



Brecon Beacons National Park Authority

PLANNING, ACCESS, AND RIGHTS OF WAY

COMMITTEE

9 September 2014

RECOMMENDATIONS OF THE DIRECTOR OF

PLANNING ON APPLICATIONS FOR

DETERMINATION BY

THE PLANNING, ACCESS AND RIGHTS OF WAY

COMMITTEE

INDEX

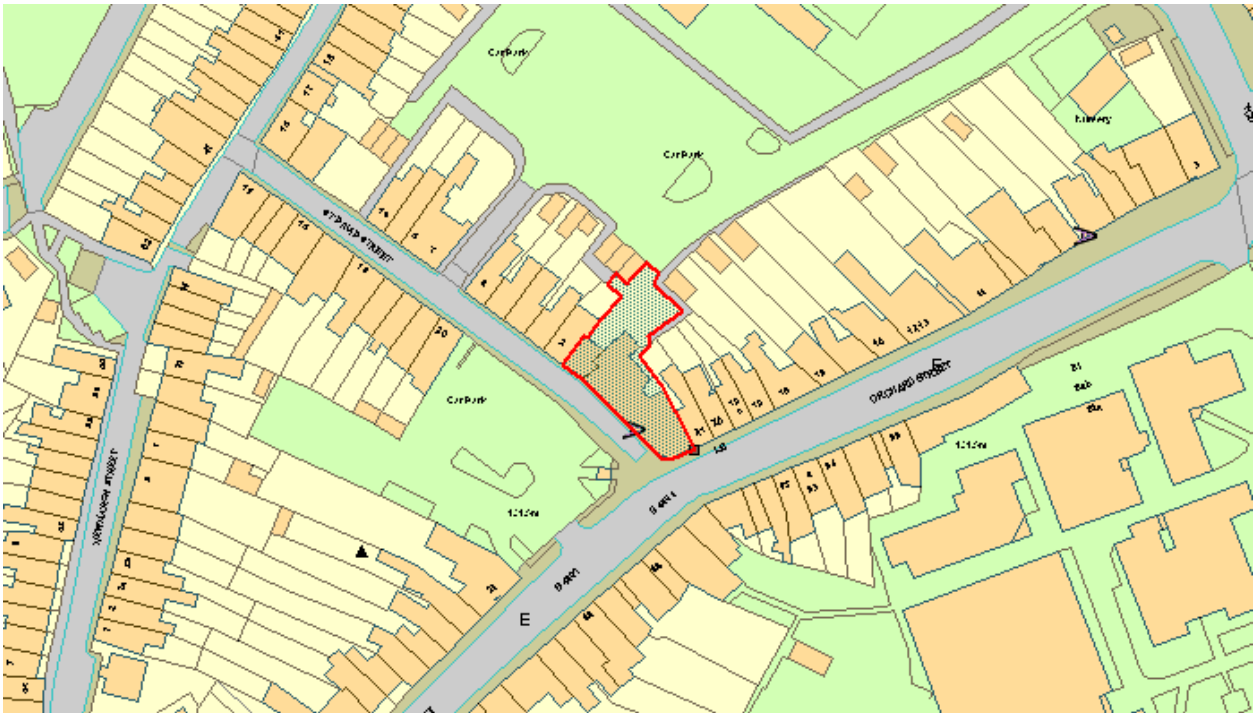
ITEM	REFERENCE	ADDRESS	RECOMMENDATION
1	13/09649/FUL	West End Fish Bar 22 Orchard Street Llanfaes Brecon LD3 8AN	Permit
2	12/08575/OUT	Cwrt Y Gollen Army Camp Crickhowell Powys NP8 1TF	Report still in progress
3	14/10880/FUL	Rose Cottage Crickhowell Powys NP8 1EE	Permit
4	14/10915/FUL	Boxtree Cottage Cwmyoy Abergavenny NP7 7NY	Permit
5	14/10991/FUL	Gethinog Farm Cross Oaks Talybont-On-Usk Brecon LD3 7YN	Permit
6	14/11010/FUL	Pontsarn Viaduct Merthyr Tydfil CF48 2TS	Permit
7	14/11011/LBC	Pontsarn Viaduct Merthyr Tydfil CF48 2TS	Permit

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This application was reported to **PAROW** on the 29th July 2014 where Members decided to defer the determination of the application for a site visit on the morning of the next **PAROW** meeting on the 9th September 2014.

ITEM NUMBER: I

APPLICATION NUMBER: I3/09649/FUL
APPLICANTS NAME(S): Mr Murat Ongun
SITE ADDRESS: West End Fish Bar
22 Orchard Street
Llanfaes
Brecon
LD3 8AN
GRID REF: E: 304003 N:228476
COMMUNITY: Brecon
DATE VALIDATED: 9 July 2013
DECISION DUE DATE: 3 September 2013
CASE OFFICER: Mrs Vicky Simpson/Jonathan James



PROPOSAL Alterations, extension and subdivision of the West End Fish Bar (22 Orchard Street) to form one Class A3 unit and two units of residential accommodation.

ADDRESS West End Fish Bar , 22 Orchard Street, Llanfaes, Brecon

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Brecon Town Council	9th Aug 2013	Wish to object to this application.
Brecon Town Council	7th Nov 2013	Wish to object to this development which may be described as 'back land' development which has been objected to on many other previous applications in the past in the area. The plans appear to indicate that the privacy and light of the neighbours will be lost and direct views would be afforded into their property. Although the plans indicate that there have been no incidents of flooding, I understand that in 1986 this property was flooded up to the bedroom windows involving an emergency rescue.
Brecon Town Council	5th Feb 2014	The Committee found the plans submitted unclear and very difficult to understand. They felt the overall design and the proposed separate accommodations were out of scale in relation to other adjacent premises. The density and layout of the development was overcrowded and over developed and would have an adverse impact including loss of privacy and natural light to the adjacent premises. The council also have concerns regarding the lack of car parking and access to the premises. There are concerns over the lack of adequate sewerage and backland development which has been refused on many other applications in this area. Councillors understand that a wall has been constructed and not faced with natural stone as required by a previous planning application. Councillors were also concerned regarding fire escapes and safety provision which could not easily be discerned from the plan submitted.
Heritage Officer (Archaeology)	25th Jul 2013	Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that no known historic or archaeological features will be affected by

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Natural Resources
Wales/Cyfoeth
Naturiol Cymru

24th Jul 2013

this development, and this application is unlikely to have any archaeological impact. No archaeological mitigations required.

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales about the above, which was received on 11 July 2013.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Environment Agency Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

Additional guidance including our leaflet "Prepare your Property for flooding" can be found on the Environment Agency's website www.environment-

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agency.gov.uk/homeandleisure/floods/31644.aspx.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website: www.planningportal.gov.uk

For further advice, please refer to the attached 'Planning Advice Note'.

We trust our advice is clear. If you have any queries, please do not hesitate to get in touch.

Natural Resources Wales/Cyfoeth Naturiol Cymru	14th Aug 2013	In relation to the letter you received yesterday. Please see details below. Please note 13/09689/FUL & 13/09649 were sent in error and are not low risk/no comments responses. These two applications are Low Risk Flooding response which you received on 24th July 2013.
Natural Resources Wales/Cyfoeth Naturiol Cymru	13th Aug 2013	No comment
Natural Resources Wales/Cyfoeth Naturiol Cymru	15th Nov 2013	The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Environment Agency Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

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Natural Resources
Wales/Cyfoeth
Naturiol Cymru

21st Feb 2014

The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of

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suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

Additional guidance including Environmental Agency leaflet "Prepare your Property for flooding" can be found on the Environmental Agency website www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website: www.planningportal.gov.uk

Powys County
Council Highways

17th Jul 2013

This proposal, whilst addressing amenity issues raised by the previous refusal, now worsens the off-street parking situation by further reducing the space available within the curtilage. The extension of the bed-sit and the significant enclosure of areas as private "gardens" can only exacerbate the already congested parking situation that exists in the locality. The doubling of the accommodation within the bed-sit will also result in greater potential for traffic generation for which inadequate off-street parking facilities are available generally within the site. I consider if permitted this development will lead to an increase in demand for off-street parking which cannot be met and will result in additional on-street parking and highway congestion.

Response of 17th July remains unchanged. This property seems to be being subdivided and extended without any due consideration of the amenity of neighbours as the on-street parking is exacerbated.

Refer to the further amendments and additions to the submitted plans and must emphasise my recommendation of refusal for the reasons detailed in both my original response of 17th July 2013 and my follow up letter of 4th December 2013.

CONTRIBUTORS

Mark Keylock, 2 St David's Street, Llanfaes

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

A site notice was displayed and the occupiers of seven neighbouring properties were notified of the submission of the planning application. One third party representation was received objecting to the proposed development for the following reasons:

- i) Concern that there may not be adequate sewerage/drainage capacity
- ii) Loss of light and reduced outlook from rear window of 2 St David's Street, and overbearance caused by roof form of proposed extension
- iii) Construction may result in encroachment onto neighbouring property
- iv) Proposal will not meet parking standards, and will exacerbate existing congested area
- v) concern that the flat roof may result in surface water being directed to neighbouring properties
- vi) Previous permissions have not been adhered to, similarly, if granted, this permission may not be adhered to.

Post the submission of amended plans and the alteration to the description of the development, a re-consultation exercise took place. A new site notice was displayed and the occupiers of the neighbouring properties were once again notified of the submission. One third party representation objecting to the proposed development was also submitted to the amended proposal. A summary of the concerns raised are provided below:

- i) perceived reduction in value of neighbouring property
- ii) concern that any building work will not be undertaken in accordance with the plans
- iii) Construction may result in encroachment onto neighbouring property
- iv) Surface water on flat roof may give rise to damp in neighbouring property
- v) Concern that there may not be adequate sewerage/drainage capacity

Those objections which have planning merit are addressed within the evaluation of the proposed development.

RELEVANT POLICIES

SPI	National Park Policy
Policy 1	Appropriate Development in the National Park
SP2	Major Development in the National Park - Strategic Policy
Policy 2	Notifiable Installations
SPI0	Sustainable Distribution of Development
B LPI	Brecon Enabling Appropriate Development
B LP2	Brecon Mitigating Impact
SP5	Housing
SP6	Affordable Housing
Policy 28	Affordable Housing Contributions
SPI7	Sustainable Transport
Policy 59	Impacts of Traffic

PLANNING HISTORY

App Ref	Description	Decision	Date
10/04684/CPE	Garage to be used as living quarters	Application Refused	5th Jan 2011
11/06044/FUL	Retain residential accommodation ancillary to the class A3 use.	Application Permitted	8th Mar 2011
11/06856/CON	Change the condition 2 of planning permission 11/06044/FUL to allow the insertion of a door and replace a window at the front of property and alter exiting door at rear.	Application Permitted	6th Oct 2011
12/07569/FUL	Single storey pitched roof rear bedroom extension	Application Refused	6th Mar 2012

OFFICER'S REPORT

This application was deferred at the committee meeting held on the 29th July 2014 for a Member site visit.

The application is therefore brought before members for consideration following the site visit. The officer recommendation is for approval, without a contribution towards affordable housing, which would be a departure from the development plan.

Introduction

This application seeks planning permission for alterations, extension and subdivision of the West End Fish Bar (22 Orchard Street) to form one Class A3 unit and two units of residential accommodation. The site lies within the Unitary Development Plan defined settlement limits of Brecon.

Site Description

The application site which has an area of 174 square metres (irregular shape) occupies a ground floor corner position between the B4601 (Orchard Street) and St David Street, in the Llanfaes area of Brecon. It currently comprises three main sections: an existing A3 use Class Fish and Chip shop, a ground floor flat, and a small bedsit unit. The building is two storey, though the first floor accommodation does not form part of this planning application. The Fish and Chip shop has a large picture window fronting onto St David Street. The first unit of residential accommodation is positioned immediately adjacent to the fish and chip shop - to its northwest, and the current bedsit unit is adjacent to this,

further to the northwest.

To the rear (northeast) of the properties is a small area of hardstanding which appears to be accessible by all three addresses. Vehicular access to this area is secured directly off the Llanfaes public car parking area to the north of the site.

The buildings within the application site form part of a larger terrace of properties, the remainder of which (along St David Street) are residential in nature. The majority of properties appear to be of stone construction, though some have had a render surface applied to them.

Proposal Description

Within the original submission the proposal was for "The retention of window, door and surround details on front elevation, construction of single storey rear extension and works to allow the laying out of parking, turning and private amenity spaces. It was proposed that a double bedroom be constructed to the rear of unit 3, which would have had a footprint of 17.6square metres 4m x 4.4m. It was proposed that the first 1.75m of the roof (to the rear of the 22 Orchard street, would be a flat roof section at a height of 2.5m, but then a blank wall would be erected on top of this to support a mono-pitched roof, which would tie into (at a 90degree angle) the roof of the projecting gable of unit 2. The ridge height of the extended section would have been 4m, at a distance of just 2.4m from the rear window of the first floor flat above the bed-sit unit.

No changes are proposed to the front elevation of units one (the fish and chip shop) and unit 2 (the residential accommodation ancillary to the fish and chip shop). A garage door has been removed from the front of the bed-sit unit, and has been replaced by a door and a casement window, with a patterned render finish to the remainder of the previous garage opening. It is proposed that the patterned render be removed and replaced with stone facing (to match the existing colour and size of facing stone along the terrace), and that new concrete lintels be placed above both the door and window.

To the rear of the property, it is proposed that the amenity space be divided up to create two small private amenity spaces, one each to serve unit 2, and unit 3 (the current bedsit unit), and that one parking space be provided within the site to serve unit 3.

Two main concerns were raised with the applicant with regard to the proposed development, the first related to the description of the development, which did not originally include the addition of one residential unit (see evaluation below). The applicant was requested to agree a change to the description of the development to more accurately reflect the proposed development. The applicant's agent then agreed a change in the description of the development to; "Alterations, extension and subdivision of the West End Fish Bar (22 Orchard Street) to form one Class A3 unit and two units of residential accommodation"

The second concern related to the roof form of the proposed extension, and the impact that this would have upon the amenities enjoyed by the occupiers of neighbouring properties, (in particular the occupier of the first floor accommodation above the bedsit unit), as a result of loss of light, and overbearing impact. As a result of this concern, the agent submitted amended plans, altering the proposed roof form to a single flat roof with a height of 2.7m.

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 2 Planning and Affordable Housing (2006)
- o Technical Advice Note 12 Design (2009)

There are five main issues to be considered:

- 1) Impact of planning history;
- 2) Principle;
- 3) Visual impact;
- 4) Car parking and highway safety;
- 5) Flood risk;
- 6) Notifiable Installations.

Impact of planning history

Legal advice has been sought by the Brecon Beacons National Park Authority with regard to what development upon the site has been authorised and what has not, particularly with regard to whether the bed-sit accommodation has any lawful status as a separate residential unit. The advice which has been received by the National Park Solicitors is that the bedsit accommodation (unit 3), was not authorised under the grant of planning permission reference 11/06856/CON. In order to consider the acceptability of the principle of the creation of the bed-sit unit (or one bedroom flat as is now proposed) the applicant was asked to, and subsequently agreed, a change in the description of the development to incorporate this as a separate planning unit for residential use.

Principal

The site is located in a built up urban area, well served by public transport and close to a range of services and facilities, the principle of the creation of an additional unit of residential accommodation, would comply with policies of the LDP, provided a contribution towards affordable housing offered. This issue has been identified to the

applicant and their agent who has argued that with due regard to the size of the proposed new unit (i.e. a bedsit/1 bedroom flat) this would be affordable by its very nature with a market rentable value in line with RSL standards.

Following consultation with PCC Affordable Housing Officer, guidance offered identifies affordable rents as anything at or below Local Housing Allowance (LHA); these levels are set by Welsh Government (WG). The LHA as set by the WG for this area for a one bed unit would be £69.07. The rentable value of this proposed unit offered by the applicant's surveyor indicates likely weekly rent of between £69.00 and £75.00 per week. It is therefore considered that if the applicant enters into a section 106 legal agreement to cap the rent of the proposed unit to the lowest value, and in line with the LHA as set by WG (£69.07) would be accepted by officers of this authority. The agent has confirmed that his client is willing to enter into a unilateral agreement to cap the rental level.

Visual Impact

Policy I of the LDP (2013) sets out the development control function to ensure that all development complies with the LDP's aims and objectives to protect the natural beauty and resources of the Park. Criterion (i) indicates 'the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's landscape and built environment'.

The proposed alterations to the front elevation of the property would significantly enhance its appearance, complying with Policy I of the LDP. Whilst the alterations which have been secured to the proposed rear elevation, have introduced a flat roof feature, something which would not usually be encouraged, it is noted that the flat roof would be viewed against many other types and forms of rear extensions along Orchard Street and St Davis Street, and would not in this regard appear as an 'alien' feature.

Highway Safety

LDP Policy 59 requires that development be compatible with the National Park road hierarchy, being within the capacity of existing approach roads, having no unacceptable impact on traffic circulation or highway safety and providing adequate means of access and parking to cater for the traffic generated by the proposal.

Powys County Council Highways Department have maintained an objection to the development proposal. Powys Highways Department consider that the proposed development would worsen the off-street parking situation, by combination of the further reduction of space available within the curtilage for parking and turning, and the increase in demand for parking as a result of the increased level of accommodation provided within the bed-sit. The comments made by Powys County Council have been considered, but at both site visits undertaken by the Case officer, it was noted that the car park immediately to the north of the application site, had many vacant parking

spaces, and the agent has also submitted comments and photographs (29th August 2013), indicating an ample level of unused car parking provision within this off-street car park. In addition to this, it is also considered that the sites close proximity to the Brecon Town Centre, and local bus stops, means that the site is well located for access to services and facilities, and that as a result less priority should be given to providing private off-street car parking provision (in line with the guidance contained within Manual for Streets). In light of these considerations, and notwithstanding the comments made by Powys County Council Highways Department to the original submission, it is considered that the proposed development would comply with Policy 59 of the LDP.

Flood Risk

The application site lies within a Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15)(July 2004). Natural Resources Wales (NRW) have confirmed that the application site lies in an area where the risk of flooding is between 1% and 0.1% per year.

Notwithstanding the sites risk of being affected by a flood event, NRW have advised that they have no objection to the proposed development, which includes the creation of an additional residential unit. Although not confirmed within NRW's response, it is noted that previous planning applications upon this site were accompanied by a flood consequence assessment. In response to the conclusions of the flood consequence assessment, the Environment Agency (as it then was - now NRW) historically offered no objection to developments upon the site. In light of these considerations it is accepted that the proposed development would meet the requirements of National Policies.

Given the sites flood risk it is however recommended that an informative be added to any planning permission, advising the developer of the risk of flooding, and advising the installation of flood-proofing measures as part of the development.

Notifiable Installations

A site constraint has been identified, that the site lies within the Tarrel waste buffer zone. Local Plan Policy 2 states that proposals affecting notifiable sites will not be permitted unless the Local Planning Authority is satisfied that there is no risk to public health and safety. It is considered that given the scale, type and form of development proposed, and the fact that no objections have been raised to the proposed development at the time of writing the report, the proposal would meet the requirements of Policy 2. A verbal update will be provided on the day of any late correspondence in relation to this issue if necessary.

Conclusion

After evaluating the proposed development against the Policies of the Local Development Plan, it is considered that the development would comply with the approved policies, and it is therefore recommended that this application be conditionally

approved.

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, NP2v3, NP4v1, NP6v2 and NP7v2), unless otherwise agreed in writing by the Local Planning Authority.
- 3 The unit of residential accommodation identified as "reference 2" on plan NP7v2, shall be used for no purposes other than residential accommodation ancillary to the A3 Use of "reference 1" on plan NP7v2, and shall not be separated or subdivided from the unit "reference 1" without the grant of planning permission.
- 4 Prior to the first occupation of the residential unit "reference 3" on plan NP2v3, the parking and turning area shall be completed in accordance with the approved plans. The parking and turning area shall thereafter be used for no purposes other than parking or turning, unless approved in writing by the Local Planning Authority.
- 5 All stone walling shall be carried out using either new or second-hand natural local stone with appropriate colour, texture and weathering characteristics. Details of the source and samples shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The stone shall be laid on its natural bed, with (in the case of second-hand stone) its undressed weathered face exposed on the external face of the wall, and shall be coursed and pointed so as to match the stonework existing. All stone walling shall be completed prior to the bedsit/flat being brought into beneficial use.
The developers shall complete only the first three to five square metres of stone walling which shall be subject to inspection by an officer of the Local Planning Authority. Written approval must be obtained before further stone walling is undertaken. All subsequent walling shall closely match the approved sample walling in terms of colour, size and coursing and in colour, thickness and style of pointing.
- 6 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.

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 To ensure a satisfactory form of development.

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- 4 To ensure a satisfactory form of development, and in the interests of highway and pedestrian safety
- 5 In the interest of the character and appearance of the building and surrounding area.
- 6 To ensure that the materials harmonise with the surroundings.

