal is considered to comply with policy 7 of the LDP.

Trees

Policy 8 of the LDP relates to trees and development and that trees that are worthy of protection area adequately protected before, during and after construction.

A Tree Survey (Mackley Davies Associates Ltd) has been submitted in support of the application, which confirms that the dwelling could be constructed with the safe retention of the sycamore. The

National Park Tree Consultant has reviewed the survey and had no objection to the proposal subject to a condition relating to the provision of a no dig construction for the paved area. This will be conditioned accordingly.

Third Party Representation

In relation to the concerns raised by third parties the report above has addressed many of the issues raised including the impact the replacement dwelling will have on the character of the area and on the residential amenity of adjoining properties. Consideration has also been given to policy 26 of the LDP and in particular paragraph 6.2.2.4, which relates to a 30% volume threshold, but it is considered that this applies to replacement dwellings in the open countryside and greater weight has been attached to policy S LP2 of the LDP. In any event, it is considered that the proposal replaces a tired and dated bungalow and will ultimately enhance the character of the street scene. The proposal will not undermine the integrity of the root system of the adjacent tree and appropriate condition will be added to any planning permission to safeguard this. With regards concerns relating to the first floor being built over the garage, permitted development rights for extensions and outbuildings will be removed to ensure the LPA retains control over this. It should be noted that the loss of a view and the potential impact on house prices are not relevant material planning considerations.

Conclusion

Overall it is considered that the removal of the existing dwelling and its replacement with a dwelling would improve the appearance of this street scene and the character of the area. The proposal will have no impact on neighbour amenity, biodiversity, trees and highway safety. The proposal is considered to be in accordance with policies 1, 7, 8, 9, 12, SLP 1, SL P2, SP5, SP9, SP10, SP11, 24, 26, 59, SP18 and 61 of the Local Development Plan.

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 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 'Enel - 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 'Enel - 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 BiO-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

Signed (Case Officer):
Mr Lloyd Jones
Senior Planning Officer (DC)




Date: 11/6/14

Checked (Principal Planner):



Date: 12/6/14

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



Date: 13/6/14
