



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 14/11049/FUL      **Case Officer:** Mr Jonathan James  
**Site Notice Posted:** 23rd Jul 2014      **Consultation Date:** 24th Sep 2014  
**Date Valid:** 11th Jul 2014      **8 Week Target:** 5th Sep 2014  
**Decision Type:** Delegated Decision  
**Proposal:** Construction of a pair of semi detached dwellings and a single detached dwelling with associates access.  
**Address:** Land Adjacent To Ashtree Cottage, Llanelly Hill, Monmouthshire

#### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Monmouthshire County Council Affordable Housing		
Llanelly Community Council	5th Aug 2014	No Objection

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27-08-14 -

I have been asked by the Chairman and Members of Llanelly Community Council, to inquire if a section 106 agreement has been entered into between the applicant and the NPA relating to the above application.

Monmouthshire County Council Building Control

Monmouthshire County Council Highways

NP Head Of Strategy  
Policy And Heritage

5th Aug 2014

The development plan for the area is the Brecon Beacons National Park Local Development Plan 2007-2022 (hereafter LDP) which was adopted by resolution of the National Park Authority on the 17th December 2013.

My observations relate to the proposals compliance with the strategy and policy of the LDP.

#### Proposal

The proposal seeks the development of 3 residential units on an area of vacant land.

The proposal is located within the settlement extent of Llanelly Hill as defined by the LDP Proposals Map. Llanelly Hill is listed as a Limited Growth Settlement by policy LGS LPI of the LDP. Limited Growth settlements are defined by the strategy as those settlements which do not contain sustainable development options but have some need for small scale growth to meet local needs only. The strategy position is implemented by policy LGS LP2 which sets out the forms of development which would be considered acceptable within a limited growth settlement. Criteria 1 of this policy makes provision for proposals that result in the creation of new dwellings to meet an identified and evidenced local need for affordable housing, which will be met in perpetuity (emphasis added).

6.3.2.1 of the LDP defines affordable housing as either being

- Social Rented housing which are define as properties provided by local Authorities and Registered Social Landlords (RSLs) for rental at the Welsh Government Guideline Rents and Benchmark Rent Levels (or equivalent); and
- Intermediate housing where prices or rents are above those of social rented housing but below market housing prices or rents, such as properties available for intermediate rent or for low cost home ownership in accordance with Welsh Government or other recognised criteria. This can include equity sharing schemes (for example Home buy) Intermediate housing differs from low cost market housing, which the Welsh Government, and the NPA, does not consider to be affordable housing for the purpose of the land use planning system.

I note from the application form that this development will supply 3 new units for social rent. However no detail is provided as to the mechanism by which this

element of the proposal will be managed, neither is there sufficient detail setting out the device by which occupancy of the units will be controlled in perpetuity. Without this information the units are affordable in name only, they cannot be considered to contribute towards meeting the need for affordable housing in the vicinity in perpetuity and as such do not comply with the policy requirements of the LDP.

It is requested that the applicant provide additional information to support this application, namely

- The mechanism by which the proposal will be managed as social rented housing including how occupancy will be controlled to those individuals with a 'local connection' (as defined by MCC Housing Authority)
- The mechanism by which the affordable element will be secured in perpetuity.

On receipt of this information I request strategy and policy are re-consulted

Recommendation:

In principle the development may be acceptable at this location, however further detail is required to ensure that the proposal does comply with the definition of affordable housing as defined by National Planning Policy and the LDP.

Bettina Broadway-Mann 30th Jul 2014

I have considered the submitted application information, including the tree report by Steve Ambler.

My comments are as follows:

- 1) The site layout and sections plan (drawing no. 1015(06)13) shows an area of excavation to be carried out and a retaining wall built running parallel to Hedge 2 to the rear of plots 1 and 2.
- 2) Paragraph 10.2 and 10.3 (p12) of the tree report recommends that protective fencing should be erected to protect the hedges during construction, and that a tree protection plan and arboricultural method statement will be required.
- 3) Although of low value with regards to tree quality, the hedgerows have some importance with regards to biodiversity and screening properties.