Informative Notes:

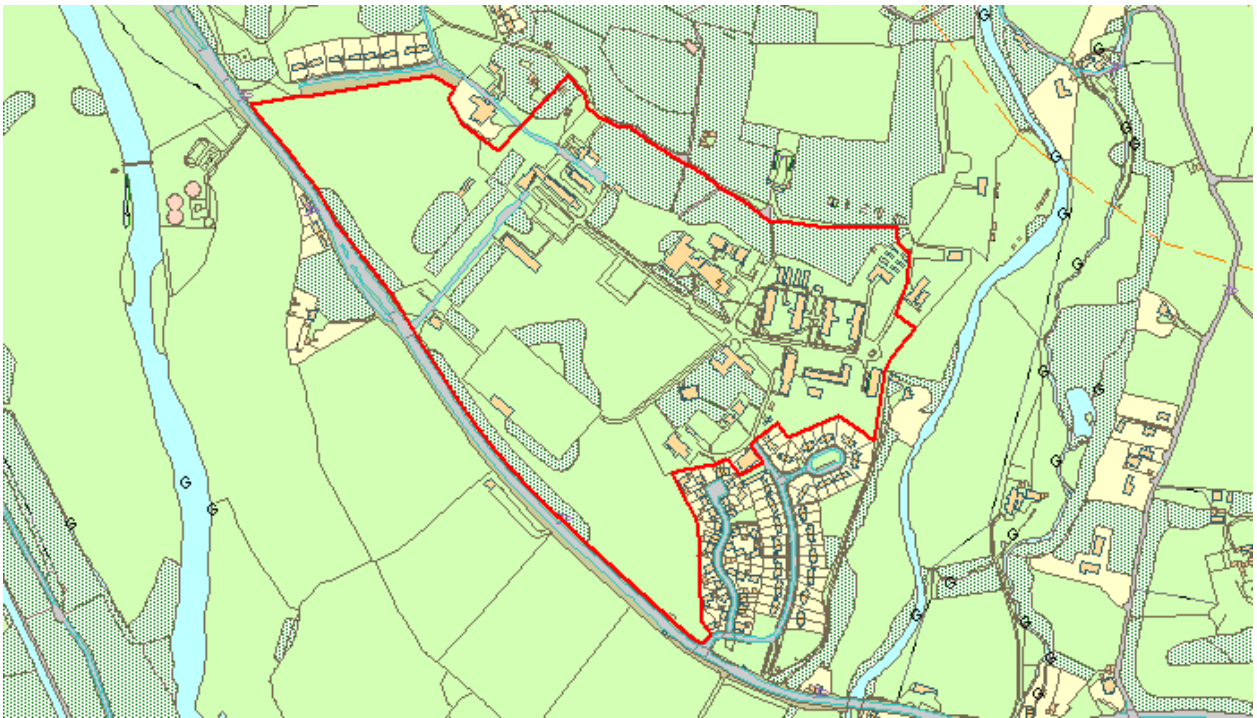
- 1 Given that the application lies entirely within Zone CI as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15)(July 2004), it is recommended that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.
- 2 The Welsh Government introduced new legislation on the 1st October, 2012 making it mandatory for all developers who wish to connect to the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Minister's Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 must be completed in advance of any authorisation to connect with the public sewerage system under Section 106 WIA 1991 being granted by DCWW. If a connection is required to the public sewerage system you are advised to contact DCWW's Developer Services on 0800 917 2652. Further information relating to the Welsh Minister's Standards can be found on the Welsh Government's website (www.wales.gov.uk) or the Developer Services section of DCWW's website (www.dwrcymru.com).
- 3 This permission grants no rights to enter third party land for construction or maintenance purposes.
- 4 The development to which this permission relates is the subject of an unilateral agreement. This permission should be read in conjunction with that agreement.

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ITEM NUMBER: 2

APPLICATION NUMBER: 12/08575/OUT
APPLICANTS NAME(S): Crickhowell Estates
SITE ADDRESS: Cwrt Y Gollen Army Camp
Crickhowell
Powys
NP8 1TF

GRID REF: E: 323575 N:216893
COMMUNITY: Vale Of Grwyney
DATE VALIDATED: 19 October 2012
DECISION DUE DATE: 8 February 2013
CASE OFFICER: Mr Rhodri Davies



PROPOSAL Re-submitted outline planning application for the re-development of the former army camp at Cwrt Y Gollen for mixed use development comprising residential development, employment, a pre-school day nursery, open space and community provision and associated infrastructure works.

ADDRESS Cwrt Y Gollen Army Camp, Crickhowell, Powys

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Ancient Monuments Society		No comments have been received to date.
Brecon Beacons Park Society	5th Dec 2012	<p>I am writing on behalf of the Brecon Beacons Park Society to object to the planning application cited above. While the reduction in the number of dwellings proposed may be seen as an improvement compared with the original application, we still consider that the proposed development does not accord with either the statutory purposes of the National Park or the aims of the Local Plan, the Unitary Development Plan and the deposit draft Local Development Plan.</p> <p>The National Park designation should confer the highest status of protection as far as landscape and scenic beauty are concerned (UDP 2.1). All proposals for development in the National Park must comply with certain criteria which include that they should not have an unacceptable impact on nor detract from the special qualities, natural beauty, wildlife and cultural heritage of the National Park (UDP Policy G3i)). Despite the reduction in size of the revised proposal the proposed development would still add to the already obtrusive developments of Dan Y Gollen and Martell Way to produce a visually intrusive suburban sprawl creeping westwards into the National Park. This would adversely affect views both from the A40 and from viewpoints on the opposite side of the valley. A development of this size and density, in this location, cannot comply with the fundamental criterion G3i and it is therefore unsuitable for a National Park. It also fails to comply with G3 iii) of the UDP. Cwrt Y Gollen does not lie within the "white area" of either Crickhowell or Glangrwyney, contradicting UDP Policy G3 ii). Contrary to UDP Policy G3 v), vii) and viii), the proposed development would unbalance the nearby small community of Glangrwyney, particularly when added to the already overlarge development of Dan Y Gollen. The result would be an amorphous development along the A40 with no real centre, there being no shop, primary school or church in Glangrwyney. In his report on the appeal by Crickhowell Estates against the refusal of their</p>

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previous application (09/03405/OUT) the Inspector stated that the development would "represent a large-scale addition to the existing detached enclave of dwellings at Dan Y Gollen/Martell Way, creating a physical form of development that would dominate the western approach to Glangrwyney and overwhelm the scale and form of the historical village core" (page 57, paragraph 253). We consider that this would still be the case even with the reduced number of dwellings. The historic settlement pattern is part of the cultural heritage of the Park that the statutory purposes require it to conserve and enhance.

The location of the development in open countryside, 2.5km from the nearest main centre of Crickhowell, means that it would be contrary to the principle of sustainable development that underpins national planning policy and the planning policies of the National Park. Developments of this size should be located in First Tier Settlements. The location means that most journeys to and from centres with facilities and services would be by private car.

We do not believe that the proposed development is compatible with the NP road hierarchy and it seems very likely that it would have an unacceptable impact on traffic circulation and highway safety, contrary to UDP Policy G3 vii). The likely purchasers of the private housing proposed in this development are people who would commute to work outside the NP to areas of employment in the Valleys, Newport and Cardiff etc. This would cause great pressure on the roads accessing the A465, particularly the very narrow road crossing the Usk via the Bailey bridge to Gilwern. As a society we consider it unfortunate that Cwrt Y Gollen was designated for development in the UDP. While Planning Policy Wales, advocates the use of previously developed over greenfield sites, that is on the presumption that previously developed sites are in urban settings and are therefore more sustainable: this is not true in this case. In a National Park surely there is a strong case for returning such sites to their previous undeveloped state when no longer needed for their initial usage. The UDP SS5 allocation at Cwrt Y Gollen was not carried forward into the LDP. Despite the reduction in the proposed

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number of dwellings, we would support the view of the appeal Inspector that "it would be unduly prejudicial to the LDP and the strategy it embodies to permit such a large quantity of housing in this location in advance of the comprehensive and detailed consideration of the Plan that the forthcoming examination will provide".

We therefore consider that this development should be refused permission. The size of even this revised proposal means that it cannot "relate to and benefit the existing settlements of Crickhowell and Glangrwyney and the community of the Vale of Grwyney", one of the two primary objectives of the Development Principles stated in the UDP (Appendix 2 3.3).

CADW Ancient
Monuments

8th Jan 2013

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a consultee on planning applications - the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

The proposed development is located in the vicinity of the scheduled ancient monument known as Cwrt-y-Gollen Standing Stone (BR113)

At over 4m high this is one of largest Prehistoric standing stones in Wales and one of a number of similar examples in the middle Usk Valley. It now occupies a small grassed enclosure alongside an access drive at the western edge of the former agricultural parkland of Cwrt y Gollen, converted into a military base in the mid 20th century. The A40 runs close by to the south-west but the open space of the former park still survives to the north and west.

This application is for a substantial development of 50 houses, communal structures and shops to the east of the park / base. This will also entail the restoration and improvement of much of the

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parkland at the western and northern end of the site, Design and Access Statement outlining unspecified plans to 'enhance' the setting of and public access to the standing stone.

The main built elements of the scheme will be located at some distance from the monument and if carefully landscaped are likely to offer some improvement on the existing derelict military buildings that presently occupy this area. The present setting of the standing stone is outlined above. As such, other than the topography of the valley itself its original Bronze Age context has since been destroyed by continuous human activity. In Cadw's opinion a limited amount of work is required to improve this present setting and any further encroachment onto the open space on which it stands through fences and paths will ideally be avoided. To this end the retention and restoration of the open former parkland to the east and north is the best possible course of action. Cadw will readily provide advice on the approach taken to the area around the monument.

In Cadw's opinion the proposed development will therefore have no significant adverse impact on the setting of the monument and should, subject to details improve it.

Campaign For
National Parks
Campaign For
Protection Of Rural
Wales
Clwyd Powys
Archaeological Trust

14th Nov 2012

No comments received.

No comments received.

I would ask you to refer in this case to my previous correspondence dated 5/8/09 (09/03405/OUT), the details and location of the re-submitted application being similar, and that advice given in this reply, which recommended archaeological recording of the former army camp buildings together with a watching brief in the area of the possible Roman road, be carried forward to the current application.

In this case the condition would be:

No development shall take place within the

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application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR

N.B. The BBNPA Heritage Officer (Archaeology) has since suggested a slightly reworded condition to reflect the changed circumstances in relation to the Archaeological Trusts.

Countryside Council
For Wales

29th Nov 2012

The Countryside Council for Wales have been consulted on the above application by your Authority in a letter dated 14 November. We would like to request an extension to the current deadline of 5 December. This would enable the CCW to undertake a full assessment of the potential impacts of the development in the light of the information which you may be able to provide on the following issues:

1) Surface water drainage

Section 10.7 of the Environmental Statement Vol 2 (main text) mentions two options for surface water drainage: discharge into the river Grwyne Fawr with attenuation, and the use of SUDS. I am unable to find any illustration on the SUDS proposals showing the location of ponds, wetlands or swales which are mentioned elsewhere in the documents submitted with the application. Could you please kindly confirm whether one of the drainage systems options has been agreed on, and if so, whether indicative/ definitive plans exist which would illustrate it?

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2) Foul drainage

It is my understanding that two options were also considered for the treatment of sewage arising on site: a new treatment plant on site, or upgrade to Crickhowell Waste Water Treatment Works. Paragraphs 10.6.4 to 10.6.13 would seem to state that the upgrading of existing facilities at Crickhowell WWTW is the preferred option. Have any agreements been reached on this to date?

I would be grateful if you could confirm whether an extension to the consultation deadline is acceptable to you, and whether you have any further information on the above matters.

Crickhowell And District Civic Society	29th Nov 2012	We wish to formally object on the basis that the development is out of keeping with the facilities available in the area and the requirements of the locality - in this context we define 'the area' as the 'old Crickhowell RDC'. Obviously this is a great improvement on the previous one in particular the size the development is much more reasonable. We may be cynical but this submission would appear to probably be stage 1, with others to follow later. The MOD continues to use the adjacent land for purposes which are hardly suitable for community use and pre-school nursery. Again this has been improved but we anticipate that this establishment will find a way of doing what it needs to, with little regard for local residents. We are particularly concerned that it would appear that the problems relating to flooding have not been addressed. This is a relatively frequent problem and not to be confused with the once in a 100 years situation. Why allow development in an area where flooding is known to occur, just for the purpose of making money and not to satisfy a genuine local demand. Past experience shows that access to the site from either of the current entrances is impossible for normal vehicles at times of flooding and you therefore should reject this application on this ground alone.
Crickhowell Town Council	19th Dec 2012	Is opposed to this particular development as it is unsympathetic to the environment and surrounding area.
Crickhowell Town	21st Dec 2012	Opposed to this particular development as it is

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Council		unsympathetic to the environment and surrounding area.
Dwr Cymru Welsh Water	19th Dec 2012	Object
Dwr Cymru Welsh Water	21st Dec 2012	Object
Dwr Cymru Welsh Water - Developer Services	17th Jan 2013	Further to our letter of 18th December 2012 regarding the above development we wish to offer the following comments based on additional information received.

We understand from Kambiz Ayoubkhani of Arups that the foul drainage from the proposed development will now be discharged to a private waste water treatment works which will be located on site as per the previous submission.

Therefore in light of the above we respectfully request that our objection to this development is withdrawn and replaced with our revised comments as follows:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts the Environment Agency who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

We wish to just mention the following in relation to the Drainage Assessment (issue 16 July 2011) received:

1. We are willing to consider adopting an onsite waste water treatment works but we are not in a position to confirm that we would adopt.
2. We are surprised that the Environment Agency Would consent to a new waste water treatment works as the proposed development site is in a sewered area.

Dwr Cymru Welsh	21st Jan 2013	Further to our letter of 18th December 2012
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Water - Developer
Services

regarding the above development we wish to offer the following comments based on additional information received.

We understand from Kambiz Ayoubkhani of Arups that the foul drainage from the proposed development will now be discharged to a private waste water treatment works which will be located on site as per the previous submission.

Therefore in light of the above we respectfully request that our objection to this development is withdrawn and replaced with our revised comments as follows:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts the Environment Agency who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Environment Agency 12th Dec 2012
Wales

The Environment Agency has no objection to the above planning application as submitted, subject to the imposition of the following conditions on any permission granted. These conditions are listed under the relevant title below.

Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river. Our records show that the proposed site has also previously flooded from the River Usk.

The planning application proposes mixed use development including housing (highly vulnerable development) on previously developed land within a

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flood risk area. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer you to TAN15 for these considerations. I refer you in particular to the justification tests at section 6.2. As part of this justification, the applicant should undertake and submit a flood consequence assessment (FCA) prior to determination of the application that meets the criteria set out in TAN15. We should then be asked for advice on this assessment in accordance with TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

We have reviewed the FCA addendum produced by Arup (reference 11/7950 Rev A, dated July 2012). We note that the submitted FCA is an updated addendum to the FCA submitted in support of previous planning application reference 09/03405/OUT.

The updated FCA takes into account the following changes in guidance:

- The Flood Estimation Handbook (FEH) was updated in 2009. This provides revised catchment maps and revised methods of calculating peak flows from natural catchments.
- The Environment Agency adopted Defra guidance on climate change, which sets out the predicted rise in sea level and increase in fluvial flows due to climate change. The design life for residential development is likely to increase to 100 years.

As part of the FCA a flood study of the main river the Grwyney Fawr was undertaken to determine the 1000 year event levels in the vicinity of the site. This was done using the FEH statistical and revitalised rainfall runoff methods. The higher peak flow was used to adopt a precautionary approach and it was concluded that the development area lies above the 1000 year flood levels of the Grwyney Fawr and is therefore at little or no risk of flooding from the stream.

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As previously stated the proposed development site is partially located within the flood outlines of the River Usk. However, based on the proposed site layout indicated in drainage assessment figure 1, no new built development is proposed within the flood outlines.

The Environment Agency flood maps indicate that the existing access to the site onto the A40 is within the extreme flood outline. The existing access onto the A40 is indicated to be above the 100 year flood level, but below the 1000 year flood level. This is based on information provided on a 1 Dimensional flood model of the River Usk, by the Environment Agency. The flood levels from the model indicate that the 100 year flood level near the site access is 64.18m AOD. The ground level of the A40 at the same location is 65.5m AOD, which is some 1.3m above this events flood level. The FCA recommends that a secondary emergency access from the site onto the A40 is constructed at a location which is above the extreme flood levels.

Foul drainage

We note that the proposed method of foul water disposal is to connect to the mains sewer. We recommend that Dwr Cymru Welsh Water DCWW are consulted to ensure connection is possible and that there is adequate capacity in their system.

Surface water drainage

We have reviewed the Drainage Assessment produced by Arup, dated 16 July 2012.

We note that impermeability tests have been carried out on site to determine the suitability of the ground for utilising soakaways and infiltration systems. These tests have concluded that the ground conditions are suitable for soakaways.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage

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systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

We understand that various SuDS techniques will be explored for the site such as:

- rainwater harvesting discharging to individual soakaways in each residential unit.
- car parks and courtyards will be drained using impermeable paving to under car park storage/soakaway.
- access roads to drain to swales or grass lined channels. Some of these may discharge to an infiltration basin and wetlands habitat.

The implementation of these measures will ensure that all surface water runoff is dealt with on site in a sustainable manner. This would contribute to the recharging of groundwater and will not impact on surrounding land.

We are satisfied that surface Water run-off from the development will either discharge at a controlled rate to the River Grwyne or to the ground using SuDS techniques.

Biodiversity

We recognise that a number of ecological surveys have previously been undertaken for the proposed development site. We also note that an Extended Phase 1 survey was carried out in 2012. We are in agreement with the proposed recommendations and mitigation measures as set out in Section 7 of the Environmental Statement.

This development is in the vicinity of the River Usk Special Area of Conservation (SAC) (the Grwyne Fawr river is part of this site) therefore the proposal is relevant to the Habitats Regulations. The Local Authority as a 'competent authority' under section 48 of the Habitats Regulations should therefore undertake an assessment of the likely significant effect of the work on the interests of the site. We recommend that the Countryside Council for Wales (CCW) be consulted regarding the outcome of this assessment.

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It is important that any soil or hardcore that is imported onto the site is free of the seeds / roots / stem of the invasive plant Japanese Knotweed, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

Under the terms of the Salmon and Freshwater Fisheries Act 1975, it is an offence to cause or knowingly permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.

In order to maximise the ecological benefit from the proposal we recommend that a number of ponds be constructed as biodiversity features. If feasible, the ponds should be designed to be an irregular shape with a bank profile that incorporates small bays and peninsulas. The depth of the ponds should be variable throughout, however, the pond margin should ideally be a gradually sloping and slightly undulating design. This diverse design will result in a more diverse habitat type, which in turn, will attract a more diverse flora and fauna. Planting of the pond should be avoided where possible as plants and invertebrates will colonise naturally. The varying conditions produced by this slowly changing/developing pond will attract a changing population of plants and invertebrates. If however, it is the intention of the applicant to do some planting from an early stage, then species used should be native and of local provenance.

Should the developer choose to create ponds at the proposed site, then we recommend that we be consulted on the design and location of any ponds in order to protect controlled waters at the site.

Land potentially affected by contamination

We advised in our response to the scoping opinion for the proposed development (our reference SE/2012/11568/01, dated July 2012), that an Environmental Statement should include information on the previous land use with respect to the

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potential for soil and groundwater contamination.

The Geotechnical Desk Study produced by Arup (reference 08/7435 Rev C, dated September 2012) identifies an area of potential contamination from the previous use of the site. We therefore request that the following conditions are included on any planning permission to ensure that these areas are fully investigated and the risk to controlled water is assessed and any required remediation is completed.

Condition

Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors;
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the

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express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

We consider that the controlled waters at this site are of high environmental sensitivity due to the proximity of the Grwyne Fawr, River Usk and the underlying minor aquifer. Contamination is strongly suspected at the site due to the historic land uses as identified in the geotechnical desk study which was supplied as part of this application.

Condition

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all

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long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason

Given the size/complexity of the site it is considered that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Additional advice for the attention of the applicant

The Environment Agency recommends that developers should:

- Follow the risk management framework provided in CLR11, Model procedures for the management of land contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information required in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, e.g. human health.
- Refer to our website at www.environment-agency.gov.uk for more information.

The treatment and disposal of contaminated soils

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and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If any waste is to be used on site, the applicant will

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be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If the applicant wishes more specific advice they will need to contact the Environment Management Team at our Monmouth Office or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off-site incineration and disposal to landfill during site construction.

Mid Wales Trunk
Road Agency
Monmouthshire
County Council
Highways

14th Dec 2012

See response from the Welsh Government Transport Department dated 16th January 2013.

I would offer no adverse comments to this proposal and therefore have no highway objections. There are no specific conditions I wish to request, from the MCC Highway standpoint, on any grant of planning permission with regard to this planning application.

As the A40 is a trunk road, consultation should be sought from both the North and Mid Wales Trunk Road Agency and South Wales Trunk Road Agency with regard to the highway implications of this proposal.

National Grid UK
Transmission
NP Head Of Strategy
Policy And Heritage

26th Aug 2014

No comments received.

I refer to the above which has been forwarded to the Strategy and Policy Team for comment.

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.

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Proposal

The proposal seeks outline consent for redevelopment of the former Cwrt Y Gollen Army Camp for a mix of residential, employment and community uses.

LDP Policy Context

The proposal is located on an area of land allocated for mixed use development as shown on the LDP Proposals Map.

The site is identified for housing (3.7ha), employment (1.4ha), with the remainder of the site to comprise of land to provide for community facilities and accessible open space (table 7.2 of the LDP).

The site is subject to a detailed development brief, which, in accordance with due process has been consulted upon and adopted by the National Park Authority (as required by paragraph 7.2.1 of the LDP)

The proposal is compliant with the stated aims and objectives of the development brief.

Given the above, the strategy and policy team are satisfied that the principle of the development is sound and we have no objection to the proposal.

Recommendation:

The proposal is compliant with the strategy and policy of the LDP.

We have no objection to the proposal.

NP Planning Ecologist
NP Tree Consultant 19th Dec 2012

No comments received.

I have visited the site, reviewed the available information and have the following comments to make.

While it is understood that the application is at outline stage and many finer details are to be designed, submitted and agreed, it is obviously expedient to raise any apparently obvious problems

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as soon as possible in order to avoid delays at a later date.

