



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 14/11607/FUL **Case Officer:** Ms Tamsin Law
Site Notice Posted: 17th Dec 2014 **Consultation Date:** 15th Dec 2014
Date Valid: 12th Dec 2014 **8 Week Target:** 6th Feb 2015
Decision Type: Delegated Decision
Proposal: A new 3 bed detached dwelling within the grounds of 19 Fairhome, Gilwern.
Address: 19 Fairhome, Gilwern, Monmouthshire

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Natural Resources Wales/Cyfoeth Naturiol Cymru		No response received
Llanelly Community Council	22nd Dec 2014	Please find below the observations and any recommendations from Llanelly Community Council regarding the above application. Llanelly Community Council would be grateful if you would take into account these observations and report them to the Planning Committee. Should the National Park Authority be minded to grant permission for the above Application. Llanelly Community Council would recommend that the following matters are controlled by means of appropriate planning conditions. Comments: The Chairman and members from Llanelly Community Council request that this application is differed until after the Christmas recess. This will enable the council to contact other partners and outside agencies

19-01-15

The Community Council held a site meeting on Wednesday, the 13th January 2015.

Members considered the application and recommend that the application is refused on the following grounds.

The proposed dwelling by its orientation and design, bulk and scale is out of scale and character with the dwellings in the surrounding area. The dwelling in this on the site of road used by all types of vehicles and the visibility is restricted to the west of the site.

The existing houses were developed in the 1960's, and the proposed dwelling will be out of keeping with the existing dwelling and design and site layout. Llanelly Community Council members also believe the proposed dwelling will detract from the immediate street scene and the overall appearance will change the character of the landscape of the area.

Therefore the proposed application would be in conflict with a number of NPA policies, Policy G3: i) iii) v), Policy G6: ii). Concern was also expressed that the application would be in conflict with Policy. The application fails to meet the principles of Policy ES26 ii) as the proposed dwelling has no particular regard to the effect on neighbouring properties.

Health And Safety
Executive

7th Jan 2015

Commenting

NP Head Of Strategy
Policy And Heritage

8th Jan 2015

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 construction of a new three bedroom dwelling on land currently utilised as garden to 19, Fairhome, Gilwern.

LDP Policy Context

The proposal is located within the settlement boundary

for the Settlement of Gilwern as shown on the LDP Proposals Map. Gilwern is listed as a Settlement within the LDP. That is to say, it is recognised as a location which is a suitable location to accommodate small scale development to support community socio-economic sustainability in keeping with the environmental capacity of the National Park.

Policy S LP2 sets out the forms of development that would be acceptable in meeting the strategic objectives of the future development of LDP settlements. Criterion 1 of this policy enables proposals which strengthen and enhance the mix of dwelling types and tenure options within the settlement. As such, the principle of this development is sound, subject to the following policy considerations.

Affordable Housing Contribution

All proposals which result in the net creation of dwellings will be required to make a contribution towards affordable housing. This is implemented through Policy 28 of the LDP which sets out that the contribution will either be through on site provision, a commuted sum, or a mix of both mechanisms. The implementation of this policy is supplemented by the Affordable Housing Supplementary Planning Guidance (BBNPA September 2014).

Gilwern lies within Abergavenny, Hay and Crickhowell Submarket area

Within this area the level of contribution is 30% of the total development.

In accordance with Step 4 of the pre-application process set out in the draft SPG where the contribution towards affordable housing equates to a fraction of a whole unit, the contribution will be made through the payment of a commuted sum to the National Park Authority. This contribution will be used to fund affordable housing schemes within the National Park area. As this proposal is for 1 dwelling it is considered that onsite provision is not feasible as such to meet the requirements of Policy 28 the proposal will be subject to a financial contribution towards affordable housing.

Appendix 5 of the draft SPG sets out the formula for the calculation of the commuted sum thus.

Commuted sums are calculated on the basis of a

percentage of Welsh Government Acceptable costs Guidance (ACG). ACG issued by the Welsh Government is a recognised measure of the cost of providing affordable housing in different communities in Wales.

Therefore the calculation of commuted sums is based on the principle of equating the developer contribution with the accepted Welsh Government Grant level of 58% of the ACG.

