



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 15/12919/FUL      **Case Officer:** Miss Lisa Williams  
**Site Notice Posted:** 12th Nov 2015      **Consultation Date:** 10th Nov 2015  
**Date Valid:** 9th Nov 2015      **8 Week Target:** 4th Jan 2016  
**Decision Type:** Delegated Decision  
**Proposal:** Proposed rear garden room and side utility room extensions and rear garden timber climbing frame.  
**Address:** 17 Orchard Close, Gilwern, Monmouthshire

### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	15th Dec 2015	Following the council meeting 14 December, the community council would formally ask if this application can be differed for seven days. In the last meeting the community council received a number of representations, from local residents expressing concern relating to this application. The elected members will be convening a site meeting to inspect the site and the play equipment located in the rear garden.
Monmouthshire County Council Highways	10th Nov 2015	The proposal does not encroach on the access or parking at this dwelling. Neither does the proposed extension breach the requirements for parking at the site. <b>RECOMMENDATION</b> There are no adverse comments I would wish to make.  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.

Natural Resources  
Wales/Cyfoeth Naturiol  
Cymru

26th Nov 2015

Thank you for consulting Natural Resources Wales (NRW) regarding the above planning application on 10 November 2015. In our response to a previous application for this site (your ref. 15/12580/FUL) on 14th September 2015, we noted that there was no ecological survey report for the proposal and recommended that you discuss this with your authority's ecologist. We note from your ecologist's comments on 15/12580/FUL (dated 25 September 2015) that they recommended that an ecological survey be carried out. We note that the previous application was withdrawn, and has been replaced with the current consultation. It appears that an ecological survey has not been carried out for the current application, so we recommend that you discuss this matter with your authority's ecologist- if a survey is carried out and protected species are found to be present on site then we wish to be re-consulted.

2

Natural Environment and Rural Communities (NERC) Act 2006

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests.

We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for

assessing proposals that have implications for section 42 habitats and species

([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).

NRW remit

If the applicant requires guidance on matters within our remit then this can be found

on our website at [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk).

Here, we provide guidance

on environmental planning and regulatory issues, which includes topics on foul

drainage, pollution prevention, waste management,

biodiversity and protected

species.

NP Planning Ecologist

30th Nov 2015

A. Planning Policy & Guidance

o To comply with Planning Policy Wales (2014), section 5.5 and also TAN 5, biodiversity considerations must be taken into account in determining planning applications. Planning permission should be refused if the proposals will result in adverse harm to wildlife that cannot be overcome by adequate mitigation and compensation measures.

o The adopted Local Development Plan for the BBNP includes the following policies regarding ecological issues and safeguarding biodiversity:

o SP3 Environmental Protection - Strategic Policy

o Policy 3 Sites of European Importance

o Policy 4 Sites of National Importance

o Policy 5 Sites of Importance for Nature

Conservation

o Policy 6 Biodiversity and Development

o Policy 7 Protected and Important Wild Species

o Policy 8 Trees and Development

o Policy 9 Ancient Woodland and Veteran Trees

B. Legislation

o Environment Act 1995 - the first Statutory Purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park

o NERC Act 2006 - Section 40 requires local authorities to have due regard to conserving biodiversity. This includes reference to the list of priority species and habitats produced under Section 42 of the Act.

o Conservation of Habitats & Species Regulations 2010 (as amended) - Regulation 9 requires local authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the

Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

- i. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
- ii. That there is "no satisfactory alternative"
- iii. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

#### C. Comments

1. These development proposals are for the construction of new extensions to the side (west) and rear (north) elevations of the existing bungalow. I previously provided the following comments on similar development proposals at the site in a Memorandum dated 25th September 2015:

1. The site is on the south-west edge of Gilwern with open pasture to the rear (north) of the property. There is Ancient Woodland 100 metres to the south of the site providing good nearby foraging habitat for bats.

2. I visited the site on 23rd September 2015 and note that the bungalow has a concrete tile roof. There are also gaps at the soffits on the northern gable end and above the kitchen doors.

3. Given the location of the site, the potential roosting features on the existing bungalow and the fact that the proposed works will affect the northern gable end as well as the roof void of the existing bungalow, it needs to be established whether bats are present or absent; if present, an appropriate mitigation strategy will need to be forthcoming. Please also see the guidance note on the BBNPA website at:

<http://www.beacons-npa.gov.uk/planning/applications/bat-survey-assessment-for-householder-applications/>

2. This new application includes details of proposed bat roosting opportunities to be accommodated within the proposals, but no ecological survey information has been supplied. It needs to be established whether or not bats are present and affected by these development proposals before this application can be approved.

#### D. Recommendations

The applicant will need to commission a preliminary ecological survey to establish whether the proposed development will have impacts on protected species. If no evidence of or potential for presence or impacts is found, a report detailing these findings should be submitted, along with any suitable biodiversity enhancement measures.

If evidence of or potential for protected species is found, further ecological surveys must be undertaken to establish species present, populations and details such as exact roosting sites and flight lines for bats. The methodology of the surveys should follow the latest best practice guidelines for the species concerned. A final report must detail mitigation, compensation and enhancement measures (including landscape design or retention).