- There is no supporting tree survey for the proposed S278 works at the entrance to the site. The applicants Arboricultural Consultant Jerry Ross is more than capable of providing such a survey to the correct British Standard 5837 of 2012 "Trees in relation to design, demolition and construction". In order to fully understand the potential impact of the proposed works on the adjacent trees that are subject to a Tree Preservation Order (TPO) the survey and report should be submitted as soon as possible.
- It appears that not enough car parking has been shown on the proposed plans. While this is not directly an arboricultural requirement, the amount, type of and access to car parking included the associated services such as street lighting and surface water drainage, all have potential to negatively affect the TPO and retained trees on site. Exact details of car parking need to be submitted.
- The houses shown at number 36 - 48 are likely to have a significant direct and indirect impact on TPO trees. The exact location of these houses and existing TPO trees should be identified on plan so that an informed decision can be made as to the long term retention of the protected trees.
- House number 10 and a significant proportion of its garden is within the TPO woodland, this is obviously not acceptable.
- Houses 10 -12 may not have sufficient usable garden space due to the shade cast by the neighbouring TPO woodland. Should the houses be built in their proposed location, the woodland will be subjected to increasing pressure to be pruned and as is often the case, illegal tree works may be carried out.
- In general terms, the proposed site layout has high potential to cause significant direct and indirect damage to retained and protected trees

While no objection is raised in principle to the development, much more work is required to ascertain the exact impact of the development on protected and retained trees. It is important to

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remember that, trees are a material consideration in the UK planning system, and existing trees are an important factor on construction sites, whether on or near the working areas. BS 5837 of 2012 arboriculture reports are intended to assist decision-making, by ensuring consideration is given to existing and proposed trees in the context of design, demolition and construction. To that end and in order to ease the process along, it is recommended that the tree location plan produced by Mr. Jerry Ross is overlain the layout plan (DWG No 1505-L-003-02), this will enable all parties to view the potential impact of the proposed scheme at a glance.

Prior to full determination the following will be required;

- Detailed Arboricultural Impact Assessment (AIA). This should include but is not limited to;
 - the exact details of tree loss within the site
 - trees whose root protection areas may be effected but retained
 - details of the effect of any underground or overhead services such as BT and drainage
 - the effect of any surface treatments employed
 - any proposed mitigation and compensation measures
- Detailed Arboricultural Method Statement (AMS), this should include but is not limited to;
 - Construction type, materials used and method of any development activity within the root protection area of retained or protected trees
 - Construction type and position of all protective fencing to be employed throughout the scheme including demolition.
 - Any additional protective preventative measures to be employed during demolition to avoid accidental or indirect damage to retained or protected trees.
 - Timing and specification of any tree works to be undertaken to facilitate development activity.
 - Location of all development and demolition related materials, vehicles, welfare facilities, site office, wash out area and other such development related items.

NP Tree Consultant 21st Feb 2013

Section 278 Works

The revised layout of the footpath to the west is

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appreciated and no objection is raised to its location or extent.

Likewise the Footway detailed to the east is acceptable with no objections raised. The construction of and any

potential re-surfacing of the driveway / entrance will need to be the subject of a detailed Arboricultural Method Statement (AMS) potentially supported by a watching brief. This should be a relatively straight forward task. In producing the AMS reference should be made to BS 5837 2012: section 7. The works in this area must also be included within the tree protection plan for the site and cross referenced to the AMS.

The AMS need not be a lengthy document but should cover the salient points and detail how damage to the rooting structure of T39 will be avoided. Of course if there are no surfacing or other works that may be injurious to tree roots within the RPA of T39 the AMS will be exceedingly brief.

Car Parking

No further comments or objections to raise in relation to this point.

Plot 36 – 48

Although it is likely in time to result in the loss of tree 172 the layout proposed in drawing number 1505.L.003.13 does afford a greater garden area and is further from the RPA of the rest of the group. No objection is raised. It should be noted however that Tree protection and method of demolition / re-development of the area will need to be included in the AMS for the scheme.

Plot / houses 10, 11, 12

The proposed layout shown in drawing 1505-L-003-11 is much more acceptable. No further comments or objections to raise in relation to this point.

In conclusion

Your time and consideration in addressing the previous points raised is appreciated and has resolved many issues relating to the long term retention of trees on site both during and post development.

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Although it is understood that the application is at outline stage, the applicant should be aware that a detailed method statement and tree protection plan for the demolition stage of the scheme will be required. This document need not cover trees that are to be lost but must include all TPO trees and those to be retained within the scheme that are adjacent to buildings to be demolished. In essence it must be clear how damage to retained / protected trees will be avoided during every aspect of the proposed scheme.

Powys County Council
Contaminated Land

22nd Nov
2012

It is noted that the proposed development is situated on land that was formerly a Ministry of Defence (as shown on historic Ordnance Survey Maps) which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

The view of the Environment Agency should be sought and consultation maintained throughout the project.

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risk to:
human health, property (existing or proposed)

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including crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation.

The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

ENCLOSURE 6

ahead 'in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the

ENCLOSURE 6

measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy of the adopted Local Plan (date)].

Note to Applicant Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

In essence, no objections are raised at this stage. The Cabinet wants the following four items to be taken forward:

1. Negotiation on the commuted sum which should come to the County Council as strategic housing provider to determine the location of affordable housing throughout the area and not just on this one site;

I have raised this issue briefly with both Michael Rees of Boyer Planning and Terry Flynn, the Council's Affordable Housing Officer and would welcome your thoughts on the matter so that we can collectively discuss it further.

2. Clarity on funding for the upkeep of community facilities;

Powys County
Council Development
Control

11th Apr 2013

ENCLOSURE 6

I have since spoken with Michael and understand that, if approved and built, the development would benefit from a private management company in this respect thereby removing any public liability. I know that colleagues have confirmed during the application process that Powys County Council will not be seeking any planning gain from the proposed development on this basis given that the applicants propose to have such matters controlled in this way to ensure the future maintenance of all recreational space within the site.

3. Need for a connecting road to the existing development;

The reason for some concern being expressed in this regard is in terms of permeability between existing and planned developments. I would welcome your thoughts on this matter.

4. Social Care housing to be provided as part of the development

I appreciate that this is not proposed as part of the application. However, if circumstances were to change, Powys County Council would welcome further discussion on this point.

Powys County
Council Education
Powys County
Council Highways
Powys County
Council Highways

No comments have been received to date.

21st Nov 2012

This application should be referred to North and Mid Wales Trunk Road Agency

6th Feb 2013

I refer to the layout plans submitted with this proposal and appreciate that these observations are somewhat delayed. I hope they can still be included in the consideration of this application.

Whilst I would normally wish to offer comment on the layout detail I believe in this case the proposal and the information provided makes no attempt to reflect the standards promoted by our own Design Guide or those of the Manual for Streets documents. I must therefore advise that I see nothing upon which I can make constructive comment and must therefore recommend most

ENCLOSURE 6

strongly that in the interests of highway safety the internal layout be refused.

The scheme is being promoted as a private development with none of the site roads being put forward for adoption. Unfortunately this aspiration is not supported by any evidence of safeguards for Powys County Council that the future residents will not utilise the routes open to them through the Highways Act 1980 to seek adoption by the Local Authority and thereby remove their own maintenance liability. If the development proceeds as designed it will be the duty of the Local Authority to serve notice and secure funds under Section 219 of the Highways Act 1980 to ensure that such an outcome does not become a burden on the public purse.

The scale of the site and the facilities being proposed are surely to be for the benefit of the public at large and I therefore consider that it would be in the public interest to have the highway network adopted. I trust that a more satisfactory arrangement regarding redevelopment of this site can be agreed through negotiation.

Powys County
Council Land
Drainage Department
Powys County
Council Leisure And
Recreation
Powys County
Council Public Art
Powys County
Council Public
Protection And Env
Health
Powys County
Council Waste
Management
Rural Housing Enabler
South Wales Trunk
Road Agency
Vale of Grwyney
Community Council

21st Nov 2012

No comments received.

No comments received.

No comments received.

See comments received from Powys CC
Contaminated Land Section.

No comments received.

No comments received.

See response from the Welsh Government
Transport Department dated 16th January 2013.

In view of the considerable amount of paperwork
involved the Council would like to enquire whether

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Vale Of Grwyney
Community Council

19th Dec 2012

you would be prepared to extend the period of time in which it can submit a response.

On behalf of the residents of the Vale of Grwyney, the Vale of Grwyney Community Council formally object to the above planning application as detailed in the attached response.

Despite claims to the contrary by Boyer Planning, the community of Glangrwyney is overwhelming against a large housing estate of 68 dwellings being attached to our village of approximately 80 private residential houses.

To confirm this we attach a petition (Appendix I) signed by 143 residents who oppose development on this site. The signatures represent 97.3% of residents polled. The previous application for this site almost tripled the size of the village and was soundly rejected. The reasons for refusing the Appeal, as detailed in the Planning Inspector's report, apply equally to this application which doubles the size of the village.

The Community Council appreciate all the effort that the Brecon Beacons National Park Authority made in ensuring full consultation with our community during the compilation of the Local Development Plan. We believe that this represents a true and accurate portrait of the needs of our small community and you will be aware that Cwrt y Gollen is quite rightly excluded from this plan.

On consideration of the submitted application it would appear that Boyer Planning are desperately attempting to justify this large unnecessary housing scheme by claiming that it conforms to the 1999 Local Plan, the unadopted UDP and the emerging LDP in an effort to give it some sort of credibility. The fact remains that it was not in the 1999 Local Plan, its inclusion in the unadopted UDP was as a possible windfall site (although it was not tested against suitability or need) and it has been excluded from the emerging LDP. Accordingly, the planning application should be refused.

Residents have informed us that there are many

ENCLOSURE 6

other issues that raise serious concern such as contamination, flooding, traffic speed, sewage, proximity to army training and children having to walk 2 miles to school along a very busy major road.

This application fails all tests of sustainability given the generation of at least 681 vehicle movements per day which would add greatly to greenhouse gas emissions. The assumption that residents would walk into Crickhowell was also refuted by the Planning Inspector at the Appeal.

Of further concern is that Boyer Planning state that there is no known or suspected contamination on the site.

Mr David Jones, Contaminated Land Officer of Powys County Council wrote to the National Park in August 2009 stating quite rightly that the site is considered "high risk" in accordance with its Part IIA inspection strategy. Powys County Council is of the opinion that further information in respect of contamination is required before determination.

Our response details many reasons why this application fails to meet the requirements of the National Park's Management Plan, as well as contravening many Planning Policy Wales stipulations as highlighted by the Planning Inspector. It is also contrary to the National Park's principles as it could not in any way contribute to preserving the nature and beauty of the National Park and would destroy the nature and cultural identity of our community and is patently unsustainable.

Welsh Government
Transport
Department

16th Jan 2013

I refer to your letter of 14 November 2012 regarding the above planning application and advise that the Welsh Government as highway authority for the A40 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The minimum visibility distances available for vehicles emerging from the proposed junction shall be 160 metres to the south and 215 metres north at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk

ENCLOSURE 6

road carriageway. These visibility distances shall be available at a point

4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

2. The junction, visibility splays and off site works shall be laid out, constructed and maintained strictly in accordance with the submitted plan No.1536 - 11 Rev B dated 9/1/13.

3. The new junction, off site works and visibility requirements shall be fully complete and available for use prior to the commencement of any other works associated with the development.

4. The proposed junction and off site works shall be completed to the written satisfaction of the Planning Authority before the proposed development is brought into use.

The above conditions are included to maintain the safety and free flow of trunk road traffic. The following points should be brought to the attention of the applicant:

1) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.

2) The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 | Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be

ENCLOSURE 6

implemented.

3) The Applicant shall agree with the Highway Authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Streetworks Act 1991

4) The development shall include any necessary adjustment of any public utilities apparatus, highway drain, streets lights, traffic signs or road markings arising from the works.

CONTRIBUTORS

Mr Phill Bowker, 5 Bridge Row, Glangrwyney
Mr D A Jones, 5 Dan Y Gollen, Crickhowell
Mr And Mrs Cutting, 11 Dan Y Gollen, Crickhowell
Mr And Mrs Reynolds, 15 Dan Y Gollen, Crickhowell
Mr And Mrs Mullens, 27 Dan Y Gollen, Crickhowell
Mr And Mrs Barrett, 33 Dan Y Gollen, Crickhowell
Mr IAN BAKER, 26 DAN-Y-GOLLEN, GLANGRWYNEY
S Jones, The Old Mill , Llangenny
G Jones, The Old Mill , Llangenny
Mrs Elizabeth Baker, 26 DAN-Y-GOLLEN, GLANGRWYNEY
Lawrence Watts, Crickhowell R F C, Glangrwyney
Cllr John Morris
Mr David Sharman, Glangrwyney Village Hall, Mill Brook Cottage
Mr M Shaw, The Chateau, Glangrwyney
Mr Dean Christy, Forge House, Glangrwyney
Zoe Payne, 44 Martell Way, Crickhowell
Mrs Nicola Welton-Wall, 37 Martell Way, Crickhowell
Lily Dew, 33 Dan Y Gollen, Glangrwyney
Mr Charles Brain, The Cardiff Brewery, PO Box 53
D R Jones, The Old Mill, Llangenny
Mrs Grady
Mrs S Shaw, The Chateau , Glangrwyney
R S Thomas, Bridge Cottage, Llangenny
Mr David Sharman, Llangenny And Glangrwyney Ward, Mill Brook Cottage
Mr Bryan Davies
Mr Eddie Harding, Glangrwyney Crickhowell Club,

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Mr Ian Baker, 26 Dan y Gollen, Glangrwyney
S Jones, The Old Mill, Llangenny
G Jones, The Old Mill , Llangenny
Mrs Elizabeth Baker, 26 Dan-y-Gollen, Glangrwyney
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Mr David Sharman, Glangrwyney Village Hall, Mill Brook Cottage
Mr M Shaw, The Chateau, Glangrwyney
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Mr David Sharman, Llangenny and Glangrwyney Ward, Mill Brook Cottage
Mr Bryan Davies
Mr Eddie Harding, Glangrwyney Crickhowell Club

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The President of Crickhowell RFC:

Crickhowell RFC supports this development on the basis that the camp currently looks an eyesore and with the rate of decay ever increasing, redevelopment seems the obvious way forward. Llanover Estates are never going to return this land to agricultural use so unless it can be redeveloped it is always going to look dreadful, blighting one of the entrances to the National Park.

The occupier of 37 Martell Way:

More housing will result in doctors, schools, dentists and roads being congested and overused. The level of crime will go up along with potential insurance costs for both car and house. We also concerned about the boundary fencing between the new estate and the existing estates. These in time will be vandalised. We have seen this so many times before, hence the reason for moving. Please do not spoil this outstanding area.

The occupiers of 11 Dan y Gollen:

The application should be refused on the same grounds that the BBNPA refused their initial application in 2011. and the Welsh Government's Inspector Mr. Alwyn Nixon refused their appeal later that year. It is inappropriately large scale, and it is unsustainable. The fact that it involves building one third the number of houses originally applied for (230) does not make it three times more attractive. Planning Policy Wales 4

places sustainability at the heart of the decision-making process. In particular, Paragraph 4.6.8 states "development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable. All new development should respect the character of the surrounding area, and should be of appropriate scale and design." 50 houses and 18 flats comprise an enormous extension to Glangrwyney, a village with no infrastructure. The walk to Crickhowell is at least half an hour, along a busy trunk road. The proposed development would make car ownership and use essential for every household. PPW Chapter 9.3.2 states that "significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport." This planning application benefits no one but the developer. It is of inappropriate scale, and is clearly unsustainable. Approval will negate everything contained in PPW.

The occupiers of 26 Dan y Gollen:

Inappropriate urbanisation of the gateway to the National Park. No identified need for additional private housing in Glangrwyney (BBNPA - LDP). Overburdening of local infrastructure, light pollution from new street lighting, wrong place for affordable housing given lack of local amenities for day to day living and the consequent need for personal transport. Affordable housing should be built where it is needed and where there are facilities within easy reach. Additional traffic on an already very busy road with resulting noise pollution. Loss of a buffer zone between Glangrwyney and Crickhowell resulting in a sense of conurbation. Development creep i.e. the risk of further development if permission is given.

The occupiers of The Old Mill, Llangenny:

It is galling that the Community Council needs to redirect its funds to fighting continuous applications at the expense of worthwhile local initiatives. This latest proposal is unimaginative hotchpotch of ideas and schemes which is designed to answer previous objections but it does not add value to the community. The camp is not a former army camp - it is still in use with regular firing exercises occurring particularly at weekends. The need has not been established. The requirement for low cost housing would be better met by dispersing the housing in smaller units closer to where the needs actually exist. The requirement for further cars is exacerbated. I see no significant proposal to address an improvement in broadband access or provide improved business infrastructure and supporting facilities. It does not take sufficient regard to the floodplain. Further development will provide increasing run-off issues. I would like to see some form of legally binding financial commitment to ensure maintenance and on-going support of the facilities. They are merely a sop and the first things to get dropped. It is unwarranted, incomplete and should be rejected.

The occupiers of 27 Dan y Gollen:

Firm opponents to the proposed development. We have never seen the area looking so neglected. We are both of the opinion that this neglect is in order to apply pressure in

creating what is an extremely unsuitable alternative. We both feel that the addition of 50 residential homes (and therefore 100 potential voices towards further additions) as no doubt there would be more eyesores left to force this opinion, the inadequate sewage and the fact that these homes will be built in the floodplain is not what this area requires, especially in light of the recent bad weather and the misery this has caused to numerous families in Wales.

The occupiers of 33 Martell Way:

Our concerns include:

- There is insufficient demand for 50 houses and 18 flats.
- The village does not have the infrastructure to support this development.
- Insufficient school places or health facilities to cope with this number of people moving into the area.
- The number of vehicles using the A40 will be greatly increased causing congestion on an already busy road and traffic at peak times will be an issue.
- There have been issues with the usage at Dan-y-Gollen.

We also feel that this development will lead to further houses being built on the site in the future. Concerned about our street being used to access the new development. Our street is privately maintained and fees would increase.

The occupier of 5, Dan y Gollen:

Disappointing that an almost identical application has been lodged. A petition signed by local residents has been supplied and I trust it will be given proper weight. The application would open up the possibility of further applications for housing in the future. It must not be forgotten that the site falls outside the approved LDP. The issue of traffic generation is a major factor. The safety of road users and pedestrians would be at risk. The speed limit at the entry is 60 mph. The speed often exceeds this limit. The foul system at Dan y Gollen is already under strain. The site is on a flood plain. No housing need has been shown to support this proposal. It is purely speculative. Villages locally have sought much smaller developments. The proposal is out of character to Glangrwyney, doubling the housing stock.

A Martell Way resident:

The development will have an impact on the immediate area and the people's lives that live within it will be devastating. The main road is already extremely busy and the development will only attract outside people that would have to commute. There is also sewerage problems. Once it has been given the green light it would only be a matter of time before the next lot would be presented. The area is a local flood plane. Will we be getting increase in policing in turn increasing Council Tax. There is not an overwhelming support for this development unless you're a business developer.

The occupiers of The Chateau, Glangrwyney:

Glangrwyney is a small nucleated historic settlement of approx 80 private houses. A development of 68 units would almost double the size of the village and would destroy its nature and character. The isolated nature of the estate would result in heavy reliance on road transport at 600 vehicle movements per day. The applicant cites the UDP as the

basis for the development whereas the Inspector cited the 1996 Powys Structure Plan and the adopted BBNPA Local Plan as being of most relevance. The LDP is based on the latest housing projections and following community consultations and settlement assessment this site was not included for housing. The Inspector allowed considerable weight to the emerging Local Development Plan and this site is not included within the plan. The application relies on the approved Development Brief which was dismissed by the Inspector. The industrial use does not comply with PPW requirements on location and sustainability. There are empty units within one mile radius. The site is likely to be heavily contaminated. There are serious problems with flooding from the river and from water run-off. The development would increase the likelihood of flooding from water run-off. The location of the sewerage plant would be vulnerable to flooding. Many of the reasons stated by the Inspector for rejecting the previous appeal are still applicable. Originally the application was for 200 houses in three phases - this application is obviously phase 1.

They have also queried discrepancies in the application form and raised further points relating to forcing children to walk to schools in Crickhowell, the fact that the development does not enjoy the support of local residents and concerns relating to the number and location of the affordable housing units as well as the impact of the development on the statutory purposes of the National Park.

The occupiers of 15 Dan y Gollen:

We are very concerned for various reasons, one being the safety implications caused by the excessive speed of traffic there is already before any more houses are built. The second is transport issues to both schools, we have lived here for just over 9 years and there has never been transport provided for any of our three sons and it is not always safe to cycle. Another concern is obviously setting a precedent for further development. I do not understand where "overwhelming local support" came from as we currently live very close to the proposed development and do not give our support and there are many residents of Dan y Gollen who feel the same.

The occupier of 33 Dan y Gollen:

Objects to the scheme on the following grounds:

- flooding
- sewerage capacity
- safety of roads criss crossing the open space area
- traffic congestion
- exploitation of land in a National Park

The occupier of Forge House:

Having reviewed the grounds for the refusal of the initial application for the development on this site, it is clear that the majority of these grounds still apply to the revised proposal. The claims published in the local paper that "there is overwhelming" local support for this development would need to be substantiated as a large number of people in the vicinity of the site have already expressed their disapproval of this development. One would need to define the term "local" and I feel that Crickhowell or Abergavenny

should not be deemed local for the purposes of such a significant development. Reasons for objecting to the scheme include: significant additional traffic, highway safety implications, unsustainable location, Glangrwyney is not identified as having an additional residential housing requirement, increased risk of flooding, the sewage system is already stretched, setting of a precedent for ribbon development between Glangrwyney and Crickhowell and a development of this size will substantially and disproportionately increase the size of the village.

Mr. and Mrs. Bryan Davies emailed to confirm their objection to the proposed development and the fact that they have never agreed as the developer suggests that they support the plans, they have always objected.

The occupier of Millbrook:

Objects on the following grounds:

The original planning app was refused and an appeal against the decision was rejected by the Planning Inspectorate.

The scheme would open the floodgates for the whole site.

The site was allocated in the UDP without any proper public consultation.

The UDP was never formally adopted only approved for planning purposes.

The application needs to be addressed as a departure.

The Local Plan describes the site as an Army Training Camp within countryside.

Consolation meetings were held and the findings analysed by the LDP team. The site was identified as being unsuitable for development and was not included in the LDP.

The agents claim overwhelming public support for this application but the Community Council carried out a door to door survey and concluded that the overwhelming majority (97%) were against the new development.

Traffic calming measures have not resolved the speeding and overtaking in the 30 mph zone.

The main entrance is on a flood plain and floods regularly.

The roads are congested.

The site is two miles from the nearest shop.

The Vale of Grwyney does not require any large housing developments to serve the needs of the local community.

The existing sewerage system is at capacity.

The development is against the principals that National Parks are based on.