The formula for the calculation for the calculation of the commuted sum will therefore be

$$\text{Committed sum Contribution} = A \times B \times C$$

Where

A= number of units

B= 58% of ACG (for relevant property type and band area)

C= 30% of relevant submarket area,

For the above proposal, the following applies

A= 1 unit

B= Gilwern is located within ACG Band 3. A 4 person, 3 bedroom house within band 3 has an ACG of £140,100. 58% of ACG equates to £81,258

C= 30% total contribution

As such the calculation is as follows $1 \times 81,258 \times 0.3 = £24,377.40$

This contribution must be agreed by S106 on the grant of planning permission. Failure to do without agreement by the NPA will result in the proposal failing the requirements of LDP policy 28 and the strategy and policy team would uphold an objection to the proposal.

In accordance with appendix 4 of the draft SPG if it can be reasonably demonstrated in writing by the applicant to the satisfaction of the NPA that there are significant factors which mean that the scheme is unviable at the target affordable housing contribution as set out in policy 28, the NPA will seek to verify this using the 3 Dragons Development Appraisal Toolkit (or equivalent process) with a final recourse to the District Valuer. Disputes of viability referred to the District Valuer will be charged at cost to the Developer. Affordable Housing will still be

required at a level proven to be viable through the above verification process.

Recommendation:

The principle of the development is acceptable subject to the provision of the above stated affordable housing contribution.

Monmouthshire County Council Highways 21st Jan 2015

PROPOSALS AND COMMENTS

The proposal will not have an adverse effect on the existing access and parking for number 19.

The existing access and its location does not offer the opportunity to use the same for access to a new plot in the garden, therefore the proposal is to create a new access point onto the classified highway of CaeMeldon.

The existing properties along this highway especially at or in the vicinity of the proposal have direct points of access served off Cae Meldon. Very few have the benefit of providing parking and turning within their site, however most do provide adequate parking within.

With this in mind, I have visited the site and examined the proposals as submitted.

The applicant has provided sufficient parking spaces to be compliant with the national park requirements and have provided a small turning area within the site. The fence line has been amended to provide visibility from this parking area for both the site and the existing highway users.

It is not clear however how the access interacts with the street lighting column which has not been drawn on the proposal.

If the lighting column is required to be moved to support the application, prior approval is required from the street lighting engineer and a suitable relocation found. The cost will be the responsibility of the applicant should it be successful.

The proposed garage is smaller than Monmouthshire now recommends, however it is for the BBNP to decide on its size suitability.

The applicant would be responsible for access /egress of surface water adversely affecting the highway and driveway as a consequence of any development.

RECOMMENDATION

Subject to the above comments being addressed, there are no adverse comments I would wish to make.

Please note the following;

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via the MCC Highways.

Monmouthshire County
Council Environmental
Health

No comments received

Dwr Cymru Welsh
Water - Developer
Services

I refer to your email and the applicant's agent dated 12th January – I note the Mr Archer's comments however the method of draining the site has still not been confirmed. In order for us to comment I suggest the applicant/agent provides clarity around this aspect.

Notwithstanding the above, I must take the opportunity to address the inaccuracies of Mr Archer's email in regard to drainage matters. I see it prudent to advise on our position and recommend you share with the applicant and agent.

Firstly, the site would not drain to Llanfoist Waste Water Treatment Works, but would drain to Aberbaiden Works.

Secondly, the agent implies that the applicant benefits from an absolute right to communicate to the public sewer under s106 of the Water Industry Act. However, I must refer you and the agent to the Supreme Court Judgement relating to Barratt Homes Limited (Respondents) v Dwr Cymru Cyfyngedig (Welsh Water). The case centred on whether the provisions of the Water Industry Act 1991 (WIA91) provided certain controls to the Sewerage Undertaker for those who wished to connect to the public sewer. The Court of Appeal judgement was supported by the Supreme Court and they had to solely concentrate on the statutory construction of section 106 WIA91 and this is what

ultimately was determined by the respective courts. The respective courts found that under section 106 WIA91 a right to connect was generally established with little control being available to the sewerage undertaker to prevent adverse consequences, e.g. flooding and pollution occurring. I draw your attention to point 42 of the judgement, which states:

“The Court of Appeal suggested that the practical answer to this problem lies in the fact that the building of a development requires planning permission under the Town and Country Planning Act 1990. The planning authority can make planning permission conditional upon there being in place adequate sewerage facilities to cater for the requirements of the development without ecological damage. If the developer indicated that he intends to deal with the problem of sewerage by connecting to a public sewer, the planning authority can make planning permission conditional upon the sewerage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load... Such conditions are sometimes referred to as Grampian conditions after the decision of the House of Lords in Grampian Regional Council v Secretary of State for Scotland [1983] 1 WLR 1430. Thus the planning authority has the power, which the sewerage undertaker lacks, of preventing a developer from overloading a sewerage system before the undertaker has taken steps to upgrade the system to cope with the additional load.”