As protected species are a 'material consideration', Brecon Beacons National Park Authority cannot determine this application until all the necessary survey, mitigation, compensation and enhancement information are received.

In summary, the applicant will need to submit a report to the BBNPA detailing the following:

- o A full visual assessment of the site for the presence of protected species (bats, nesting birds etc.)
- o If necessary, further surveys to establish species present and population sizes
- o Mitigation and compensation strategies for any species found to be present - these will also need to be shown on architectural drawings
- o Biodiversity enhancement measures that can be incorporated

The biological records provided in the ecological report will be forwarded to the Biodiversity Information Service for Powys and Brecon Beacons.

This application cannot be approved in the absence of this information and should either be withdrawn or refused.

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 Brecon Beacons National Park

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

Health And Safety Executive 10th Nov 2015 does not advise on safety grounds, against the granting of planning permission in this case.

Dwr Cymru Welsh Water - Developer Services 13th Nov 2015 SEWERAGE

We would inform you that a public sewer main is crossing the application site. We have attached a copy of the public sewer main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a public sewer main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

## **CONTRIBUTORS**

Dr Jill Bourne And Mr Brian Burt, 11 Orchard Close, Gilwern  
L E M Coombes, 13 Orchard Close, Gilwern  
Alex Willis, 24 Orchard Close, Gilwern  
Mrs Darrah, 19 Orchard Close, Gilwern  
Mr And Mrs H Parton-Frost, 15 Orchard Close, Gilwern  
Christopher And Erica Price, ,

## **NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY**

The application has been advertised through the erection of a site notice and through direct neighbour notification. A number of objections have been received in relation to the development which have been summarised within the Officer's report.

## **RELEVANT POLICIES**

**Policy 1:** "Appropriate Development in the National Park" (Local Development Plan 2013)

**Policy 6:** "Biodiversity and Development" (Local Development Plan 2013)

**Policy 7:** "Protected and Important Wild Species" (Local Development Plan 2013)

**Policy 27:** "House Extensions and Ancillary Buildings" (Local Development Plan 2013)

**SP 3:** "Environmental Protection" (Local Development Plan 2013)

**SP 11:** "Sustainable Design" (Local Development Plan 2013)

**Planning Policy Wales 7<sup>th</sup> Edition** (July 2014)

**Technical Advice Note 5:** *Nature Conservation and Planning (2009)?*

**Technical Advice Note 12:** *Design (2014)*

## **PLANNING HISTORY**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/12580/FUL	Rear and side extensions to form utility and garden room	Application Withdrawn	15th Oct 2015

## **OFFICER'S REPORT**

### **Introduction**

Planning permission is sought for the construction of a rear garden room, side utility extension and retention of timber climbing frame at 17 Orchard Close, Gilwern.

### **Policy Context**

The 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 consultees and other interested parties and the following National guidance:

- Planning Policy Wales (PPW, 2014)
- Technical Advice Note 12, Design (2014)

### **Site Description**

The application site lies within a residential estate within the Level 3 Settlement of Gilwern as defined by

the Brecon Beacons National Park Authority's Local Development Plan (2013) and is within the community of Llanelly. The area is primarily made up of bungalow type buildings with some two storey dwellings also present. The majority of the properties are finished with painted render and a concrete tiled roof. The application site itself is located on a slope with bungalow type properties on either side. The dwelling features a private driveway to the front and a fairly large amount of private amenity space to the rear. The nature of the topography of the land creates an element of overlooking to all of the properties within the row.

### **Description of Development**

There are effectively three elements to the proposal including the construction of a rear sun room extension, a side utility extension and the retention of a timber climbing frame.

The rear sun room extension is to be constructed using materials to match those of the existing dwelling. The measurements proposed are a width of 3.5 metres, a length of 7.4 metres and a ridge height of 4 metres falling to 2.3 metres at the eaves.

The proposed side utility extension is also to be constructed using materials to match the existing dwelling and is to measure a width of 1.95 metres, a length of 6.5 metres and a ridge height of 3.2 metres falling to 2.3 metres at the eaves.

The third element of the proposal has been included on this application as it has been identified by the Authority's Enforcement Department to be an authorised form of development following on from a complaint received. The climbing frame is of timber construction and features two turret type platforms with a bridge between and steps to the platform. The measurements of the climbing frame are as follows; the width measures 2.6 metres, the length measures a maximum of 8.1 metres and the overall height is 3.2 metres.

### **Design Considerations**

Policy 1(i) requires that the scale, form, design, layout, density, intensity of use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment.

Policy 27 (a) requires that the proposal is appropriate to the scale and design and setting of the original dwelling.

The two proposed extensions to the side and rear are considered acceptable on balance in terms of their size, scale, design and finishes in relation to the host dwelling with the use of render, concrete tiles and white upvc to match the existing materials on the dwelling. Whilst the side utility extension is fairly close to the boundary between the application site and 19 Orchard Close, it is considered that there is appropriate screening by means of a boundary fence and there is no window proposed in the side elevation. It is therefore determined that the proposed two extensions would not have a detrimental impact on the overall character and appearance of the host dwelling and surrounding area.