Glangrwyney Village Hall Trustees:

The scheme is more than twice the size of Martell Way and Dan y Gollen.

The Local Plan describes the site as an Army Training Camp within countryside.

The underground firing range has never been constructed.

Bat habitats have not been constructed.

Crickhowell sewerage works is up to capacity.

Highway safety.

Level of traffic.

Lack of infrastructure.

Detrimental to the local community.

No planning gain offered to community benefit.

The occupier of 44 Martell Way:

Even though the proposed development has been reduced in size it will still have a dramatic impact on our small rural village of Glangrwyney. We have no facilities here and very little infrastructure and the development would be cut off from the nearest town which is situated 1.5 miles away. This would substantially increase vehicle movements, further burden an already overloaded sewerage system and possibly cause flooding due to the amount of new build close to a flood plane. I believe in organic growth of existing towns and I oppose the building affordable homes in one area when they are needed throughout Powys. I am concerned that this new proposal will set a precedent and allow for further future developments on this site.

The occupier of Bridge Cottage:

Letter copied from objection to original application in 2009.

Councillor John Morris:

I wish to object to this planning application. Firstly I fully endorse the comments made by the Vale of Grwyney Community Council in their submission to this application. It is evident that this too is a large development in a small village and in the National Park. The planning inspector refused the appeal on a number of grounds as outlined in his report. The community is totally against this large development and there is little change from the reasons for refusal by the park and the inspector of the previous application. I agree that housing particularly affordable housing is needed in the park but this needs to be put where it is needed not where it can be dumped. Powys County Council as with all local authorities are under huge financial pressures to deliver statutory services. To place this large development on a site 2 miles away from services places even more pressure on providing services such as schools, school transport, social care and waste. The National Park have a duty to support the statutory authority in efficiently delivering services as they are signatories to the One Powys Plan. Crickhowell is the Key settlement in this area not Glangrwyney, any future development needs to be in the key settlement. At a recent public meeting in Crickhowell attended by Mr John Cook chief executive and Ms Tracy Nettleton head of strategy and policy, Mr Cook said in answer to a question 'The only site in the area identified for development is the Upper House Farm site in Crickhowell for 40 units'. The National Park put the environment and climate change as one of their main focuses. How can members justify this application on these grounds alone. I ask members to refuse this application.

The occupier of 5 Bridge Row:

New developments have emerged since receiving your original correspondence. There are several main reasons for objecting to these proposals. Firstly, the original application was fully considered and eventually turned down following a full public enquiry. All the main reasons for rejecting the original scheme still apply to the new proposals. Secondly, the scheme can, in no way, enhance the current community infrastructure. It will never be an expansion of an existing village situation. It will become a separate village in its own right and actually act as a detrimental factor to the current community infrastructure.

This process, in fact, has already started, as we have recently been informed that the local cricket club have been tempted out of its central village location in Glangrwyney, onto the Cwrt-Y-Gollen site. This is not a local community club anymore. I have been an active member of the cricket for nearly 25 years but I have had no formal opportunity to express an opinion on the club moving grounds, and indeed in the absence of any clear information, many members, myself included, have resigned under protest. It was clear that something unsavoury was going on, hence all the secrecy and lack of openness. The authorities should be working with local community organisations and land owners to maintain and improve the infrastructures available, but all this new scheme will do is develop another village and Glangrwyney as it currently stands in particular, will move into further decline, should the scheme go ahead.

Glangrwyney Cricket Club:

At a Committee meeting of Glangrwyney Cricket Club on 8th January it was unanimously resolved to move to Cwrt-y-Gollen and accept the offer of a twenty five year lease there which will provide not only the security of tenure which we do not currently have but should also allow us to access much needed financial support through the various grants available to those with such security. Accordingly we are fully supportive of the current planning application which, if granted, would provide us with new potential club members. It is our intention that we become a social focal point for those in the village.

S.A. Brain & Company Limited:

Writing to express the company's support for the application as owners of the Bluebell public house in Glangrwyney.

A petition objecting to the scheme with 143 signatories was submitted as part of the Vale of Grwyney Community Council's formal response to the scheme.

RELEVANT POLICIES

SPI	“National Park Policy” Local Development Plan (2013)
Policy 1	“Appropriate Development in the National Park” Local Devt Plan (2013)
Policy 2	"Notifiable Installations" Local Development Plan (2013)
SP3	“Environmental Protection – Strategic Policy” Local Devt Plan (2013)
Policy 3	“Sites of European Importance” Local Development Plan (2013)
Policy 4	“Sites of National Importance” Local Development Plan (2013)
Policy 5	“Sites of Importance for Nature Conservation” Local Devt Plan (2013)
Policy 6	“Biodiversity and Development” 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 10	“Water Quality” Local Development Plan (2013)
Policy 11	“Sustainable Use of Water” Local Development Plan (2013)
Policy 12	“Light Pollution” Local Development Plan (2013)
Policy 13	“Soil Quality” Local Development Plan (2013)
Policy 22	"Areas of Archaeological Evaluation" Local Development Plan (2013)

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SP4	"Climate Change" Local Development Plan (2013)
SP11	"Sustainable Design" Local Development Plan (2013)
Policy 23	"Sustainable Design in the Adaption and Re-use of Existing Buildings" Local Devt Plan (2013)
SP10	"Sustainable Distribution of Development" Local Development Plan (2013)
Policy 24	"Housing Requirement" Local Development Plan (2013)
SP5	"Housing" Local Development Plan (2013)
SP6	"Affordable Housing" Local Development Plan (2013)
Policy 28	"Affordable Housing Contributions" Local Development Plan (2013)
SP12	"Economic Wellbeing" Local Development Plan (2013)
Policy 32	"Employment Land Requirement" Local Development Plan (2013)
Policy 34	"Mixed Use Allocations" Local Development Plan (2013)
Policy 35	"Employment Generating Development" Local Development Plan (2013)
SP15	"Supporting Sustainable Communities" Local Development Plan (2013)
Policy 53	"Planning Obligations" Local Development Plan (2013)
SP 16	"Sustainable Infrastructure" Local Development Plan (2013)
Policy 56 (2013)	"Water and Sewage Supply for New Devt" Local Development Plan
Policy 57	"Use of Non Mains Sewerage Solutions" Local Development Plan (2013)
Policy 58	"Sustainable Drainage Systems" Local Development Plan (2013)
SP17	"Sustainable Transport" Local Development Plan (2013)
Policy 59	"Impacts of Traffic" Local Development Plan (2013)
Policy 60	"Provision for Cycling and Walking" 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
14/10934/CON	Variation of condition 1 of planning permission 09/02984/FUL to extend the period of time for the implementation of construction of replacement indoor firing range	Application Permitted	6 th Aug 2014
09/03405/OUT	Redevelopment of the former army camp at Cwrt y Gollen for comprehensive mixed use development comprising residential development (C3), employment provision (B1), a pre-school day nursery (D1), a residential care home (C2), open space provision including allotments, community orchard,	Application Refused Appeal Dismissed	15 th Jul 2010 2 nd Nov 2011

	sports provision and associated infrastructure works.		
09/02986/FUL	Conversion of former ammo store into bat habitat, incorporating replacement roof	Permitted	11 th Mar 2011
09/02985/FUL	Conversion of former gas chamber into bat habitat, inc. replacement roof	Permitted	11 th Mar 2011
09/02984/FUL	Construction of replacement indoor firing range	Application Permitted	26 th Aug 2009
09/03091/TRE	Reduce overall size by up to 20% of 7 No. Plane trees covered by TPO's (T78, T80, T82, T84, T85, T86 _ T87)	Application Permitted	23 rd Jun 2009

OFFICER'S REPORT

Introduction and Background

This application is being reported to Members of the Planning, Access and Rights of Way Committee as it is a major and contentious scheme within the National Park.

Members will recall the previous application for the redevelopment of the site (09/03405/OUT) which was an allocated site under the Unitary Development Plan (2007) that benefitted from an approved Development Brief (2008). The application was refused by Members for five reasons although only three of the grounds for refusing the application were subsequently considered at the Public Inquiry. The Planning Inspector recommended that the appeal be dismissed and the Minister for Environment and Sustainable Development at the time agreed with the Inspector's recommendations and dismissed the appeal on the 2nd November, 2011.

Following the registration of the application on the 19th October, 2012, it was advertised on site and in the local press as a major development, an application accompanied by an Environmental Statement (EIA Development) and as departure from the Development Plan. In light of the previous appeal decision, a positive determination on any application relating to this site prior to the formal adoption of the LDP was deemed to be premature.

The draft Local Development Plan did not include this site as an allocated mixed use site (in the same way as the previous Unitary Development) based on the LDP's "Environmental Capacity" approach to the future sustainable development of the National Park and the fact that the site and the adjoining settlement of Glangrwyney were considered to be unsuitable or unsustainable locations for development. However, the developer submitted representations to the Inspector and, during the course of the Examination of the LDP, the Inspector identified a shortfall in the housing projections for the Park and recommended that this site be included for mixed

use development. As the LDP was subsequently adopted on the 17th December, 2013, the application is no longer a departure from the Development Plan.

The mixed-use allocation in the LDP proposes 1.4 hectares of employment land together with 70 residential dwellings (21 of which should be affordable (30%)). Accordingly, being one of the larger allocations within the LDP, the site represents a significant element of the employment and housing supply leading up to the end of the LDP period in 2022.

Paragraph 7.2.1 of the LDP states:

“For all mixed use allocations, developers will be expected to produce and agree a development brief for the site with the NPA prior to the submission of any planning application...”.

Accordingly, it was agreed at the National Park Authority meeting on the 7th February 2014 that the Draft Development Brief could go out to consultation subject to holding a stakeholder panel meeting. The stakeholder panel meeting was held on the 26th February 2014 and the consultation period elapsed on the 24th April 2014.

Eleven responses were received to the consultation and these were included with the report to the National Park Authority on the 11th July, 2014. A summary of the responses provided by the agent was included with the report together with a response to each comment made, confirming, for example, whether the Development Brief had been updated as a result of the comment.

Officers recommended that the updated Development Brief be endorsed by Members for use as Supplementary Planning Guidance and to be utilised as a significant material consideration in the determination of the planning application. Members endorsed the Development Brief at that meeting.

The scheme also includes planning obligations requiring a Section 106 Legal Agreement and it has been the subject of objections/comments from the Community Council, local residents, the local County Councillor, the Assembly Member for the region and the Member of Parliament for the constituency as well as a request for the application to be "called in" to be determined by the Welsh Ministers.

Relevant History

Apart from the previous Outline application for the comprehensive redevelopment of the site as mentioned above, there are other applications that are relevant to the development.

More specifically, the original application for the new indoor firing range on the retained MOD land to the north of the application site was approved by Members subject to a number of conditions that would limit its impact on existing and proposed residential properties in the immediate vicinity.

For example conditions 4, 5 and 6 state:

“The hours during which construction work on the development hereby permitted may take place shall be restricted to between the hours of 0930am and 1630pm Mondays to Fridays. No construction work shall take place on Saturdays, Sundays, Bank Holidays and Public Holidays”,

“Shooting shall only take place between 0700hrs and 2130hrs on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays and between 0900hrs and 1630hrs on Sundays”, and,

“The premises shall be used for military fire arms training and for no other purpose.”

In addition, a Grampian condition is attached to this recommendation to ensure that the indoor firing range is implemented prior to the beneficial occupation of the Cwrt-y-Gollen development in order to safeguard the residential amenities of future occupiers of the development.

An application (14/10934/CON) to vary condition 1 of the planning permission for the indoor firing range (09/02984/FUL) to extend the period of time for the implementation of construction of the replacement indoor firing range was approved on the 6th August, 2014. All of the relevant conditions stated above still apply.

With regard to the two applications to provide bespoke bat roosts to accommodate local bat population, the former ammo store and the former gas chamber were identified as being appropriate for this purpose due to their simple design and location. The former buildings were considered suitable for adoption by roosting bats as they were located near foraging and commuting habitats within the nearby woodland area.

Evidence of 5 bat roosts in 5 buildings was found within the Cwrt y Gollen site. Of these 5 buildings, only the gas chamber will be retained (and re-developed as a purpose-built bat roost); the others are to be demolished after the new bat roosts have been constructed. The ammo store (not previously a bat roost) was offered as part of the compensation for roosts that will be lost as a result of demolition.

Therefore, the above applications are linked to the redevelopment of the site as the demolition of the existing bat roosts could not go ahead until alternative accommodation was provided. The relevant S106 Legal Agreements were duly signed and both applications (09/02985/FUL and 09/02986/FUL) were granted approval on the 11th March 2011.

Site Description

The former MoD site at Cwrt y Gollen comprises 24.4 Ha of land and is located in the Usk Valley (close to the River Usk Special Area of Conservation) to the north-west of the village of Glangrwyney, approximately 1.5km south-east of Crickhowell and 5km

west of Abergavenny.

It is accessed via and bounded by the A40 Trunk Road to the south-west which separates the site from the flat, open farmland of the river Usk floodplain.

The western end of the site and the main entrance lies within the zone C2 flood plain, an area of flood plain without significant flood defence infrastructure as identified in the TANI5 Development Advice Maps.

To the north-west and north-east, the site is bounded by 25 Ha of land (Territorial Army training camp, a rifle range and a hang gliding centre) and houses retained by the MOD as well as the southern edge of Rheld Wood.

To the east, the site backs onto existing residential estates at Dan-y-Gollen and Martell Way with the Grwyne Fawr (a tributary to the River Usk) slightly further to the east.

In topographical terms, the site is generally flat and it sustains a significant number of mature parkland trees (some of which are TPO trees) and open space (including the former Parade Ground). To the northeast a wooded escarpment rises to higher ground beyond.

It is proposed to retain and re-use the HQ building, museum building close to the main entrance into the site, the gymnasium building, the cricket pavilion, the guard room and the ammo store and gas chamber.

A Scheduled Ancient Monument known as Cwrt-y-Gollen Standing Stone (BRI13) lies adjacent to the main entrance into the site.

The site lies outside both the Key Settlement of Crickhowell and the Level 4 Limited Growth Settlement of Glangrwyney as identified in the Adopted Local Development Plan (2013). However, the 24.4 Ha site is allocated for mixed use development on brownfield land (site code CS 66) for 70 No. residential units (including 21 No. Affordable Units), 1.4 Ha of employment space and the remainder will comprise of community facilities and open space provision.

The site lies within the administrative area of Powys County Council on the border with Monmouthshire County Council and within an area covered by the Vale of Grwyney Community Council.

Proposal

This application seeks Outline planning permission for the redevelopment of the former army camp at Cwrt-y-Gollen between Crickhowell and Glangrwyney for a comprehensive mixed use development to comprise of residential development to the north of Dan-y-Gollen and Martell Way, employment space in the form of offices and workshops, a pre-school day nursery within the existing guard room, open space

(including open parkland and cycle links), community provision (including an allotment, an orchard, a community store housed within the former Museum building at the entrance into the site, a Local Equipped Area of Play, a squash court, re-sited tennis courts, refurbished gymnasium and sports pavilion) and associated infrastructure works including an improved access into the site, an emergency access in the event of a flood, potentially an on-site sewage treatment plant and sustainable drainage systems including green roofs for a number of the detached dwellings located on the parkland edge and a SUDs detention basin located within the parkland adjacent to the A40(T).

In terms of the housing provision, the indicative scheme proposes 50 No. new residential dwellings (using a combination of 3, 4 and 5 bed dwellings and terraced properties, semi-detached housing and detached properties) and the conversion of the remaining 3 storey barracks buildings into 18 No. residential apartments in a mixture of 1, 2 and 3 bed flats. The dwellings are proposed to be sited on areas that have previously accommodated MoD buildings. The housing element of the scheme will incorporate three character areas – The Parkland Edge, The Village Green and the Green Corridor.

The majority of the Affordable Housing requirement of 30% will be provided on-site in the form of 14 No. units (provisionally 4 No. x 1 bed units, 7 No. x 2 bed units and 3 No. 3 bed units in response to evidence provided by the Rural Housing Enabler). The remaining 10% will take the form of an off-site contribution and/or additional dwellings on the site, if appropriate. It is envisaged that the on-site provision will be a combination of social rented and low-cost home ownership units with scope for flexibility to allow eligible persons to move between rent and part ownership as appropriate.

In terms of the employment uses on site, it is proposed to convert the former Headquarter Building (1,000 sq. m. of floorspace) and construct new offices and workshops (800 sq. m.) on 1.4 Ha of land to the north-west corner of the site.

The residential development will achieve Code for Sustainable Homes Level 4 and the new build elements of the employment courtyard project will be constructed to meet BREEAM (British Research Establishments Environmental Assessment Method) 'Very Good' rating standard (the five different ratings are Pass, Good, Very Good, Excellent and Outstanding). These standards of construction will be secured at the Building Regulations stage.

The existing priority junction with a ghosted right hand turn off the A40 is to be improved through the provision of kerbed refuges, anti-skid surfacing, additional street lighting and a visibility splay of 2.4m x 215m. New pedestrian and cycle links will provide access to the parkland from within the development, to Glangrwyney village and will connect into the existing network. The improvements to the access will be carried out through a S.278 agreement with the works being funded by the developer.

It is also proposed to provide an emergency egress point in the event of flooding

blocking the main entrance. The access road is 6.0m in width for the initial 250m between the A40 and guardhouse to enable large vehicles to pass each other. The section between the employment area and the residential development will be 5m wide.

The development of the site will be phased over a 3-5 year period. The original submission sought approval for the access, landscaping and layout of the site whilst reserving appearance and scale for future approval. However, following negotiations with the NPA Tree Consultant, all detailed planning matters are reserved for future approval apart from Access with the siting of buildings and the landscaping of the development being considered as indicative proposals.

As scale has also been reserved for future approval, the application includes details of the upper limits for the height, width and length of each building included in the development. Buildings on the parkland edge will have the lowest overall height up to 8m. The majority of other houses will have a maximum ridge height of 8.4m allowing more traditional pitched roofs to be incorporated into the designs. The accommodation blocks will have low pitched roofs added taking their maximum height to 10.5m above existing ground levels. The new employment offices/workshops will be a maximum of two storeys.

In support of the application the following plans and documents have been submitted:

- Site Location Plan
- Layout Plan
- Land Use Plan
- Building Heights Plan
- Proposed Tree Planting Plan
- Hardworks Plan – Employment Zone
- Hardworks Plan – Parkland
- Hardworks Plan – Residential
- Illustrative Master Plan
- Site Boundary Plan
- Proposed Access Road Plan
- Tree Location Plan
- Tree Impact Plan
- Planning Statement
- Design and Access Statement
- Design Code
- Code for Sustainable Homes Pre-Assessment
- BREEAM Pre-Assessment
- Statement of Community Involvement
- Environmental Statement (incorporating Main Text (Volume 2), Technical Appendices (Volume 3 and 4) and Non-Technical Summary (Volume 1))
- Flood Risk Assessment
- Transport Assessment inc. Framework Travel Plan

Tree Survey
Archaeological Assessment
Geo-Technical Survey (Ground Conditions Report)
Energy and Sustainability Statement
Air Quality Assessment
Noise Assessment
Lighting Assessment
Drainage Assessment Report

Policy Context

The Brecon Beacons National Park Authority Local Development Plan (hereafter LDP) has been subjected to a formal Examination in public. The NPA published the Inspector's Report into the examination and the report concluded that the LDP provided a sound basis for Planning within the National Park until 2022.

The conclusions reached by the Inspector were binding on the Authority and, as the Authority had to adopt the LDP by resolution of its members within 8 weeks of the receipt of the Inspector's Report (LDP Regulations 24 & 25). An EGM of the NPA was arranged to consider formal adoption of the LDP and it was formally adopted on the 17th December, 2013 and became operative from that date.

Even though this application was registered before the adoption of the LDP, it has been considered against relevant policies of the Brecon Beacons National Park Local Development Plan December 2013 (LDP) as listed above.

In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan, comments made by statutory consultees and other interested parties and the following national guidance:

Planning Policy Wales (PPW, 7th Edition July 2014)

Technical Advice Note 1 (TAN 1) – Joint Housing Land Availability Studies (2005)

Technical Advice Note 2 (TAN 2) – Planning and Affordable Housing (2006)

Technical Advice Note 5 (TAN 5) – Nature Conservation and Planning (2009)

Technical Advice Note 10 (TAN 10) – Tree Preservation Orders (1997)

Technical Advice Note 11 (TAN 11) – Noise (1997)

Technical Advice Note 12 (TAN12) – Design (2009)

Technical Advice Note 15 (TAN 15) – Development and Flood Risk (2004)

Technical Advice Note 16 (TAN16) – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 (TAN18) – Transport (2007)

Technical Advice Note 23 (TAN 23) – Economic Development (2014)

In addition, the National Park Authority has recently (11th July, 2014) endorsed a Development Brief for the allocated mixed use site which is a significant material consideration in the determination of this application.

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:

Conservation and enhancement of natural beauty, wildlife and cultural heritage; and, 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.

Consideration

Principle of Development and Density of Development

As outlined above the site is defined as an allocated brownfield site (site code CS 66) for mixed use development under the terms of the adopted Local Development Plan (2013), particularly Policy 34, the proposals map and tables 6.1, 7.1 and 7.2.

Prior to the adoption of the LDP this site was allocated for mixed use development under the approved Unitary Development Plan (2007).

Section 38(6) of the Town and Compulsory Purchase Act 2004 requires all development control decisions to be made in accordance with the development plan unless material considerations dictate otherwise.

In relation to this planning application, the policy position is clear:

The LDP is the primary policy document for use in the determination of planning applications, and, the brownfield site is allocated within the LDP for mixed use development.

In addition, Policy SP5 "Housing" states that the LDP has identified a supply of land to provide an estimated 2,045 dwellings over the LDP period and housing land will also be provided throughout the plan period on mixed use sites such as this.

Policy 61 - Dwelling Density states that all residential development will be required to be developed at a minimum density of 30 dwellings to the hectare, where this is compatible with the existing character of the area.

The density varies across the character areas but is generally low as a response to the open parkland setting and the adjoining housing estates at Dan y Gollen and Martell Way. The housing density is likely to be between 7-13 dwellings per hectare at the Parkland Edge, between 13-20 dph within the central village green and between 15-25 dph within the Green Corridor. However, the former barracks buildings are

proposed to be converted to 18 No. apartments producing a density of 41 dph.