The earlier Court of Appeal judgement which is endorsed by the Supreme Court goes further, when referring to where the control of a new communication to public sewer rested, specifically where the communication was likely to or would result in flooding and pollution, Lord Justice Pill said *“the respondent [Welsh Water] can expect to have the protection in the planning process, as can the public interest”*

In light of the above therefore, I can only reiterate the crucial importance of the planning process to us as a Statutory Undertaker, in so far as the provision of

effective drainage conditions can assist in ensuring that the public sewerage network can be protected in the interests of our existing customers and the environment.

Finally, the agent makes reference to the possibility of a septic tank/on site treatment facility. Contrary to the agents email we would neither encourage or discourage the use of on-site treatment as this is a matter for the developer. However, if it is the intention to pursue this option then we would have no comment to make but recommend you liaise with Natural Resources Wales.

Please do keep in touch and we are happy to attend a meeting with the agent/applicant should they wish to understand more around our position.

CONTRIBUTORS

Derek Oldfield, 36 The Halfpennys, Gilwern
Mr Brian Kemp, ,
Mr And Mrs L W Isaac, 2 The Halfpennys, Gilwern
Glynis Shankland, 1 The Halfpennys, Gilwern

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised through the erection of a site notice and through direct neighbour notification. Several objections have been received and are summarised below;

- The proposed development would result in a very densely housed piece of land with two properties squashed in to a very small space.
- The proposed development is not in keeping with the settlement character of Gilwern - space and isolation are common themes in national policy and placing large properties in to small areas of land detracts from the feeling of space and appearance of the street
- The property would detract from the appearance of the locality
- The feeling of the area would be very much one of congestion and dense building proximity if the property were to be built.
- Concerns regarding highway safety have been raised in relation to the proposed access and its impact on Cae Meldon
- Concerns over pedestrian safety, especially school children and young mothers with prams
- The proposed development would take away my access to light
- The property would increase overlooking into my garden - the privacy and enjoyment of my home would be destroyed

RELEVANT POLICIES

Planning Policy Wales (Edition 7: July 2014)
Technical Advice Note 12: Design (July 2014)

Local Development Plan (December 2013 - 2022):

Policy I Appropriate Development in the National Park

Policy 53 Planning Obligations and associated Supplementary Planning Guidance Planning Obligation Strategy (July 2014)

Policy 28 Affordable Housing Contributions

Policy 56 Water and Sewage Supply for New Development

Policy 59 Impacts on Traffic

PLANNING HISTORY

App Ref	Description	Decision	Date
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OFFICER'S REPORT

Introduction and Description of Development

Planning permission is sought for the erection of a detached dwelling within the side garden of 19 Fairholme, Gilwern. The site is located within the community and settlement of Gilwern as defined by the Brecon Beacons National Park Local Development Plan 2013.

The site is located to the north of Gilwern at the entrance to Fairhome, adjacent to Cae Meldon. The site is triangular in shape and measure a maximum of 28.9 metres in depth and a maximum of 15.6 metres in width. The site is bound to the north by the host dwelling, to the east by the road 'Fairhome', to the south by the road 'Cae Meldon' and to the west by neighbouring properties 1 and 2 The Halfpennys.

It is proposed to construct a two storey detached dwelling with associated access and garaging. The proposed dwelling would measure a maximum of 9.5 metres in depth, 5.6 metres in width, with a maximum height of 7.3 metres falling to 4.5 metres at the eaves. The adjoining garage would measure 5.4 metres in depth, 3 metres in width, with a maximum height of 4 metres falling to 2.3 metres at the eaves. It is proposed to finish the dwelling with rendered walls, slate roof tiles and upvc windows and timber doors.

The front (east) elevation of the proposed dwelling is to contain a pair of french doors and a window at ground floor level and two windows at first floor. The side (south) elevation is proposed to contain an entrance door and associated porch and single window at ground floor level. No windows are proposed in the first floor. The rear (west) elevation is proposed to contain french doors, a window and garage door to the ground floor and two small windows to the first floor. The side (north elevation) is proposed to have two windows at first floor level.