Overall I have no objections to the scheme, provided that

a tree protection plan and arboricultural method statement are provided, approved in writing by BBNPA and implemented on site prior to any pre-construction site clearance or construction works commencing on site.

It should be possible to condition the Tree Protection Plan and Arboricultural Method statement.

Monmouthshire County  
Council Waste  
Management

The Coal Authority

28th Jul 2014

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 Recommendations 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.

Dwr Cymru Welsh  
Water - Developer  
Services

14th Oct 2014

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE Conditions Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system. No surface water shall be allowed to connect,

either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**Advisory Notes** Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW. Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com) Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Our response is based on the information provided by

your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

## **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/comments have been received at the time of writing the report.

## **RELEVANT POLICIES**

SPI	National Park Policy
Policy I	Appropriate Development in the National Park
LGS LP1	Definition of Limited Growth Settlements
LGS LP2	Limited Growth Settlements Appropriate Development
LGS LP3	Limited Growth Settlements Mitigating Impact
SP6	Affordable Housing

## **PLANNING HISTORY**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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## **OFFICER'S REPORT**

### Site Description

The application site is located within the settlement extent of Llanelly Hill as defined by the LDP Proposals Map. Llanelly Hill is listed as a Limited Growth Settlement by policy LGS LP1 of the LDP.

The site is located within an area of land bounded on three sides by mature hedgerow and trees, with a step down in topography from south west to north east. Access would be onto the adjacent minor road bounding the north of the site. To the north on the other side of the supporting highway are existing dwellings, ranging from a modern detached dwelling on a relatively large plot to a more traditional terrace of cottages. The existing dwellings within this area are predominantly finished in a roughcast render with slate roof (albeit reconstituted slate) and UPVC double glazed windows.

### Proposal

The proposal seeks the erection of a single detached dwelling and a pair of semi-detached dwellings, totalling three dwellings on site. The details include the parking and access arrangements.

### Appraisal

This application was considered against the adopted policies of the Brecon Beacons National Park Authority Local Development Plan (2013). 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, 2014)
- o Technical Advice Note 12 Design (2014)

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.

#### Highways

Policy 59, (Impacts of traffic) of the BBNPA LDP (2013), states that development will be permitted where appropriate access could be achieved. Instances where access will be considered to be inappropriate are [c] where there is an unacceptable impact on road safety. The principle point of this policy is would there be an unacceptable impact on road safety.

Whilst the proposed development would create an increase of traffic movements onto a minor road the local highways authority have been consulted and have not responded. It is considered that the level of increase of traffic onto a relatively quiet highway through an improved access would not have a significant impact on highways safety. There is adequate parking and turning on site to allow traffic to leave in a forward gear.

On balance and with due regard to the fact that the local highways authority has not objected to the proposed development it is considered that the proposal would meet the requirements of LDP Policies SP17 and Policy 59.

#### Neighbouring Amenity

The proposed dwellings would sit gable elevation to the neighbouring properties and would not create a significant loss of amenity through either overlooking or through over-dominating. No objections have been lodged by neighbouring occupiers on the grounds of any perceived loss of residential amenity. Therefore the potential for impact on the amenity of the area is considered not an issue.

#### Visual Impact

The proposed dwellings are of a similar scale and design to that of existing housing stock within the area and reflect similar properties within the area through the use of materials and feature detailing. The site is bounded by mature hedgerow and trees and these would be generally maintained.

The proposed units would sit well within the streetscene and on balance are considered to fit visually

within this context.