Based on the approximate number of residential units proposed (68) and the area earmarked for housing as part of the mixed use allocation (3.7 Ha) the overall dwelling density for the site equates to 18 dwellings per hectare. Whilst this is substantially below the nationally accepted level of 30 dph it is considered that the density complies with the allocation (70 units) and Policy 1 of the LDP in that the lower density is appropriate to the immediate surroundings.

With regard to the employment element of the scheme, Policy SP12 - Economic Wellbeing states that development proposals which are aimed at improving the economic social well-being of the National Park's communities will be permitted where they: f) occur on allocated mixed use sites that require a development brief.

Policy 32 - Employment Land Requirement identifies a requirement for 1.5 Ha of employment land over the plan period and this requirement is to be met through the development of employment and mixed use allocations for B Class purposes. The preamble to policy SP15 - Supporting Sustainable Communities confirms that the Environment Act 1995 places a Statutory Duty on the National Park Authority to seek to foster the socio-economic well-being of its constituent communities. Policy SP18 - Sustainable Use of Land requires all new development to make best possible use of available development land through encouraging:

- a) appropriate redevelopment to regenerate buildings proven to be unfit for purpose in locations compatible with the Settlement strategy (see SP10 and supporting policies)
- b) the use of previously developed land within development boundaries in preference of Greenfield sites
- c) dwelling densities that make best use of the available land, achieving minimum dwelling densities relevant to the settlement.

Officers consider that the development accords with the above policies of the LDP and the principle of the development is accepted.

Affordable Housing

Policy 28 of the LDP relates to the provision of affordable housing as follows:

“The NPA require all proposals within the Primary Key Settlement, Key Settlements, Level 3 Settlements (except for those in Heads of the Valleys and Rural South submarket) **and the two allocated brownfield sites at the Former Army Camp, Cwrt-y-Gollen** and the Former Mid Wales Hospital for development that would result in the net creation of new dwellings for sale or rent on the open market, (including the sub division of existing houses, changes of use, conversion of rural buildings, or new build, where there is a net gain in dwellings), to make an affordable housing contribution.

The contribution will either be through on site provision, a commuted sum or a mix of both mechanisms. However, commuted sums will only be acceptable in exceptional circumstances (where it can be demonstrated that on-site provision is not appropriate in order to accord with Technical Advice Note 2).

The level of contributions required will be in accordance with the following targets:

Abergavenny, Hay and Crickhowell submarket: 30% affordable

Brecon, Carmarthenshire and Rural Hinterland submarket: 20% affordable

Heads of the Valleys and Rural South submarket: 0% affordable

The NPA will adopt a robust but flexible approach to the contribution requested which will be linked to market conditions and their impact on site viability. The nature and level of contribution will be determined in accordance with an assessment process set out in Supplementary Planning Guidance which aids the implementation of this policy.”

The application was submitted on the basis of the affordable housing requirements of the approved Unitary Development Plan i.e. 20%. This equated to 14 No. affordable units to be provided within the site. As this is effectively contrary to the allocation and LDP policy, Officers advised the developer that a combination of 20% on-site provision and a 10% contribution towards off-site provision would be required.

All affordable housing units are proposed to be integrated into the overall development and the remaining 10% would be comprised of an off-site contribution and/or additional dwellings on site if appropriate. Provisionally, and based on evidence provided by the Rural Housing Enabler, the 14 No. on-site AH units will be made up of four 1 bed units, seven 2 bed units and three 3 bed units and they will be designed to meet the WG’s Design and Quality Requirements (DQR) to allow the future Registered Social Landlord the opportunity to apply for social grant. They will be a combination of social rented units and low cost home ownership units depending on the demand at the time that the S106 Legal Agreement is prepared.

The commuted sum to cover the 10% shortfall of affordable housing provision will be equivalent to the provision of 7 No. Affordable Housing units on site. This is considered preferable to providing the entire Affordable Housing requirement (21 No. AH units) on-site. It is expected that the 14 No. Affordable Housing units will be a combination of apartments within the former Barracks Buildings and new build dwellings.

The development will be the subject of a Section 106 Legal Agreement to control the delivery, level, mix and tenure of affordable housing and will comply with policies SP6 and 28 of the LDP.

Residential Amenity

Technical Advice Note 12 recognises the importance of the scale of development in relation to surroundings and how the mass and height of developments can impact on privacy, sunlight and microclimate.

Planning Policy Wales (7th Edition, July 2014) at paragraphs 9.3.3 and 9.3.4 state:

Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Although the illustrative layout for the site is for information only and none of the representations received include any references to any perceived loss of privacy or overbearing impact these issues can still be considered at the Outline stage. The illustrative layout and masterplan indicate that the scheme can be successfully designed, orientated and landscaped to preserve the residential amenities of existing occupiers at Dan y Gollen and Martell Way and this will be a key consideration in the determination of subsequent Reserved Matters applications.

In addition, whilst the proposed pedestrian/cycle links through to Martell Way and Dan-y-Gollen are not supported by the local residents and it is accepted that Martell Way is a private unadopted road where the residents pay an annual charge for the upkeep of all shared areas, it is not proposed to include vehicular access through to the site via Martell Way or Dan-y-Gollen. However, the pedestrian/cycle link through to Dan-y-Gollen was secured by a condition attached to the Barratt Homes development in 2001 (App. No. P17070) and will increase permeability between the estates and facilities.

Therefore the Outline scheme is considered to comply with the requirements of PPW and TAN12 as the development is unlikely to have a significantly detrimental impact on the residential amenities of neighbouring properties.

Visual Impact/Scale of Development

Policy SPI 'National Park Policy' states that developments in the National Park will be required to comply with the purposes and statutory duty set out in legislation and will be permitted where they conserve and enhance the Natural Beauty, wildlife and

cultural heritage of the Park and/or provide for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those qualities.

The impact of the proposal on the landscape character of the site at the edge of Glangrwyney can be considered against the relevant criteria of policy I 'Appropriate Development in the National Park' of the LDP, as follows.

- i) the scale, form, design, layout, density, intensity of use and 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;
- ii) the proposed development is integrated into the landscape to the satisfaction of the NPA through planting and appropriate management of native species or through the construction of appropriate boundary features.

Whilst the principle of the future use of the land for mixed use development has been established, one of the main considerations in this case is the potential visual impact of the proposal when viewed from surrounding vantage points. Officers are satisfied with the viewpoints selected for the landscape and visual impact assessment/appraisal and confirm that the site benefits from a relatively high degree of screening from woodland, trees and intervening slopes as well as the existing residential developments at Dan-y-Gollen and Martell Way.

The illustrative scheme has been developed through a "landscape led" approach where development is concentrated within areas that were previously developed as part of the MoD's operations on the site. The recently approved Development Brief for the site recommends that development density should decrease towards the parkland to create a broken and open edge and retain visual permeability. The Development Brief also identifies a number of fundamental drivers and considerations influencing the redevelopment of Cwrt y Gollen including: development should be based on the environmental carrying capacity of the area; development shall be limited essentially to the previously developed areas and the development shall make the most of the site's natural setting taking full account of key views into and out of the site.

It is accepted that the most prominent views are from the south and the A40 trunk road as well as from the surrounding the elevated slopes. The residential development of circa 68 No. dwellings will be concentrated in the north-east corner of the site as a natural and organic extension to the estates at Dan-y-Gollen and Martell Way.

The Employment Courtyard is sited behind the retained gymnasium and in an area where there are existing buildings. The proposed scale of the new offices/workshops (maximum of two storeys with a contemporary flat roof finish) will further limit their visual impact especially as they will be viewed in the context of a backdrop formed by Rheld Wood. The proposed retention and planting of additional native trees and hedges together with the formation of a publicly accessible parkland setting will

provide a natural and effective screen to the majority of the built up areas at the periphery of the site.

It is considered that the layout of the development, the design and scale of the buildings and the palette of materials to be used, as highlighted in the submitted Design Code and Design and Access Statement, are acceptable in design terms subject to the future approval of Reserved Matters applications relating to appearance, layout, scale and landscaping.

Officers consider that the indicative proposals and measures will effectively limit the visual impact of the scheme and will improve the overall appearance of the site. The development responds to the topography and layout of the site and is consistent with the character of the area in accordance with Policy SPI and criteria i) and ii) of Policy I of the LDP.

Flooding and Flood Risk

The western end of the site and the main entrance into the site lie within a zone C2 flood plain, an area of flood plain without significant flood defence infrastructure as identified in the TAN15 Development Advice Maps.

The application was accompanied by an addendum report updating the Flood Consequences Assessment submitted for the original application (09/03405/OUT). The addendum assessed the changes which have occurred since the Flood Consequences Assessment for the development at Cwrt y Gollen was issued in 2008 and subsequently approved by the Environment Agency.

The addendum report identified four areas which required investigation. These were:

- Changes to Flood Estimation Handbook (FEH) in 2009 which determined the peak flows in Grwyney Fawr.
- Changes to the TAN 15 development Advice Maps in 2009.
- Availability of Environment Agency flood data.
- Further investigation to determine most appropriate means of surface water runoff disposal.

The above items were investigated and it was concluded that:

- Revised Flood Estimation Handbook peak flow assessment has resulted in a reduction of some 17% in extreme peak flows in Grwyney Fawr, thereby reducing flood levels.
- The revised TAN 15 DAM's indicate a marginal decrease in extreme flood plain boundary and a lesser extent of the A40 is now predicted to flood.
- The Environment Agency flood data provided limited information on the River Usk flood plain. It indicates that the site access onto the A40 is some 1.3m above the 100 year flood levels, but possibly below the 1000 year flood levels.
- Further site investigation indicated that the surface water runoff from the development can be discharged to the ground using various SUDS techniques

and surface water runoff will not impact on surrounding watercourses and land.

The report concluded that flooding considerations should not impose any restrictions in planning terms for the development and the FCA has been submitted to and approved by the Environment Agency.

The Environment Agency note that the submitted FCA is an updated addendum to the FCA submitted in support of previous planning application reference 09/03405/OUT and accept that no new built development is proposed within the flood outlines. They also note that the existing access to the site onto the A40 is within the extreme flood outline and recommend that a secondary emergency access from the site onto the A40 is constructed at a location which is above the extreme flood levels. The scheme includes an alternative emergency access at the south-eastern corner of the site adjacent to Dan-y-Gollen.

Officers therefore consider that the development is not at risk from flooding and will not exacerbate the risk of flooding on adjoining land.

Foul and Surface Water Drainage

Policy 56 'Water and Sewage Supply for New Development' of the LDP states:

Development will only be permitted if adequate water and mains sewerage infrastructure exists or can be provided without detriment to water quality, nature conservation interests or residential amenity. Where appropriate the NPA will impose a planning condition or obligation to ensure that adequate services are available to serve the development.

Policy 57 'Use of Non Mains Sewerage Solutions' of the LDP states:

The use of non mains sewerage will only be permitted where:

- a) connections to the public sewerage system are not feasible in terms of either cost or practicability;
- b) ground conditions, in terms of drainage and porosity are suitable and will not give rise to pollution problems. Applicants will be requested to submit an independently prepared percolation test with a planning application to confirm the suitability of ground conditions;
- c) the quality of surface and/or groundwater will not be adversely affected;
- d) the interests of neighbouring properties are not unacceptably adversely affected in terms of smell or other physical nuisance; and
- e) the interests of public health are not unacceptably adversely affected.
- f) long term maintenance is secured.

It is accepted by all parties that there is sufficient capacity in the existing sewerage system and the pumping station to receive the flows from the development. However, the Crickhowell Waste Water Treatment Works cannot accommodate the additional

flows and will require improvements to enable the foul flow from the development to connect to the public sewers.

Dwr Cymru/Welsh Water have previously suggested that in order to make the scheme a truly sustainable development in both foul and surface water terms they would welcome an exploration of alternatives to avoid disrupting the existing system whilst undertaking the capital improvements and having to pump and treat the foul waste produced by the development.

It is considered that the most sustainable option for disposal of foul flows from the development would be to treat the sewage on site. To this extent, an on-site waste water treatment system has been proposed by the developer but rather than it being a private package treatment plant, it could be adopted and maintained by DC/WW. The developer has confirmed that the system will be constructed to adoptable standards. It could also receive flows from the existing development in Cwrt y Gollen thereby further reducing the pressure on the existing sewerage system.

DCWW have confirmed that they would consider the adoption of a WWT plant depending on the system details. The Countryside Council for Wales and the Environment Agency (now part of Natural Resources Wales) would prefer the development to be connected to the mains system and both options (on-site system and the funding of improvements to the Crickhowell WWTW) will need to be fully considered and agreed by the statutory bodies prior to the commencement of any works. Therefore, a suitably worded condition will be attached to the recommendation to allow further investigation into the two possible options for foul drainage.

In terms of surface water drainage, policy 58 'Sustainable Drainage Systems' of the LDP states that all proposals for new development will be required to consider the incorporation of appropriate Sustainable Drainage Systems. Where relevant it must be demonstrated that the SUDS proposed within the development and procedures for adoption and maintenance have been approved by the relevant drainage body. This will be tied by a condition and/or S106 arrangement where necessary.

The preamble to this policy suggests that sustainable drainage is a design philosophy that uses a range of techniques to manage surface water as close to its source as possible. To produce a workable and effective scheme, SUDS must be incorporated into developments at the earliest site planning stage. It is also important that the early stages consideration should be given to the arrangements of adoption and future maintenance of the system.

The application proposes that the Surface Water run-off from the development would either discharge at a controlled rate to the Nant Grwyney and/or to the ground using various SuDS options. The infiltration tests confirm that the ground is suitable for soakaways. The developer has submitted an indicative scheme for a SuDS system including combined rainwater harvesting and soakaways individually for each residential

unit, permeable surfacing on all car parks and courtyards, and the implementation of swales or grass lined channels along the internal access roads some of which may discharge to an infiltration basin or wetland habitat. Therefore, all surface water will be dealt with on-site in a sustainable manner. Full details of the surface water drainage systems to be utilised on this site will be controlled by condition.

These measures are supported by DC/WW as they will reduce the amount of rainwater entering the combined sewer and the Environment Agency and CCW (now NRW) are generally agreeable to the scheme as it offers the opportunity for biodiversity enhancements through the creation of new habitats and the SuDS system will further reduce the risk of flooding.

It is considered that a drainage solution can be successfully accommodated within the site provided that the relevant information required by condition is submitted to and agreed by the LPA in consultation with statutory consultees. Officers are satisfied that the development will not be detrimental to the designated features of the River Usk SAC and therefore consider that the proposal will successfully comply with relevant policies 56 and 58 of the LDP.

Biodiversity and Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This involves having regard to the United Nations Environmental Programme Convention on Biological Diversity 1992. Public authority includes, among others, local planning authorities.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 (as amended) requires LPA's 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:

1. 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".
2. That there is "no satisfactory alternative"
3. 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"

The adopted Local Development Plan also includes policies regarding ecological issues and safeguarding biodiversity as listed above.

As stated previously, the original ecological surveys identified that four buildings on the site showed clear evidence of bat activity with one building in particular being regularly used by at least one lesser horseshoe bat. In order to proceed with the demolition of these buildings, the developer has utilised two existing buildings on site (the former ammo store and the former gas chamber) to mitigate for the loss of the bat roosts and maintain the bat population in the area.

A suite of ecological surveys have been undertaken to update previous survey work and the desk study and consultation revealed that there were no nature conservation designations associated with the site. The proposed development site supported fauna including nesting birds, terrestrial invertebrates, foraging and commuting bat species (Common Pipistrelle, Soprano Pipistrelle, Noctule, Lesser Horseshoe, Myotis sp. and Brown-Long Eared bat) and roosting bats (Pipistrelle sp., Brown Long-eared and Lesser horseshoe bats).

The EA (now part of NRW) are in agreement with the proposed recommendations and mitigation measures as set out in Section 7 of the Environmental Statement. They also confirm that any imported soil or hardcore should be free of the seeds/roots/stem of the invasive plant Japanese Knotweed. Also, in order to maximise the ecological benefit from the proposal, the EA recommend that a number of ponds be constructed as biodiversity features. This detail will be secured via the Reserved Matters application relating to the landscaping of the site.

Given the nature of the development and the proposed mitigation, compensation and enhancement measures, it is considered that overall there will be no significant adverse residual impact on the status of the habitats and bat species. It is also considered that there will be a positive effect on lesser horseshoe bats and potentially other bat species through the conversion of existing buildings 14 and 29 (the old gas chamber and ammunition store) into dedicated bat roosts including hibernation habitat in the long term.

The development also proposes a bat friendly lighting scheme. Full details of the lighting scheme will be provided for approval at the Reserved Matters stage and it is expected that the details will include the enhancement of features such as the woodland corridor between the designated replacement bat roosts and SuDS systems for foraging habitats. CCW are also satisfied that the two separate applications relating to the replacement bat roosts will provide adequate mitigation and have no objection to the scheme subject to additional bio-diversity enhancements.

A European Protected Species licence will also need to be obtained through the Welsh Government prior to any further demolition works commencing on site.

Officers therefore consider that the proposals will not have a significant adverse effect on the ecology and biodiversity of the area and are satisfied that enhancements and mitigation have been secured by previous consents on the site and can be further enhanced through appropriate conditions and subsequent Reserved Matters

applications. The proposal is considered to comply with the requirements of the Habitat Regulations 1994 (as amended), Section 40 of the NERC Act, guidance contained within TAN 5 and relevant LDP policies.

Impact on Trees

Policy 8 'Trees and Development' of the LDP states:

Proposals for development on sites containing trees will be required to provide a Tree Survey and a Tree Protection Plan in support of the proposal. Permission will be granted where the NPA is satisfied that:-

- a) Trees and their root systems (including associated soil) are retained and adequately protected prior to, during and after development; and/or
- b) Where the NPA agrees to the removal of trees as part of the development scheme, appropriate replacement must be provided on site utilising native trees of local provenance. A scheme for tree replacement, including details of planting and aftercare, shall be agreed with the NPA prior to the commencement of development.

The preamble to this policy refers to trees playing "an important role in enhancing the Park's landscape and biodiversity" and "should where at all possible be protected from development."

Whilst landscaping is reserved for future approval the application was supplemented by a proposed tree planting plan, hardworks plans for the site, a tree location plan and a tree survey report. The long term maintenance of the trees and open space/parkland will be undertaken by a Management Company and a management plan and maintenance programme will be controlled via condition and through a S106 legal agreement.

The Consultant Tree Officer provided initial comments on the content of the tree survey report and queried the lack of a supporting tree survey for the proposed S278 works at the entrance to the site, the lack of detail of any parking, street lighting and surface water drainage and the potential for significant direct and indirect damage to retained and protected trees.

In response, the Landscape Architect for the scheme made a slight amendment to the details and provided additional information, including a tree impact plan, to enable the NPA Tree Consultant to provide further comments. His response is included above but in summary, the revised layout of the footpath to the west of the main access into the site was agreed, the construction of the improved access will need to be the subject of a detailed Arboricultural Method Statement (AMS) and the revised illustrative locations of dwelling units were considered acceptable.

The recommendation will include a condition requiring a detailed Arboricultural Method Statement including a detailed method statement and tree protection plan for the demolition stage of the scheme and it is expected that the subsequent landscaping

proposals and the layout of the scheme will be informed by these documents.

Officers consider that the proposed works are in keeping with the aims and objectives of policy 8 of the LDP.

Public Open Space/ Parkland/Recreation

As stated above, the 24.4 Ha development site includes 19.3 Ha of open space comprising parkland (including the cricket pitch and pavilion), the village green and mature woodland.

Key elements of the open space strategy also include the retention and management of the parkland setting; a community orchard and allotment; a Local Equipped Area of Play (LEAP) and the management of the woodland to the rear of the development.

Whilst the majority of the site and parkland will be publicly accessible, there is no scope for public access through Rheld Wood due to security issues associated with the MOD site.

In terms of community facilities it is proposed to provide a refurbished gymnasium and squash court, relocate the existing tennis courts closer to the Community Hub character area and provide a community store facility within the existing former museum building at the entrance into the site.

It is proposed that the maintenance of the site will be via a privately run management company to be established by the applicant, Crickhowell Estates. The long term management and maintenance of the site will be included as an obligation within a S106 Legal Agreement.

Officers consider that the extensive open space provision, recreational facilities, retention of avenue and road frontage trees and the proposed management of the woodland are in keeping with context of the site and the aims and objectives of Policy I of the LDP.

Noise

The Noise Assessment that formed part of the Environmental Statement that accompanied the application assessed the potential impact of the different elements of the scheme on the local noise environment. Whilst it was concluded that existing dwellings may suffer a loss of amenity due to noise levels during the construction period, mitigation measures are proposed to ensure that the noise emanating from the site is reduced to an acceptable level.

The estimated increases in traffic and everyday noise levels are well below the standard thresholds at which changes in noise become perceptible and a nuisance. The only source of unacceptable noise levels would have been the open air firing range

adjacent to the site. However, as highlighted above, an application has been submitted and approved (and varied) for the conversion/adaptation of the facility into an indoor firing range. A Grampian condition will be attached to this recommendation and the provision of an indoor firing range on the adjacent site will be included within the Section 106 Legal Agreement for the site to restrict the beneficial occupation of residential units until such time as the firing range scheme is constructed in accordance with the approved plans.

The replacement of an existing outdoor firing range with an indoor firing range will, by its very nature, reduce the potential noise impact from this specific use. Officers have also noted that the Environmental Health Officer has not commented on the application. As such, it is considered that the proposal conforms with the relevant advice contained within TAN 11 - Noise.

Contaminated Land

Powys County Council's Environmental Health Department and the Environment Agency have both identified the site as potentially contaminated land. The comments received are formulated on the potential for contamination based on the previous use of the land by the MoD.

As such, detailed conditions have been suggested to minimise the risks associated with the historic contamination of the site both in terms of human health and the risk to groundwaters. The conditions are considered to be reasonably necessary in order to mitigate and remediate any ground contamination related issues.