Vehicular access to the dwelling is proposed off Cae Meldon and block paviours will be used for the hard standing area. It is also proposed to erect a 1.8 metre close boarded fence to the northern boundary of the site, between the host dwelling and the proposed dwelling. The boundary treatment to the front (east) and side (south) of the proposed dwelling is proposed to be a brick wall with pillars and close boarded fence.

Principle of Development

It is considered that the principle of development within the Settlement boundary is acceptable. As the application involves the construction of an unrestricted market house, confirmation that an affordable housing contribution will be payable has been submitted in support of the application. The comments of the strategy and policy team are provided above. Objection was raised regarding the commuted sum that was presented as part of the planning application. An e-mail was received from the agent on the 3rd February 2015 and the commuted sum as required by the strategy team has been accepted. It is considered that the contribution can be successfully secured through a Section 106 agreement. The applicant's solicitor is examining the National Park Authority's standard Section 106 agreement.

Character, Appearance and Design

Fairhome is an area characterised by detached dwellings finished with pebble dash rendered walls with white upvc cladding, concrete roof tiles, and white upvc windows and doors. The proposed dwelling has used materials and a design that takes hints from the character of the local area using materials that will match those in the immediate area.

It is considered that, in terms of character, appearance and design that the proposed dwelling is acceptable and meets with the requirements of the above policies.

Impact on Neighbour Amenities

Following notification with adjoining neighbours and the erection of a site notice several objections have been received in relation to the impact of the proposed development on the amenity of neighbouring properties. There will be some degree overlooking into the rear amenity area of the dwelling that is directly adjacent to the planning application site.

However the distance maintained between the first floor windows of the rear elevation of the proposed dwelling and the neighbouring property to the rear (wall to wall) is maintained at 21 metres, which is in accordance with the Planning Officer's Society for Wales's guidance on Household development for distances between rear elevations of neighbouring properties, it is considered that the impact of overlooking is not sufficient to warrant refusal of the application on this ground. Also, given the predominantly urban setting it is considered that the degree of overlooking will not represent significant detriment to the residential amenities of the neighbouring property.

It is considered that the requirements of the above policies are met.

Highway Safety

Several objections have been received from both neighbours and the Community Council in relation to the impact of the proposed development on highways safety.

However following consultation with Monmouthshire County Council Highways Department the following comments have been received;

'I have visited the site and examined the proposals as submitted. The applicant has provided sufficient parking spaces to be compliant with the national park requirements and have provided a small turning area within the site. The fence line has been amended to provide visibility from this parking area for both the site and the existing highway users.'

A condition will be added to any planning permission in order to secure details of an appropriate surface water drainage scheme along with an informative in relation to the street light column.

It is considered that the requirements of the above policies are met.

Impact on Foul Sewerage

No details have been submitted in relation to the foul sewerage system. Following consultation with Dwr Cymru no objection has been received in relation to the possible addition of one dwelling to their foul sewerage system. However, correspondence has been received in relation to concerns have been raised in relation to the lack of information with regards foul sewerage.

Following discussions with Senior Officers it has been determined that a Grampian condition be placed on the application requiring the submission of details with regard a foul sewerage scheme be submitted prior to any works commencing on site.

Conclusion

It is considered that, subject to the imposition of conditions and the agreement of the payment of a commuted sum through a S106 agreement, the proposed development is acceptable.

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, NP4v1 and NP5v1), unless otherwise agreed in writing by the Local Planning Authority.
- 3 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 I; Classes A, B, C, D, E, F and G; of Schedule 2, other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
- 4 No development shall commence until details of a foul and surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.
- 5 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.
- 6 No development shall take place until architectural details of the windows and doors to be used within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7 The garage hereby permitted shall be kept permanently available only for the parking of motor vehicles.

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 order to safeguard the character and visual amenities of the locality.
- 4 In order to ensure that adequate services are available to serve the development in accordance with Policy 56 of the Local Development Plan.
- 5 To ensure that the materials harmonise with the surroundings.
- 6 To ensure that the materials harmonise with the surroundings.
- 7 In the interest of highway safety in accordance with Policy 59 of the Local Development Plan.

Informative Notes:

- 1 If the street lighting column is required to be moved, prior approval will be required from the street lighting engineer at Monmouthshire County Council and a suitable relocation found.

Signed (Case Officer):
Ms Tamsin Law
Planning Officer (DC)



Date: 5.2.15

Checked (Principal Planner):



Date: 6.2.15

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



Date: 6.2.15