#### Principle of development

The proposal is located within the settlement extent of Llanelly Hill as defined by the LDP Proposals Map. Llanelly Hill is listed as a Limited Growth Settlement by policy LGS LPI of the LDP. Limited Growth settlements are defined by the strategy as those settlements which do not contain sustainable development options but have some need for small scale growth to meet local needs only. The strategy position is implemented by policy LGS LP2 which sets out the forms of development which would be considered acceptable within a limited growth settlement. Criteria 1 of this policy makes provision for proposals that result in the creation of new dwellings to meet an identified and evidenced local need for affordable housing, which will be met in perpetuity.

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The design and access statement states that the development will provide high quality affordable housing that is commensurate with the requirements of the local planning authority. The application form further confirms that the proposed development would provide three (two bed) social rented dwellings. However, as identified by the NPA Policy Officer the application does not detail the mechanism by which this element of the proposal will be managed, neither is there sufficient detail setting out the device by which occupancy of the units will be controlled in perpetuity. Without this information the units are affordable in name only and they cannot be considered to contribute towards meeting the affordable housing in the vicinity and as such does not comply with the policy requirements of the BBNPA LDP (2013).

Further detail was requested from the applicant/agent on the 20th August 2014 in order to assess the development against the policy of the LDP. To date the additional detail has not been submitted. Since requesting the original detail further correspondence has been sent requesting either withdrawal or provision of the outstanding detail. The applicant has during the course of time confirmed verbally that they wished only to build the semi-detached dwellings in order to finance the third to live in.

The applicant's agent has approached the Senior Strategy and Policy Officer of MCC who has confirmed in the first instance that they do not currently have a need for affordable housing in that area. On seeking clarification on these comments a further statement was issued stating that their housing register identified a total need of 39 units for the area, of which 15 needed 2 beds. They also identify that RSL's are not willing to undertake development in the Llanelly Hill area and that MCC would not allocate a grant to a site in this area. Whilst such negative comments may prove to be a restriction on completing such a development in this location it clearly identifies that there is an affordable housing need for the area. The current application fails to detail how the proposed units will comply with the definition of affordable housing as defined by National Planning Policy and the LDP.



The proposal will result in a net gain of an additional three dwellings within a Level 4 Limited Growth Settlement. Policy SP6 requires all proposals in a level 4 settlement to be limited to affordable housing only. As the application has not provided sufficient detail to demonstrate that the units will provide 100 percent affordable housing in-perpetuity the proposed development does not meet with the requirements of policy SP6 of the LDP (2013).

**Conclusion**

The proposal is for three dwellings in a defined Limited Growth Settlement; that is a settlement where proposed new development should add to the sustainability of the community in which a development site is located. In this instance the creation of three dwellings should add to the affordable housing stock of an area (in perpetuity), which it is considered that this application proposal fails to demonstrate. It is therefore considered that there is a lack of supporting evidence to confirm how affordable housing will be delivered at this site. The proposal is therefore contrary to policy LGS LP2 and SP6 of the LDP (2013) and is hereby recommended for refusal.

**RECOMMENDATION: Refuse**

**Conditions and/or Reasons:**

**Reasons:**

- 1 The proposal is for three dwellings in the Limited Growth Settlement of Llanelly Hill as defined by the Brecon Beacons National Park Local Development Plan (2013), where proposals that result in the creation of new dwellings will only be allowed if they meet evidenced local need for affordable housing. The proposal fails to demonstrate that the units will provide 100 percent affordable housing in-perpetuity and is therefore contrary to policies LGS LP2 and SP6 of the Brecon Beacons National Park Local Development Plan (2013) and Planning Policy Wales (2014).

**Informative Notes:**

**Signed (Case Officer):**

Mr Jonathan James  
Senior Planning Officer (DC)

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\_\_\_\_\_  
**Date:** \_\_\_\_\_

**Checked (Principal Planner):**

*Helice*  
\_\_\_\_\_  
**Date:** *3/11/14*

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

*J. W. Williams*  
\_\_\_\_\_  
**Date:** *10/11/14*