Access and Highway Safety

In terms of accessibility and highway issues the application is assessed against policies SPI7, 59 and 60 of the LDP, Planning Policy Wales (2014) and TAN 18 – Transport.

Policy SPI7 'Sustainable Transport' of the LDP seeks to improve and promote accessibility and reduce the need to travel by private car. Policy 59 'Impacts of Traffic' of the LDP states that, development will be permitted where appropriate access could be achieved. Policy 60 'Provision for Cycling and Walking' seeks to ensure that new pedestrian and cycle routes do not have an environmental impact and provide improved opportunities for sustainable travel.

Officers consider that adequate consideration for those with limited mobility can be included in the detailed design and layout of the scheme as part of the Reserved Matters applications, in accordance with the requirements of local and national policies.

The development has been the subject of pre-application negotiations with the relevant bodies as well as a Stage 1 Safety Audit of the junction. The safety audit highlighted the need for improved pedestrian crossing links, a reduction in speeds

ENCLOSURE 6

along the stretch of A40 in front of the site and additional street lighting. The application was supported by a Transport Assessment and a Framework Travel Plan.

The application seeks approval for the proposed improvements to the main vehicular access into the site. The existing priority junction with a ghosted right hand turn off the A40 is to be improved through the provision of kerbed refuges, anti-skid surfacing, additional street lighting and a visibility splay of 2.4m x 215m. The proposed central kerbed refuges on the A40 will offer protection to vehicles turning right into the site and will assist pedestrians in crossing the road. The improvements to the access will be carried out through a S.278 agreement with the works being funded by the developer.

The Welsh Government Transport Department has suggested a number of conditions and informative notes relating to the proposed S.278 works/improvements to the main entrance into the site and these are attached to the recommendation.

Powys County Council Highways Officers have advised that the layout details are not consistent with the standards promoted by their Design Guide or those of the Manual for Streets documents. As the layout and siting of internal access roads and footpaths are reserved for future approval, these details will be considered and commented upon again. They are also disappointed that the scheme is being promoted as a private development, built to adoptable standards but not offered for adoption by the Highway Authority.

They are concerned that the future residents of the development will utilise an option available to them through the Highways Act 1980 to seek adoption of the internal access roads by the Local Authority and thereby remove their own maintenance liability. However, the future management and maintenance of the site will be secured via a S106 Legal Agreement and the funding of the management company is an issue to be resolved by the developer, probably in the form of a binding agreement with future residents to include annual payments/contributions towards the upkeep of the site. The Monmouthshire County Council Highways Officer has no adverse comments.

The submitted Transport Assessment concludes that the traffic generated by the development can be accommodated on the highway network with no discernible impact on the junction. More specifically, the revised proposal will generate less traffic and have less impact on the local road network than the scheme previously considered to be acceptable by Powys CC Highways Officers and the North and Mid Wales Trunk Road Agency. The traffic flows on the A40(T) have further reduced since that application was considered (2010/2011) and the speed limit on the A40(T) has been extended from Glangrwyney into the eastern part of site (just west of the bus stops) since the previous application was considered. Records also show that an accident involving a vehicle turning right has occurred on this section of road and the proposed improvements will result in a positive highway safety benefit.

A revised Planning Obligations Statement of Intent received on the 17th June, 2014

does not retain the previous commitment to contribute £60k towards the X43 Abergavenny to Brecon bus service due to the subsequent additional requirement for a contribution towards off-site affordable housing provision.

It is accepted that the previously proposed pedestrian/cycle links through to Martell Way and Dan-y-Gollen are not supported by the local residents. However, although it is not proposed to include vehicular access into the site via the existing housing estates, the pedestrian/cycle link through to Dan-y-Gollen, as required by a condition attached to the Barratt Homes development in 2001 (App. No. PI7070), will increase permeability between the estates and community facilities.

Officers consider that internal highway related issues such as parking provision will be resolved once the layout is finalised at the Reserved Matters stage.

Having regard to the above, the scheme accords with the aims and objectives of policies SP17, 59 and 60 of the LDP and national planning policy.

Archaeological Assessment/Scheduled Ancient Monument

The Clwyd Powys Archaeological Trust have referred to their previous comments on the original application (09/03405/OUT), in which they recommended archaeological recording of the former army camp buildings together with a watching brief in the area of the possible Roman road. They have reiterated their request and suggest a condition which will be varied slightly to reflect the changed circumstances in relation to the Archaeological Trusts and the LPA's internal specialist in this field.

In terms of the Scheduled Ancient Monument, Cadw confirm that the proposed development is located in the vicinity of the scheduled ancient monument known as Cwrt-y-Gollen Standing Stone (BR113). However, the main built elements of the scheme will be located some distance from the monument. Cadw requests that further encroachment into the open space on which it stands should be avoided and will readily provide advice on the approach taken to the area around the monument.

Therefore, Cadw considers that the proposed development will not have a significant adverse impact on the setting of the monument and should improve it. They accept the suggestion in the Archaeological Assessment Report that there is potential for beneficial works to improve the setting of the SAM and support the suggestion that a modest programme of works should be secured by planning condition. These works will include the removal of existing features such as the dilapidated fencing and redundant MoD features/street furniture, the provision of an interpretive plaque and replacement feature lighting.

Officers consider that, subject to conditions, the proposals will successfully comply with the provisions of Policy 22 of the LDP.

Planning Obligations

Paragraph 3.7.1 of PPW (2014) states:

Planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and the community, that the process is as transparent as possible, and that development plans provide guidance on the types of obligations which authorities may seek from developers.

Circular 13/97 states that planning obligations should be sought only where they are:

- Necessary;
 - Relevant to planning;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development;
- and
- Reasonable in all other respects

In addition, the circular states that planning permission may not be bought or sold and a planning permission will not to be sought to redress existing deficiencies or lack of capacity in existing facilities, services or infrastructure.

The BBNPA have an approved Planning Obligations Strategy which seeks to assist prospective developers by identifying the likely occurrences where planning obligations will be sought. In doing so it is hoped this strategy will enable developers/applicants to calculate provision levels into initial development costings. For development control purposes this strategy aims to help speed up the time spent on negotiating individual planning applications. This strategy also aims to provide assurance to residents of the National Park that any new development will make a positive contribution to the special qualities of living and working within this exceptional landscape.

Policy 53 'Planning Obligations' of the LDP states:

The NPA will, where necessary require developers to enter into Planning Obligations, or to contribute via the Community Infrastructure Levy to ensure that no adverse effect or unacceptable harm will come to the natural beauty, wildlife, and cultural heritage of the National Park and/or the socio-economic well-being of our communities as a result of new development.

All proposals for new development will be required to demonstrate to the satisfaction of the NPA that all potential negative impact arising as a result of the proposed development has been addressed and where necessary, propose measures to mitigate and/or compensate for the identified impact.

Where such mitigatory and/or compensatory measures are necessary they should be identified to the satisfaction of the NPA in the Planning Obligation Statement provided in support of an application. Planning Obligations will be secured through Section 106 Legal Agreements.

The Planning Obligations Statement of Intent and Affordable Housing Statement have been revised following negotiations relating to affordable housing provision both on and off the site. As well as the Affordable Housing provision (including the commuted sum, details of the type and mix of units, the tenure split between Social Rented properties and Low Cost Home Ownership units, the phasing and timing of construction and the location of the affordable housing); the foul drainage solution; the commitment to maintain and manage the open space; the provision of a replacement firing range and the works to improve the access into the site, the Section 106 Legal Agreement will include the following planning obligations:

Open Space/Leisure and Recreation

Although Powys County Council – Outdoor Recreation have not sought any planning gain from the proposed development the proposals include Parkland, a Community Orchard and an Allotment facility together with a Local Equipped Area of Play (LEAP), re-sited tennis courts, a refurbished squash court and gymnasium for the benefit of the community to be implemented, managed and maintained by a management company that will be established by the applicant, Crickhowell Estates. A separate statement relating to the maintenance of the open space has been submitted to inform the S106 Legal Agreement.

Public Art

The applicant, Crickhowell Estates, will undertake to commission an interpretation and education board to be erected in the vicinity of the Scheduled Ancient Monument close to the entrance into the site.

Members will note that the developer does not propose to offer a contribution for education due to the lack of any justification for a commuted sum from Powys CC, the fact that there is a surplus of primary school places in the area and because Powys CC's secondary school admissions policy will ensure that any secondary school age pupils generated by the development would be afforded priority of entry to Crickhowell High School above those pupils from outside the administrative area. As stated above, the revised Planning Obligations Statement of Intent received on the 17th June, 2014 does not retain the previous commitment to contribute £60k towards the X43 Abergavenny to Brecon bus service due to the additional requirement for a contribution towards off-site affordable housing provision. However, the submitted Statement of Intent confirms that the obligations will be subject to further consultation with relevant service areas and parties and could be subject to further negotiations, the results of which will be reported back to PAROW as a Development Control Related Matter for decision.

Conclusion

Officers consider that the proposed Outline scheme on an allocated mixed use site is an acceptable form of development that accords with the Development Plan. It is therefore recommended that Outline planning permission be granted subject to the applicant first entering into a S106 legal agreement with the Brecon Beacons National Park Authority, Powys County Council and other relevant stakeholders/parties and subject to the imposition of suitable conditions as listed below.

RECOMMENDATION: Permit subject to Section 106 Agreement

Conditions and/or Reasons:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the layout, scale and appearance of the building[s] and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the National Park Authority to exercise proper control over these aspects of the development.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out strictly in accordance with the approved plans [the site location plan drawing no. NPI v I received on 10th October, 2012, the site boundary plan drawing no. NPI0vI received on 10th October, 2012 and the access road improvements plan drawing no. and NPI1vI received on 10th October, 2012] and the guidelines contained within the approved Development Brief for the site (July 2014) and Design Code submitted with the application, except where otherwise stipulated by conditions attached to this permission or unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risk to:
 - human health, property (existing or proposed) including crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and Natural Resources Wales' 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the adopted Local Development Plan (2013).

- 7 Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 6 above has been received from the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the adopted Local Development Plan (2013).

- 8 The site remediation works shall be carried out in accordance with the remediation scheme approved by condition 7 above, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified, in writing, 14 days prior to the commencement of remediation works on site. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the adopted Local Development Plan (2013).

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following

completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and shall be submitted to and approved in writing by the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the adopted Local Development Plan (2013).

- 10 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and NRW's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the adopted Local Development Plan (2013).

- 11 The minimum visibility distances available for vehicles emerging from the proposed junction shall be 160 metres to the south and 215 metres north at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

Reason: To maintain the safety and free flow of trunk road traffic.

- 12 The improved junction, visibility splays and off site works shall be laid out, constructed and maintained strictly in accordance with Drwg. No.1536 - 11 Rev B dated 9th January 2013 as submitted to the Welsh Government

Transport Department. The approved access scheme shall be fully completed and available for use prior to the commencement of any other works associated with the development. The proposed junction and off site works shall be completed to the written satisfaction of the Local Planning Authority before the proposed development is brought into beneficial use.

Reason: To maintain the safety and free flow of trunk road traffic.

- 13 Within 5 days of the date of commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in a forward gear.

Reason: In the interest of highway safety.

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of highway safety.

- 15 No development approved by this permission shall be commenced until details of a programmed and funded scheme for improvements to the existing public sewerage system has been submitted to and approved in writing by the Local Planning Authority. Alternatively, if a sustainable on-site waste water treatment works is determined to be a viable option on this site then full details of the scheme, including a site investigation and risk assessment report and an adoption and maintenance regime by Dwr Cymru/Welsh Water, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No beneficial occupation of the dwellings, offices, workshops or pre-school day nursery approved by this

permission shall occur until a scheme for an agreed foul drainage solution has been implemented.

Reason: The proposed development would overload the Crickhowell Waste Water Treatment Works and a non-private scheme for foul drainage may be required to allow the beneficial occupation of the site unless the mains system is upgraded.

- 16 No development approved by this permission shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is beneficially occupied. The scheme shall include:
- information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - a timetable for its implementation; and,
 - a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

Reason: The surface water drainage system has the potential to increase the risk of pollution to controlled waters from inappropriately located infiltrations systems such as soakaways, unsealed porous pavement systems or infiltration basins.

- 17 No surface water shall be allowed to connect, either directly or n, 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.

- 18 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.

- 19 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a brief issued by the

Local Planning Authority and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of the fieldwork and any post-excavation analysis required, a copy of the final report shall be submitted to the Local Planning Authority for approval; and following approval to the Royal Commission on the Ancient and Historical Monuments of Wales for inclusion in the National Monument Record, and to Clwyd Powys Archaeological Trust for inclusion in the Regional Historic Environment Record (HER).

Reason: To ensure the protection of the archaeological resource.

- 20 The setting and the future protection of the scheduled ancient monument, Standing Stone (Br113), should be considered within the written scheme of investigation and proposals which may affect, enhance or investigate the area around the monument or its setting should be discussed and agreed with Cadw before any development takes place within the application area.

Reason: To preserve the archaeological resource.

- 21 Prior to the first beneficial occupation of the residential dwellings on the site, the Indoor Firing Range permitted by Planning application Ref: 09/02984/FUL (and subsequently varied by Planning application Ref: 14/10934/CON) will have been constructed in full accordance with the specifications thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of future residents in the area.

- 22 Prior to the commencement of development a phasing plan for the scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development.

- 23 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 24 Prior to the commencement of development a facilities management plan and a scheme for the provision of storage, prior to disposal, of refuse and all other waste materials shall be submitted for the approval by the Local Planning Authority. The approved scheme shall be implemented prior to the first

occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 25 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building/dwellings approved and a datum point outside of the site, shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 26 The landscaping scheme approved under condition 3 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 27 The landscaping scheme required by condition 3 shall include the following:
- (a) A detailed Arboricultural Impact Assessment as recommended by the NPA Tree Consultant
 - (b) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.
 - (c) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.
 - (d) Full details (in the form of an Arboricultural Method Statement) of all protective measures to prevent damage during the course of demolition works and development to trees and other features to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

- 28 This permission does not authorise any works to trees covered by Tree Preservation Orders. Any work shall be the subject of an application for

consent to the Local Planning Authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

Reason: To ensure the proper care and maintenance of the protected trees.

- 29 A landscape management and maintenance plan, including a review process, long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (including the parkland area, the mature woodland to the rear of the development, the local equipped area of play, the public art installation, the sustainable drainage systems, the bat habitats within the former ammo store and the former gas chamber, the community allotment and the orchard) other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out by a management company/contractor in perpetuity.

Reason: In the interests of visual and residential amenity and to ensure for a satisfactory form of development.

- 30 Prior to the commencement of development full details of the Local Equipped Area of Play, including the type of equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the Local Planning Authority. The play area[s] shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the play area is suitably equipped.

- 31 Notwithstanding the submitted scheme for the retention and improvement of the existing access junction onto the A40 Trunk Road, development shall not begin until full engineering details for the improved junction design, site access, pedestrian/cycleway and the emergency egress have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway.

- 32 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 1 Classes A, B, C, D, E, F, G, H; Part 2 Classes A, B of Schedule 2, other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

Informatives

- 1 The applicant is advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 | Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Local Planning Authority cannot be implemented.
- 2 No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 3 The Applicant shall agree with the Highway Authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Streetworks Act 1991
- 4 The development shall include any necessary adjustment of any public utilities apparatus, highway drain, streets lights, traffic signs or road markings arising from the works.
- 5 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 6 The applicant is reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built. It is also an offence to take or destroy an egg of any wild bird even where that is done pursuant to lawful authority or requirement if the taking or destroying could reasonably have been avoided in carrying out the prescribed or authorised work on the hedge. The applicant is further reminded that Part I of the Wildlife and Countryside Act 1981 sets out the statutory protection which is afforded to wild animals and plants. Some animals are also protected under their own legislation (for example the Protection of Badgers Act 1992).
- 7 Further advice on compliance with the contaminated land conditions may be obtained by contacting the Environmental Health Service on 0870 1923757.
- 8 In accordance with the waste hierarchy, the EA (now part of NRW) wish the

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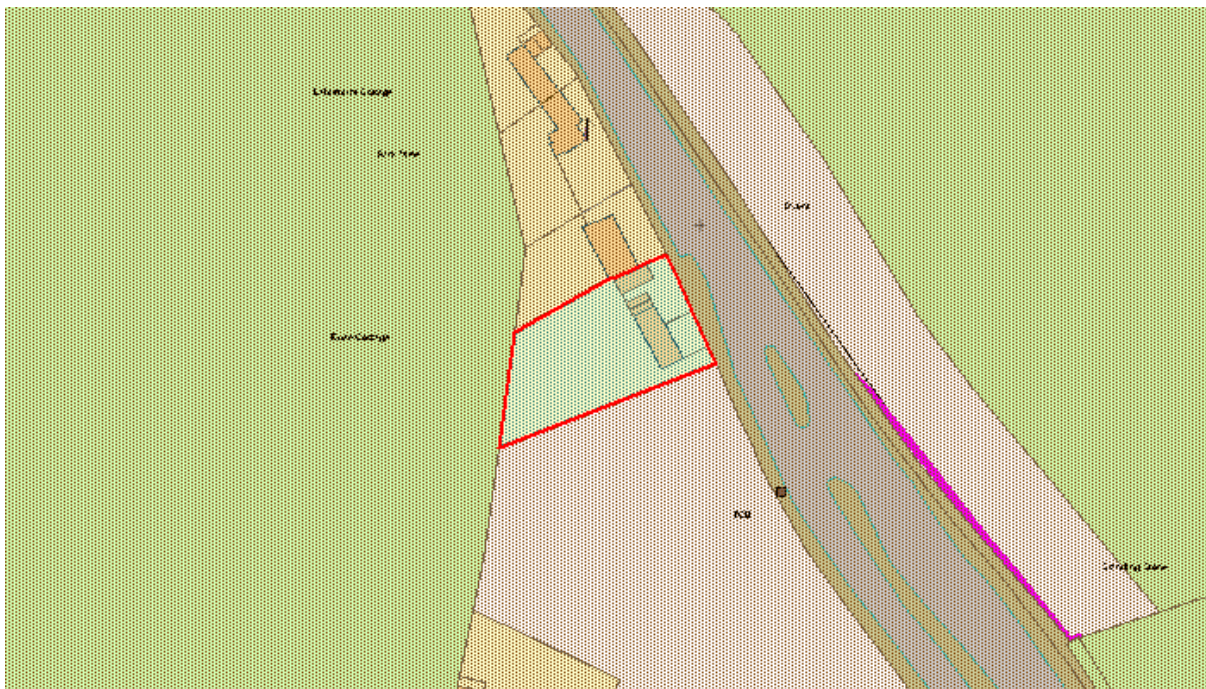
- applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.
- 9 The developer is advised to contact DCWW's New Connections Design Department, Players Industrial Estate, Swansea, SA6 5BQ, to discuss the provision of a water supply prior to the commencement of any site work. Please telephone 0800 9172652 for further information on this matter.
 - 10 The applicant is advised that the proposed development affects the site of a Scheduled Ancient Monument. Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 requires the developer to obtain Scheduled Monument Consent from CADW before development commences. The Scheduled Monument Consent Department can be contacted at CADW, Plas Carew, Unit 5/7, Cefn Coed, Parc Nantgarw, Cardiff, CF15 1QQ. It is an offence to execute or permit to be executed any works resulting in the demolition or destruction of or any damage to a schedule monument
 - 11 This planning permission is pursuant to condition precedent conditions. Failure to comply with such conditions without obtaining written approval by the National Park Authority prior to the commencement of development works will render this planning permission invalid and formal enforcement action being taken to regularise the unauthorised development works.
 - 12 The applicant is advised to seek a European Protected Species licence from Natural Resources Wales under Regulation 5392) of The Conservation of Habitats and Species Regulations 2010 (as amended) before any works commence on site that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence. Without the appropriate licence it is a criminal offence to harm or disturb many protected species of mammal (for example bats), reptile, amphibian, bird, plant and habitat. It is also an offence to disturb the nests or eggs of any wild bird during their breeding season. For further information about protected species, visit www.naturalresourceswales.gov.uk. If, during any works in relation to the development hereby permitted any protected species are discovered or nesting birds disturbed, works must immediately cease and Natural Resources Wales be contacted.

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ITEM NUMBER: 3

APPLICATION NUMBER: 14/10880/FUL
APPLICANTS NAME(S): Mr & Mrs Cullen
SITE ADDRESS: Rose Cottage
Crickhowell
Powys
NP8 1EE

GRID REF: E: 323134 N:216917
COMMUNITY: Vale Of Grwyney
DATE VALIDATED: 30 May 2014
DECISION DUE DATE: 25 July 2014
CASE OFFICER: Mrs Helen Rice



PROPOSAL Proposed 2 storey rear extension.

ADDRESS Rose Cottage, Crickhowell, Powys

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Heritage Officer (Archaeology)	18th Jun 2014	Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that no known archaeological features will be affected by this development, and this application is unlikely to have any archaeological impact. No archaeological mitigations required.
Natural Resources Wales/Cyfoeth Naturiol Cymru NP Planning Ecologist	7th Jul 2014	<p>No comments received</p> <p>A. Planning Policy & Guidance</p> <ul style="list-style-type: none"> o To comply with Planning Policy Wales (2014), section 5.5 and also Technical Advice Note (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 Brecon Beacons National Park includes the following policies regarding ecological issues and safeguarding biodiversity: <ul style="list-style-type: none"> 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 <p>B. Legislation</p> <ul style="list-style-type: none"> 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 Natural Environment & Rural Communities

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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. Thank you for consulting me on the above application. The development proposals are for the construction of a two-storey extension to the rear (west) of the property.

2. I have reviewed the documents and drawings submitted with the application, which includes the following ecological information:

o Letter from Philip Morgan of Just Mammals dated 4th June 2013

3. I welcome the submission of the results of the ecological assessment with the application and I note that my colleague, Bradley Welch, provided comments regarding this on 18th July 2013 in relation to the previously approved scheme. I note that he recommended the accommodation of biodiversity enhancement measures through the installation of bat roosting opportunities; these should again be secured through an appropriately worded planning condition

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4. The site is within 200 metres of the River Usk SSSI and SAC; it will be important to ensure that there are no adverse impacts on its designated features in order to conclude that there will be no likely significant effect on the SAC. As the site is in a flood risk zone, precautions should be taken to contain soil and building materials within the site in the unlikely event of flooding occurring during the period of construction.