### **Visual Amenity**

Policy 27: House Extensions and Ancillary Buildings of the Local Development Plan requires ancillary buildings to be; a) appropriate to the scale and design and setting of the original dwelling; b) that there is no loss of onsite parking and adequate parking space can be provided for the extended dwelling; c) that the area of private amenity retained is reasonably proportionate to the proposed size of the dwelling; and d) there is no significant loss of privacy to an adjoining property.



protected species.

Due to the comments received by the National Park Planning Ecologist and having regard to the lack of supporting information in the form of an ecological survey, it is considered that there is insufficient evidence to prove that the development would not have a detrimental impact on protected species and/or their habitat. The application is therefore considered to be contrary to Policies 6 and 7 of the Local Development Plan (2013)

#### Impact on main sewer

The application site is crossed by a public sewer which appears to be located to the side of the property, away from where the development is proposed. Dwr Cymru Welsh Water have suggested that no development will be permitted within the safety zone, therefore it is advised the applicant contact DCWW for details regarding the safety zone. Details of this have been provided through the addition of an informative note.

#### Conclusion

Insufficient information has been submitted to allow appropriate assessment as to whether the proposed development will have a detrimental impact upon protected species. Therefore the application is considered contrary to Policies 6 and 7 of the Local Development Plan (2013) and should be refused.


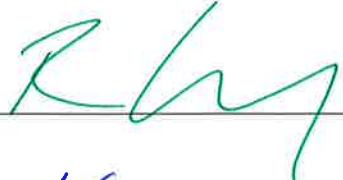

#### RECOMMENDATION: Refuse

#### Conditions and/or Reasons:

#### Reasons:

- Insufficient information has been submitted to prove that the proposal would not have a detrimental impact on European Protected Species and their habitats. As such the proposal is contrary to policies SP3, 6 and 7 of the Brecon Beacons National Park Local Development Plan (2013) and Section 5.5 of Planning Policy Wales (2014).

#### Informative Notes:

<b>Signed (Case Officer):</b> Miss Lisa Williams Planning Services Technician (DC)	 _____	<b>Date:</b> <u>17<sup>th</sup> December 2015</u>
<b>Checked (Principal Planner):</b>	 _____	<b>Date:</b> <u>17.12.15</u>
<b>Signed (National Park Authorised Officer):</b>	 _____	<b>Date:</b> <u>18/12/15</u>

It is considered that, even though the timber climbing frame is a fairly large structure, there is not so much of a detrimental impact on the character and appearance of the host dwelling and neighbour amenity to warrant refusal of the application.

### **Neighbour Amenity**

A number of objections have been received in relation to the proposed development. Primarily the objections mention the overbearing impact of the timber climbing frame on neighbouring properties and that the structure would be out of character with the area. The concerns also mention that the play equipment is considered a commercial climbing frame and can be seen from all sides of the property.

With regards to the proposed extensions the objectors raised concerns in relation to the siting of the side extension near to the boundary between numbers 17 and 19, causing a problem to maintain the boundary wall and also the impact that the rear extension will have on the solar panels installed on the roof of number 15. Concerns with regards to overlooking have also been raised.

In addition it has been mentioned that the site is prone to flooding and that the proposed development may cause water management issues.

Whilst these concerns have been taken into consideration it is deemed that the proposed climbing frame is situated with sufficient distance between the boundaries on either side of the development site and the nature of the climbing frame implies it is to be used by small children during the summer months. In addition as mentioned previously within the report, the properties are located on an incline and therefore there will always be an element of overlooking due to the topography of the land and some properties being higher than others. It is therefore considered that the proposed extensions by reason of their scale, design and position the development would not have a detrimental impact on neighbouring residents. Concerns regarding the ability of neighbours to maintain a boundary wall, and the possible effect on the output of a neighbour's solar panels, fall outside of the planning process.

With regards to the point raised in terms of possible flooding within the site, the site has not been identified to fall within a flood zone. A consultation with Natural Resources Wales and Dwr Cymru Welsh Water took place throughout the application and no concerns with regards to flooding have been raised.

### **Highway Safety**

Following on from a consultation with Monmouthshire County Council Highway Department, no comments were made in relation to the proposed development. It is therefore determined that the proposed development does not have a significant impact on the safety of the highway.

### **Protected Species**

Both Policies 6 and 7 of the Local Development Plan (2013) look at protected species and biodiversity and state the proposals on land or buildings that support protected species will only be permitted where the need for the development outweigh nature conservation importance of the site and positive measures are provided to contribute to species and habitat conservation.

Following consultation with the National Park Planning Ecologist comments were made requesting a preliminary ecological survey to assess the potential impact of the proposed development upon protected species, namely bats.

These comments were reiterated to the applicant and they were advised to submit a survey as requested, however no survey has been received. As no preliminary survey has been received, the Authority is unable to assess whether the proposed development would have a significant impact on