D. Recommendations

If this application is to be approved, I recommend the imposition of the following planning conditions and informative notes:

1. Prior to the commencement of development, details of the type and location of two bat roosting features to be installed at the development site shall be submitted to the Local Planning Authority. The bat roosting features shall be installed prior to first beneficial use of the development and maintained thereafter.

2. The applicants are advised to install flood-proofing measures as part of the development. If significant flooding conditions are encountered, precautions should be taken to secure soil and building materials within the site.

3. 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

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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

Powys County Council Highways	23rd Jun 2014	Powys County Councils Highways Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.
Vale Of Grwyney Community Council	24th Jun 2014	Thank you for your letter of the 12th June with enclosures. The Council would like to clarify whether there is a change of use, i.e. residential to commercial (B&B) and what provisions have been made for parking prior to submitting its response.
Vale Of Grwyney Community Council	19th Aug 2014	No objection
Welsh Government Transport Department	3rd Jul 2014	I refer to your consultation of 14 June 2014 regarding the above application and advise that the Welsh Government as highway authority for the A40 trunk road does not issue a direction in respect of this application.

CONTRIBUTORS

J Bush, Laburnum Cottage, Glangrwyney

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of objection was received indicating concerns over the size of the extension (as originally proposed) and that the proposal would exacerbate current instances of the nearby layby being blocked with parked vehicles.

PLANNING HISTORY

App Ref	Description	Decision	Date
13/09146/FUL	Proposed 2 storey rear extension	Application Permitted	31st Jul 2013

OFFICER'S REPORT

Introduction

The application seeks full planning permission for the development of a two storey extension and single storey extension at Rose Cottage, Glangrwyney. The property is within the community of the Vale of Grwyney but is outside any settlement development limit as defined by the proposals maps of the Brecon Beacons National Park Local Development Plan 2013 ('the LDP').

The application is presented to Committee as cumulatively the volume of the extensions proposed is in excess of 30% of the existing dwelling and thus contrary to Policy CYD LPI of the Local Development Plan.

Site Appraisal

The application site is a detached, two storey, two bedroom dwelling positioned on the south-western side of the A40 trunk road between the village of Glangrwyney and the town of Crickhowell, opposite the former Cwrt Y Gollen Army Camp.

The property is positioned at the north-eastern end of a roughly rectangular shaped plot and benefits from a small area of garden to the north-east (front) and a much larger private garden to the south-west (rear) which is defined by a combination of stone walls, railings, mature maintained hedges and various fence types. Access to the property is via the lay-by to the north-east which leads to and from the adjacent A40 trunk road.

Externally the dwelling is finished with rough cast render with a slate tiled roof and timber framed windows and doors. Although the external appearance seems to indicate that the property has previously benefited from a first floor extension adjoining the north-western (gable) elevation of the property and a single storey lean-to extension adjoining the two storey 'extension' (inferred by the use of varying external materials, fenestration design and chimney construction and detailing) there is no planning history for the site. Historical photographs of the area also indicate that the dwelling has been as existing since 1991.

The wider area has been developed on a slope falling gently from north-west to south-east. However the plot has also been developed on a slope falling from north-east to south-west. As a result the dwelling is level with the closest dwelling Park View, which is approximately 30m to the north-west is slightly below the level of the A40 trunk road to the north-east and is raised in comparison to the garden area to the south-west (rear) of the dwelling.

Application Details

The application seeks full planning permission for the development of a two storey, pitched roof extension and the provision of a single storey lean-to extension, centrally

located on the rear elevation of the property. Whilst the original application sought a larger extension, following concerns raised in relation to its depth (6.5m), the applicants agreed to reduce its depth by 2m.

The two storey extension as now proposed would measure 5m wide, 4.5m deep with a ridge height of 6.8m falling to 4.4m at eaves level. The extension would be used to accommodate a lounge at ground floor level with an opening into the host dwelling and a new independent staircase providing access to a bedroom with en-suite bathroom at first floor level.

The proposed single storey lean to extension would measure 2.1m wide, 2.9m deep with a maximum height of 3.2m falling to 2.2m at eaves level with a 'cat slide' roof design leading from the proposed two storey extension. This extension would have a access doorway to the side leading into a porch area.

Both extensions would be finished in render with a slate roof and timber windows.

Planning Policy

In making a recommendation on this application, Officers 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 (2009)

In particular the application is considered against Policy 1, Policy 6, Policy 7, Policy 27, SPII and CYD LPI of the Local Development Plan 2013 (LDP). Following a review of the application, the main considerations are the principal of the development, impact upon the character and appearance of the host building and surrounding area, residential amenity, biodiversity and highway safety which are considered in more detail below.

Principle of Development

Development within the open countryside is strictly controlled by virtue of CYD LPI of the LDP which stipulates that proposals for development within countryside locations will be required to contribute positively to their countryside setting and enhance the quality of the landscape without adverse impact on the wildlife, natural beauty, cultural heritage, environmental assets or biodiversity of the area.

CYD LPI (1) (a) enables extensions to residential dwelling which are appropriate in scale and design where it would not result in a net increase of no more than 30% of the original dwelling size.

The proposed extension will increase the volume of the existing host dwelling by 46 per cent, and given that the property appears to have been extended previously, the

percentage increase against the original dwelling is likely to be higher. Nevertheless, it is considered on this occasion, and having regard to the fall back position of a previous consent for a two storey extension with a catslide roof which remains extant, that the proposal by reason of its simple design, location on the rear of the property and its scale is appropriate. Planning history where similar sized extensions have previously been permitted (and remain extant) that the proposal is acceptable. It is however noted that by virtue of the rear doorway and limited

Officers therefore consider that the extension provides a more simplistic design than the previously consented permission that benefits the character and appearance of the host dwelling and wider area. It is therefore considered on this occasion that there are sufficient benefits in terms of visual amenity to allow a departure from the development plan in this instance.

Character and Appearance

Policy 27 states that extensions to dwellings will be permitted where a) the proposal is appropriate to the scale and setting of the original dwelling; b) no loss of on-site parking will result, and adequate on-site parking provisions can be provided for the extended dwelling; c) an area of private amenity space is retained; and d) there is no significant loss of privacy to an adjoining property. Extensions to a dwelling in the countryside must be the subordinate part of the overall finished structure; be appropriate to the scale and design of the existing dwelling and not be dominant or intrusive.

As identified above the property is a detached two storey dwelling located in an area of countryside to the north-west of the village of Glangrwyney that has previously been the subject of extension and alteration. The application initially sought consent for the creation of a two storey pitched roof extension and single storey flat roof extension with a maximum projection of 6.5m from the rear elevation of the dwelling.

Following negotiations a reduction in the overall depth of the proposal to 4.5m has been accepted by the applicant. On this basis, it is considered that the proposal as amended by reason of its design, scale and location to the rear extension represents an appropriate addition that would be in keeping with the overall proportions and architecture of the dwelling. The extension would be subservient and subordinate to the existing dwelling and would not have a detrimental impact on the overall character and appearance of the dwelling.

On the basis of the above, the application is considered compliant with policy 27 of the LDP

Neighbouring Amenity

Policy 27 (d) of the LDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area and adjoining properties.

Although the application site is located within the countryside there are number of dwellings in close proximity. The closest property, Park View, is located approximately 30m to the north-west and has been developed along the same building line. Initial objections were received on the previous application, but following its reduction no further comments have been received. On this basis, it is considered that the position, size, scale and design of the extension in association with the distances maintained would prevent the development from generating any increased overshadowing, loss of light, overlooking or loss of privacy detrimental to the residential amenity of those living closest to the site.

Highway Safety

The property already benefits from off-site car parking provision in the form of two driveways along both side elevations. No alteration or increase in the on-site provision is proposed as part of the application. Following consultation, Powys County Council Highways department and Welsh Government Transport department, have advised that they do not wish to comment on the application.

Whilst the development would generate an increased number of vehicles movements to and from the site being mindful that the existing dwelling only has two bedrooms, it is considered that the provision of a third bedroom would not generate such an increased demand for parking at the site that could not be accommodated through the existing provision. It is acknowledged that the previous application was proposed to provide accommodation for bed and breakfast and that a burger van operated by the applicants is located within the layby area. Whilst the current application does not specifically state use of the extensions as bed and breakfast accommodation, it is not considered that this would necessarily fundamentally change the parking requirements over and above that of a three bedroom dwelling.

As identified above the site is also directly adjacent to a layby associated with the A40 trunk road. Being mindful of the depth and width of the trunk road it is considered that overspill parking from the dwelling could be accommodated within the layby without having a detrimental impact on the highway safety or free flow of traffic within the layby or on the adjacent A40.

In any event, the same extent of accommodation has previously been granted and remains extant and thus having regard to the fall back position, no concerns are raised in relation to parking arrangements and highway safety.

Biodiversity

The application is supported by a scoping survey as completed by an appropriately qualified surveyor, whereby it has been determined that there were no bats roosting or visiting the dwelling and as such the proposed development would not impact on any existing bat roosts within the dwelling. The NP Ecologist refers to comments on the previous application and being mindful of the position of the dwelling relative to the

River Usk, adjacent meadows and matures trees with the garden of The Chateau to the south-east and Cwrt Y Gollen to the north-east, it is considered pertinent to condition the provision of two wooden bat boxes to be installed in sheltered locations on the external elevations of the dwelling to provide enhanced roosting opportunities and to enhance the biodiversity value of the dwelling and overall site.

The proposal is therefore considered to be compliant with the requirements of policies SP3, 6 and 7 of the LDP and sufficient regard has been given to Section 40 of the NERC Act (2006).

Flood Risk

The application site lies entirely within a flood zone and whilst NRW have failed to comment on the application, having regard to the previous planning permission, it is considered pertinent to include an informative on any decision notice to inform the developer of the flood risk implications of the site.

Conclusion

In conclusion it is considered that the development proposed, whilst over the 30% threshold set out in CYD LPI, would not have a significantly detrimental impact on the character and visual amenity of the application site or wider area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic and subject to the installation of the bats boxes, the scheme could enhance bat roosting opportunities within the area, thus creating a benefit for protected species. As such the proposal is therefore considered to comply with policies SPII, 1, 6 7, 27 and partly CYD LPI of the Local Development Plan. The application is therefore recommended for approval subject to conditions.

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, NP6v2, NP7v2 and NP8v2) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
- 4 Notwithstanding the details of the approved plans, prior to the commencement of development details of the type and location of two timber bat boxes to be installed on the external elevation of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall only

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proceed in accordance with the approved plans. The bat boxes approved shall be installed prior to the commencement of any works on the extensions hereby approved.

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 To ensure the external materials harmonise with the existing building.
- 4 In the interests of the enhancing bat roosting opportunities at the dwelling and the biodiversity value of the area.

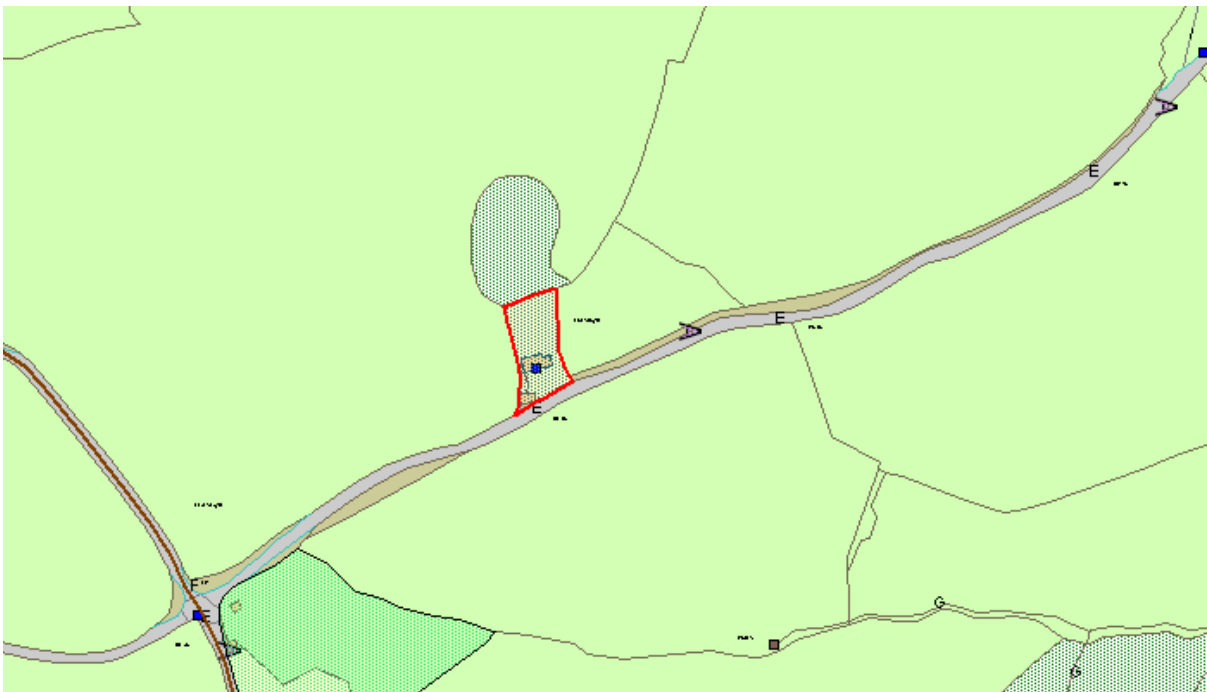
Informative Notes:

- 1 The application site lies entirely within a flood zone. The applicant's attention is drawn to potential flood risks and advised to install flood proofing measures as part of the development. For further information please see ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties (available at www.planningportal.gov.uk).
- 2 Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the unexpected 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 being committed. NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX.

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ITEM NUMBER: 4

APPLICATION NUMBER: 14/10915/FUL
APPLICANTS NAME(S): Dr Caroline Dashwood
SITE ADDRESS: Boxtree Cottage
Cwmyoy
Abergavenny
NP7 7NY
GRID REF: E: 332206 N:222454
COMMUNITY: Crucorney
DATE VALIDATED: 11 June 2014
DECISION DUE DATE: 6 August 2014
CASE OFFICER: Ms Tamsin Law



PROPOSAL Demolition of existing single-storey side extension and construction of new 2 storey side extension and single storey rear extension.

ADDRESS Boxtree Cottage , Cwmyoy, Abergavenny

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Crucorney Community Council	14th Aug 2014	Support
Heritage Officer (Archaeology)	26th Jun 2014	<p>National Policy Framework Welsh planning legislation and policy guidance outlines that the desirability of preserving archaeological remains and their setting is a material consideration in the determination of a planning application (Planning Policy Wales, Chapter 6, Para. 6.5.1).</p> <p>Planning Policy Wales (Edition 6: 2014): Paragraph 6.5.1 'The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.' This means that Local Planning Authorities in Wales have to take into account archaeological considerations and deal with them from the beginning of the development control process (WO Circular 60/96 Para. 10), and need to be fully informed about the nature and importance of archaeological remains, and their setting, and the likely impact of any proposed development upon them (WO Circular 60/96, Para. 15).</p> <p>Development Plan Framework The adopted Local Development Plan sets out the Brecon Beacons National Park's policies and proposals to guide development in the National Park, , including Policy SP3 f): 'All proposals for development or change of use of land or buildings in the National Park must demonstrate that the proposed development does not have an unacceptable impact on, nor detract from, or prevent the enjoyment of ... archaeological</p>

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features'.

Archaeological sensitivity and significance of the site Consultation of records held by the Brecon Beacons National Park Authority indicates that Boxtree Cottage, Cwmyoy is a site of archaeological and historic interest. The house is depicted in its current form and position on the First Edition Ordnance Survey map of 1887, indicating that the house dates back at least as far as the late nineteenth century and is relatively unaltered from that date. It is therefore a historic building of local historic interest. Indeed the Design Statement submitted with the application acknowledges that the property retains many of its original features and its historic character, including a solid fuel range and bread oven. The Design Statement also acknowledges that other features, including a fireplace have been uncovered during the renovation works already undertaken. Archaeological Impact of the development. The proposed extensions and renovations will permanently alter the character of this building, its historic fabric and the surviving historic features, resulting in the loss of the archaeological information it contains. It would be unfortunate if such a building was altered without basic recording of the building's architectural style, historic features, character and state of preservation being made.

Mitigation Required

A Photographic Survey, the equivalent of a Level 2 building survey, including internal and external elevations, general site photos and any features of particular interest, is required in order to preserve a minimal record of the buildings in advance of the development.

An appropriate condition to use is:

No development shall take place until an appropriate photographic survey of the existing buildings on site has been carried out in accordance with details submitted to, and approved by, the Local Planning Authority.

A copy of the resulting survey and digital photographs should be submitted on CD or DVD, along with a plan

showing photograph locations and direction, to the Local Planning Authority. A copy should also be sent

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to Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow a basic record of the main features and state of preservation of a building of historical and archaeological interest and significance affected by the proposed development to be made.

Monmouthshire
County Council
Highways

15th Jul 2014

PROPOSALS AND COMMENTS

The proposed increase in bedroom numbers will require an increased number of parking space provisions.

The applicant has failed to offer a plan of increasing parking within the development however; there is more than likely sufficient space available.

RECOMMENDATION

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

7th Jul 2014

No Comments

26-08-14

Natural Resources Wales (NRW) do not object to the above application, providing an appropriately worded condition requiring the implementation of suitable mitigation measures is attached to any planning permission your authority is minded to grant.

Bats

We welcome the submission of the document titled "Bat Survey and Bird Survey of Boxtree Cottage, Cwmyoy - Issue Two" by Crossman Associates, dated 8 July 2014 and received via email 11 August 2014. We note that a single common pipistrelle bat was observed emerging from the east gable apex during the evening survey. In this instance, we do not consider it likely that the proposed development

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will result in a detriment to the maintenance of Favourable Conservation Status of bat species, provided that suitably worded conditions addressing the following are added to any permission your authority may be minded to grant:

The works will be carried out in accordance with section 4 (Recommendations) of the above bat survey report.

In summary, NRW do not object to the above application, providing an appropriately worded condition is attached to any planning permission your authority is minded to grant

NP Head Of Strategy
Policy And Heritage

11th 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 an extension to the existing dwelling. The extension represents a 50% volume increase on the existing (not original dwelling). The proposal will result in the increase in dwelling size from 2 to 3 bed dwelling.

LDP Policy Context

The proposal is located in an area of open countryside as defined by the LDP Proposals Map. The LDP defines countryside locations as areas unsuitable to accommodate future development in accordance with the Environmental Capacity of the National Park. The LDP defines a 15 year vision for the future of the Countryside which emphasizes the importance of supporting the countryside as a living and working landscape, internationally recognised for its outstanding natural beauty and cultural traditions.

As such, in these areas, there is a presumption against development with the exception given to those development forms where there is a defined essential need for a countryside location. Strategy policy CYD LPI sets out the forms of development

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that are considered acceptable within these parameters.

Criterion I (a) of CYD LPI enables extensions to existing dwellings where this would result in a net increase of no more than 30% of the original dwelling size. This restriction to the scale of extensions forms a dual purpose; firstly the policy seeks to ensure that the extension is an appropriate scale, form and design, especially as relates to traditional dwelling forms within the open countryside and secondly, the policy seeks to ensure a range of dwelling sizes are available to support a living working landscape. This second point is extremely important in maintaining a vibrant and viable countryside. The disparity between rural wages and house prices is well documented (Wales Rural Observatory, November 2005 ; Wales Rural Observatory, June 2006 ; Joseph Rowntree Foundation, June 2008). The NPA aims to ensure that the existing housing stock within countryside locations provides a range of options to meet all incomes and support a sustainable community (a living and working countryside as envisioned by the LDP), this is especially true at the lower end of the housing market, where house prices and rural wages are more likely to be commensurate.

This proposal seeks an extension of 50% of the existing dwelling resulting in the loss of a two bedroom dwelling. Census returns for Crucorney Community area show that 2 bedroom properties make up only 20% of the existing housing stock, whereas 3 bed dwelling houses are over 40% of the available properties. I therefore have concerns that this proposal will impact on the balance of the housing stock available to meet the needs of the community. As such supporting this extension would be contrary to the objectives for the future sustainable development of the countryside.

It is noted from the applicants DAS that the sizable extension is necessary to modernise the dwelling without having to make internal alterations. However I note from the plans that the proposal does involve the removal of the existing partition

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wall between the parlour and kitchen. I therefore struggle to respond to the logic of this argument. It is clear that the upgrades necessary could be achieved through more modest extensions within policy allowances in keeping with the vision and objectives for the countryside.

Recommendation:

Strategy and policy object to this proposal as contrary to the provisions of CYD LPI.

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 Planning Ecologist 8th Jul 2014

I have reviewed the additional bat survey report that has been submitted today and there are a few issues and errors that require clarification and/or amendment:

- o The activity survey methodology indicates that a dusk emergence and a dawn return survey were undertaken, but only the results of the emergence survey have been provided. Please can the survey effort and results be clarified?
- o Section 4.3 refers to Natural England - this should be amended to NRW
- o The mitigation measures include installation of a bat box in a mature tree which is appropriate and welcome. The report also recommends the installation of a bat tube in the west elevation, although I'm not sure if this will be possible within the existing stonework. Please can this be confirmed?
- o Figure 1 shows the bat tube on the west elevation, but on the eastern gable of the cottage on the site plan; it would be best if roosting opportunities are provided on both gables to mitigate the loss of the existing roost as well as to provide enhancement. Clarification of the mitigation needs to be provided.

If these issues can be clarified satisfactorily I should then be able to recommend appropriate conditions, if this application is to be approved.

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised through the erection of a site notice, press advertisement and direct neighbour notification. No representations or objections have been received.

PLANNING HISTORY

App Ref	Description	Decision	Date
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N/A

OFFICER'S REPORT

Introduction

This application is being reported to the Planning, Access and Rights of Way Committee as the proposed extension represents an increase in volume of 50% and is therefore contrary to policy CYD LPI of the Local Development Plan.

The application seeks full planning permission for a two storey side and single storey rear extension at Boxtree Cottage, Cwmyoy. The application site is located in an area of open countryside within the community of Crucorney, as defined by the Brecon Beacons National Park Authority Local Development Plan (2013).

Site Description

The application site comprises a two storey detached dwelling, located 1.7 miles to the south east of Cwmyoy and one mile to the west of Pandy. The site is accessed directly from the Pandy to Cwmyoy road.

The dwelling itself is a modest and traditional structure finished in painted stone walls, slate roof, with timber windows and doors. To the side is an existing single storey extension which will be enlarged as part of the proposed development.

Proposal

The application seeks full planning permission to construct a two storey extension to the side and a single storey extension to the rear of an existing property. The purpose of the proposed development is to provide additional living accommodation.

The proposed two storey extension to the side will measure 3.6 metres in width, 5.4

metres in depth, with a maximum height of 5 metres falling to 2.9 metres at the eaves. The proposed single storey extension will measure 8.6 metres in width, 1.7 metres in depth, with a maximum height of 3.3 metres falling to 1.8 metres at the eaves.

The proposed extensions will be finished with painted stonework to the front and side elevations, and render to the rear extension, slate roof and painted timber windows and doors to match the host dwelling.

Officer 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, 2012)
- o Technical Advice Note 12 Design (2009)

This application is considered against Policy 1, Policy 27, SPI 1 and CYD LPI of the Local Development Plan 2013 (LDP).

There are three main issues to be considered; 1) the character and appearance of the host building and surrounding area; and 2) Highway Safety.

Principal of Development

Development within the open countryside is strictly controlled by virtue of CYD LPI of the LDP which stipulates that proposals for development within countryside locations will be required to contribute positively to their countryside setting and enhance the quality of the landscape without adverse impact on the wildlife, natural beauty, cultural heritage, environmental assets or biodiversity of the area.

CYD LPI (1) (a) looks at extensions to dwellings in open countryside. Proposals for an extension to a dwelling in the open countryside that would increase the size of the original dwelling by more than 30% will be considered to be contrary to Policy CYD LPI. Comments have been received from our Policy Department stating that the proposed extension would be contrary to this policy and object to the development.

The proposed extension will increase the volume of the host dwelling by 50 per cent, and is therefore considered contrary to this part of policy CYD LPI. However due to the modest size of the existing dwelling, the modest size of the proposed extension and the design of the proposed development it is considered that a larger extension would be acceptable.

Character and Appearance On The Host Building And Surrounding Area

Policy 27 states that extensions to dwellings will be permitted where a) the proposal is appropriate to the scale and setting of the original dwelling; b) no loss of on-site parking will result, and adequate on-site parking provisions can be provided for the extended dwelling; c) an area of private amenity space is retained; and d) there is no significant loss of privacy to an adjoining property. Extensions to a dwelling in the countryside must be the subordinate part of the overall finished structure; be appropriate to the scale and design of the existing dwelling and not be dominant or intrusive.

Although the extension is in excess of 30% in size the sensitive design of the extensions ensures the appropriate integration of the extensions with the host dwelling and surrounding area. The proposed extensions will be finished in matching materials in order to ensure that the extensions will blend in with the host dwelling.

The proposal creates extensions which are set back from the host dwelling and are set down from the ridge height. Sufficient private amenity space is retained to the side and rear of the property and the proposal is therefore considered to be of a scale which is considered appropriate to the form and design of the existing dwelling. The extensions will remain the subservient part of the overall finished structure, and sufficient curtilage will remain.

The proposal is therefore considered to be in keeping with the surrounding area and the host dwelling and is therefore compliant with policy 27 (a).

Neighbour Amenity

Policy 27 (d) of the LDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area and adjoining properties.

Having regard to the fact that the application site is located in a rural location and the nearest residential neighbour is approximately 359 metres to the east, sufficient distance is maintained from the proposed extension and neighbouring property and the proposed extensions would therefore not have a detrimental impact on the privacy or residential amenities of the surrounding neighbouring properties.

It is therefore considered that the proposal would comply with Policy 27 (d) of the LDP.

Highway Safety

The host dwelling is accessed via a driveway which is located to the front of the site. Although the proposal would provide additional residential floorspace at the site, it is considered that the development would not generate an increase or intensified number of traffic movements to and from the site or be detrimental to the highway safety and free flow of traffic along the existing main highway. Following consultation with

Monmouthshire Highways Department no objections were received and they were satisfied that there was enough curtilage to accommodate any additional vehicles.

The application is therefore considered compliant with criteria (b) and Policy 27 of the LDP.

Protected Species

Following consultation with the National Park Ecologist and initial objection was raised in relation to information held within the bat survey. However following an amended bat survey detailing mitigation and enhancements those concerns were dropped.

As such the proposal is in accordance with Policy 7 of the LDP.

Conclusion

The proposed rear and side extensions are considered acceptable in that they would not have an unacceptable impact upon the character and appearance of the host dwelling or surrounding area nor would it have a detrimental impact on neighbour amenity or highway safety. As such the proposal conforms with Policy 1, Policy 27, SP11 and CYD LPI of the Local Development Plan and therefore is recommended for approval subject to conditions.

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, NP3v1, NP4v1 and NP5v1), unless otherwise agreed in writing by the Local Planning Authority.
- 3 Development shall be carried out in strict accordance with the recommendations set out in section 4 of the Bat Survey and Bird Survey of Boxtree Cottage, Cwmyoy Issue Two.
- 4 No development shall commence until an external lighting plan detailing the types of lighting to be used has been submitted to and approved in writing by the Local Planning Authority.

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.

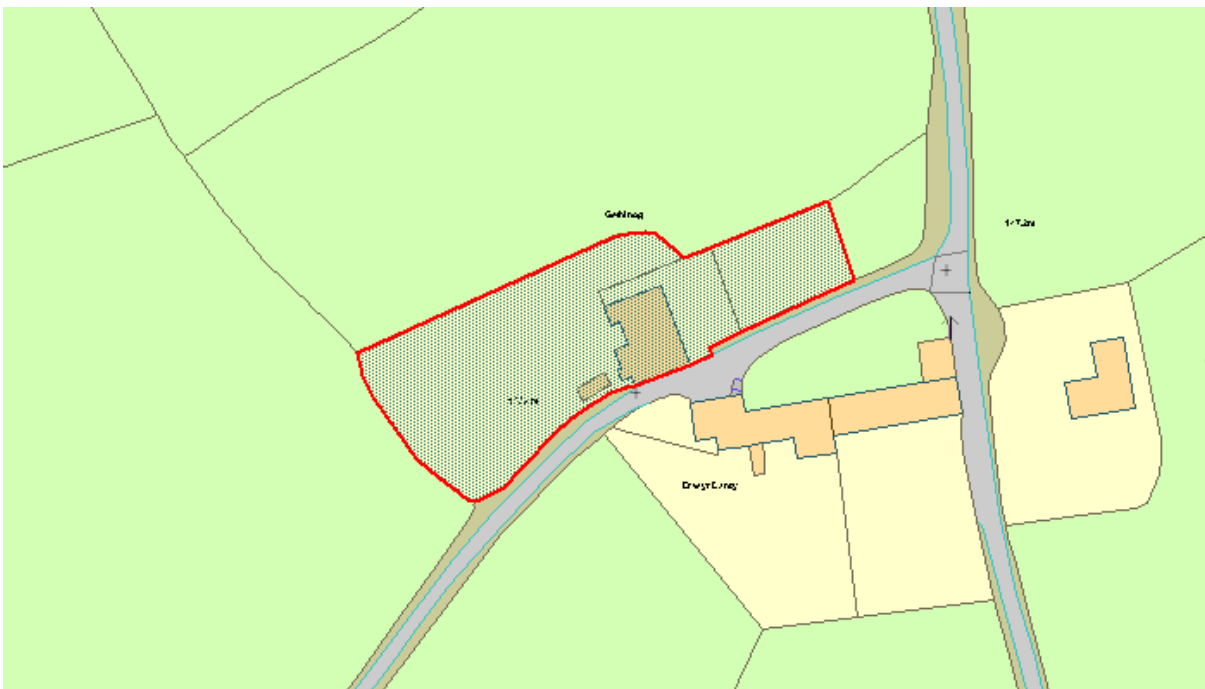
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- 3 In the interest of protected species.
- 4 In the interest of protected species.

ENCLOSURE 6

ITEM NUMBER: 5

APPLICATION NUMBER: 14/10991/FUL
APPLICANTS NAME(S): Mr Tim Baxter
SITE ADDRESS: Gethinog Farm
Cross Oaks
Talybont-On-Usk
Brecon
LD3 7YN
GRID REF: E: 310747 N:223283
COMMUNITY: Talybont-on-Usk
DATE VALIDATED: 30 June 2014
DECISION DUE DATE: 25 August 2014
CASE OFFICER: Mr Lloyd Jones



PROPOSAL Demolition of existing side extension and construction of new two storey side extension, two storey rear extension, access track and detached carriage-house

ADDRESS Gethinog Farm, Cross Oaks, Talybont-On-Usk

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Natural Resources Wales/Cyfoeth Naturiol Cymru	19th Aug 2014	<p>No response ----- 19-08-14</p> <p>I see that there are bats roosting at the property, and have sent a consultation to our Species team.</p> <p>I am afraid that due to staffing levels they are unlikely to be able to respond in time for us to meet our 21 day deadline. We will respond as soon as possible.</p> <p>I recommend that you wait for our comments before making a decision, in case we find that alterations to the proposal are required to make it suitable for a European Protected Species licence.</p>
NP Head Of Strategy Policy And Heritage	17th Jul 2014	<p>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.</p> <p>Proposal The proposal seeks the demolition of an existing extension and construction of two storey side and rear extension and construction of detached garage.</p> <p>I have previously provided comments regarding the appropriateness of this scheme in relation to withdrawn application 14/10700/FUL.</p> <p>These comments still stand in relation to this current application and I append them for your information.</p>
NP Planning Ecologist	11th Jul 2014	<p>Recommendations</p> <p>If this application is to be approved, I recommend the inclusion of planning conditions and informative notes to cover the following issues:</p> <p>I. Prior to commencement of development works to the house and extensions, a full working</p>

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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 10. The mitigation and enhancement measures shall be undertaken and/or installed prior to first use of the development.

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

3. Prior to commencement of the development, a landscaping plan that shall include use of native species, shall be agreed with the Local Planning Authority and shall be implemented in the first planting season following implementation of the development. The plan shall include details of the planting specifications - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment.

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:

o 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

o 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 Tree Consultant	6th Aug 2014	No objection
Powys County Council Highways	4th Jul 2014	No Comment
Talybont-on-Usk Community Council	14th Jul 2014	Will forward the Council's response and comments on July 29th

		29-07-14
		Support
Western Power Distribution South Powys		No response

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No responses received

PLANNING HISTORY

App Ref	Description	Decision	Date
14/10700/FUL	Demolition of existing side extension and construction of two storey side and rear extension, detached carriage-house and insertion of rooflights	Application Withdrawn	9th May 2014
PI4836	Change of use of land from agricultural curtilage to curtilage of an existing dwelling	Application Permitted	6th Sep 1996

OFFICER'S REPORT

Introduction

Full planning permission is sought for the demolition of an existing side extension, the provision of a two-storey side and rear extension, carriage house and access track at Gethinog Farm, Talybont-on-Usk.

This application is being reported to the Planning, Access and Rights of Way Committee as the proposed extensions and the provision of the access track represent a departure from policy CYD LPI of the Local Development Plan (LDP).

Site description

Gethinog Farm is a traditional 19th century farm house finished in stone and a slate roof. A single-storey wing projects off the side elevation of the property facing the highway. The dwelling is served by an existing access close to the junction with the highway that connects Talybont-on-Usk to Aber Village. The existing parking area is located at a lower level some 33m to the south of the dwelling. An existing field gate leads from the parking area to an adjacent field with an informal access track extending along the northern boundary of the dwelling. The nearest properties are sited 6m to the east of the site on the opposite side of the highway. A stone wall defines the southern boundary with the highway, whilst the northern boundary with the existing access track is defined by a number of trees. A conifer and silver birch are located within close proximity to the rear of the dwelling.

Proposal

The application details the demolition of the existing single-storey wing, provision of a two-storey side and rear extension, a detached carriage house and access track.

The existing wing that is to be demolished is sited off the southern side of the dwelling adjoining the highway and measures 4.3m by 11.9m and no additional built form is proposed on the footprint of this area.

The proposed two-storey extension will be sited off the northern side of the dwelling and will be set back 0.4m off the front elevation of the dwelling. The extension will measure 5.2m by 9.9m and will accommodate a ground floor carer's room, utility room and a platform lift that will enable the first floor accommodation comprising an en-suite bedroom to be accessible. A pitched roof that will be lower than that over the main dwelling will rise from an eaves height of 5.3m to a ridge height of 8.5m. A carport will extend off the side elevation measuring 4.4m by 6.4m with a pitched roof to a maximum height of 5.7m.

A two-storey rear extension is proposed off part of the main rear elevation of the dwelling and will measure 6.2m by 2.3m and have a gabled roof rising from an eaves height of 4.9m to a ridge height of 7.5m. The additional accommodation will be used to accommodate an enlarged kitchen and an ensuite bedroom. Within the rear plane of the roof of the dwelling three velux roof lights and three small pitched roof dormers are proposed.

The exterior of the extensions will be finished in stone and the roofs in slate. Windows and doors will be timber.

A detached carriage-house (garage) is proposed 6.0m off the rear elevation of the dwelling and will have a footprint of 6.3m by 8.0m with a ridge height of 4.5m. The exterior will be finished in horizontal timber and a slate roof.

The final element of the proposal is the provision of a formalised access track that will follow the northern boundary and will lead to a parking area between the car port and carriage house. The track will have length of 50m and a width of 2.4m and will be finished in gravel.

Planning History

Planning permission (P14836) for the incorporation of two pieces of land into the residential curtilage of the property was approved on 6th September 1996. The most recent application (14/10991/FUL) for an identical scheme to that being considered as part of this application was withdrawn to allow the preparation of a bat survey.

Planning Policy

The development plan for the area is the adopted Local Development Plan (2013) and this application is assessed against policies CYD LPI, SP3, SPII, I, 6, 7, 8, 23, 27 and 59.

Visual Amenity

The dwelling falls within the open countryside and in this particular case policy CYD LPI, which enables appropriate development in countryside such as extensions to dwellings is relevant. Part I(a) of the policy identifies that proposals for the extension of residential dwellings appropriate in scale and design to the countryside location where this would result in a net increase of no more than 30% of the original dwelling size (see Policy 27) will be permitted. In addition, Policy 27 relates specifically to extensions to dwellings and that they should be appropriate to the scale and design and setting of the original dwelling.

The original dwelling has an overall volume of 1079 cubic metres. The proposed extension will have an overall volume of 370 cubic metres, which would increase the volume of the original dwelling by 34%, thus exceeding the threshold by 4%. The Strategy and Policy Section object to the application as it is contrary to the policy requirements of CYD LPI, and in particular there is insufficient justification to support the necessity of the increase in volume.

The Design and Access Statement identifies that the proposals are for the construction of an accessible extension to provide living accommodation for a disabled family member and to allow for 24 hour carer support with detached garaging facilities. The Statement also confirms that they seek to maximise the continued beneficial use of the property to maintain and adapt the property to provide a family dwelling that will meet the changing needs of the occupants over time. In this particular case it is considered that there are extenuating circumstances and the increased internal space reflects the added requirements of the disabled family member in terms of the need for a carer, increased circulation space and for the installation of disability aids, and as a result the principle of an increase of 34% is justified.

Notwithstanding the above, the proposed extensions and detached carriage house are considered to be of an appropriate design and scale. In particular the setting down of the two-storey extension from the main ridgeline and the removal of the incongruous wing of the building, the character and original form of this dwelling will be safeguarded. The use of natural materials including stone, timber and slate is supported and will ensure that the proposals will be a high quality addition within this part of the National Park.

With regards the proposed access track serving the dwelling, due to the changes in site levels from the existing parking area, it is considered the provision of an access track flanking the northern boundary is acceptable and will not have a detrimental impact on the character of this part of the National Park. However, in order to ensure that the scheme is fully integrated into this landscape, a condition requiring the provision of a landscaping scheme will be added to any planning permission.

Overall, the proposal is considered to be an appropriate addition and fully respects the design and scale of the property. As a result an increase above the 30% threshold is considered to be acceptable and in this particular case a departure from policy CYD LPI of the LDP is justified.

Residential Amenity

Policy 27 (d) of the LDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area and adjoining properties.

The nearest property is sited 6m to the south, but due to the location of the proposed extensions and the orientation of the dwelling in relation to this property it is considered that the proposal will not result in any detrimental impact on the amenity of adjacent properties.

Biodiversity

Policy 7 relates specifically to safeguarding protected species.

The Ecological Survey for bats and birds prepared by Just Mammals Consultancy (June 2014) identified the presence of an individual common pipistrelle bat roosting at the site as well as historic evidence of a soprano pipistrelle bat roosting in the attic. Section 10 (pages 8 to 10) of this report make a number of recommendations. These include the need for a European Protected Species Licence (EPS), timing of works, provision of an ecological method statement and provision of enhancements for bats.

The National Park Ecologist has no objection to the proposal subject to conditions and accepts the recommendations presented in the ecological report. The proposal is considered to comply with policy 7 of the LDP.

Trees

In relation to the trees at the site, the proposal seeks the retention of all the trees that are sited to the front of the dwelling. The only tree to be removed from the site is a conifer, which is considered to be a poor specimen of tree. The National Park Tree Consultant has no objection to the proposal.

Highway Safety

Policy 59 (Impacts of traffic) identifies that development will be permitted where appropriate access can be achieved.

No alterations are proposed to the access point on to the highway network. Powys County Council Highway Section has no objection to the application. Officers consider that the proposal will not have a detrimental impact on highway safety.

Conclusion

The proposal is considered to be acceptable in that they would not have an unacceptable impact upon the character and appearance of the original dwelling or surrounding area nor would it have a detrimental impact on neighbour amenity, biodiversity or highway safety. As such the proposal complies with policies SP3, SP11, 1, 6, 7, 8, 23, 27 and 59 and a departure from policy CYD LPI on this occasion is justified.

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, NP4v1 and NP5v1) unless otherwise agreed 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 Prior to commencement of development, a full working method statement incorporating the recommendations in Section 10 of the Ecological Survey for bats and nesting birds prepared by Just Mammals (June 2014), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 The mitigation and enhancement measures detailed in Section 10 of the Ecological Survey for bats and nesting birds prepared by Just Mammals (June 2014) shall be undertaken and/or installed prior to first use of the development.
- 6 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.

- 7 Prior to commencement of the development, a landscaping plan detailing the use of native species shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season following implementation of the development.

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 To ensure that the materials harmonise with the surroundings.
- 4 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
- 5 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
- 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

Informative Notes:

- 1 Work shall 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.

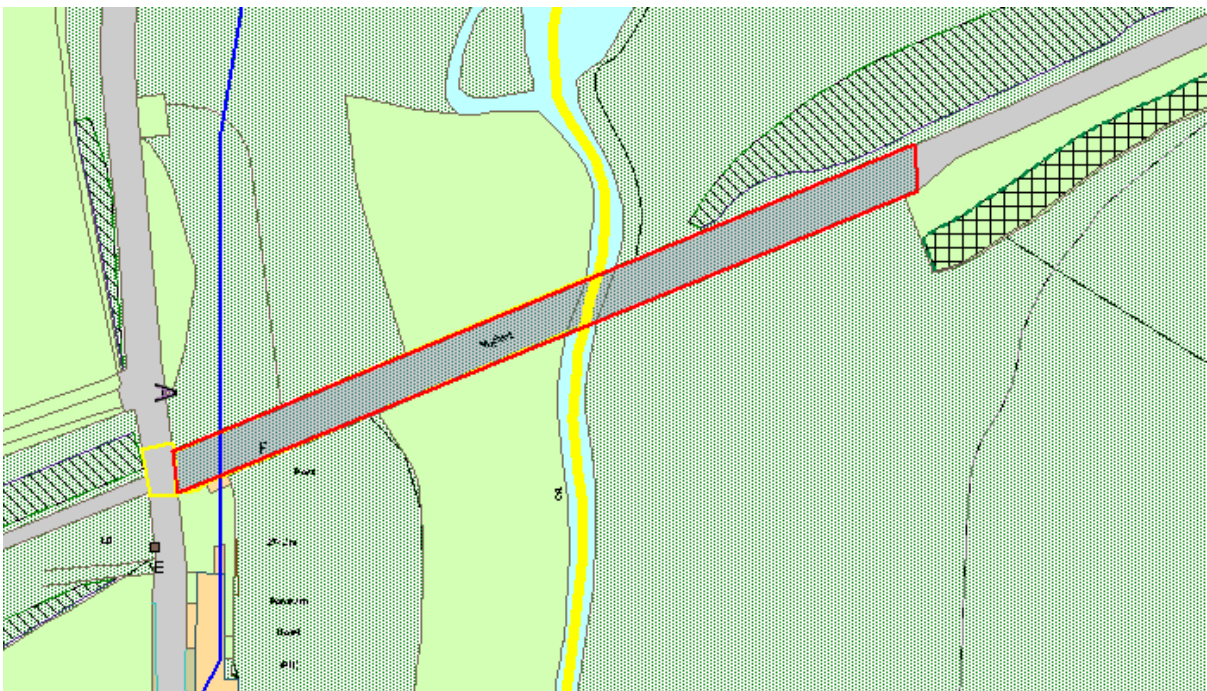
ENCLOSURE 6

NRW can be contacted at: NRW, Cantref Court, Brecon Road, Abergavenny,
NP7 7AX Tel: 01873 737000

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ITEM NUMBER: 6

APPLICATION NUMBER: 14/11010/FUL
APPLICANTS NAME(S): Mr Richard Davies
SITE ADDRESS: Pontsarn Viaduct
Merthyr Tydfil
CF48 2TS
GRID REF: E: 304529 N:209916
COMMUNITY: Vaynor
DATE VALIDATED: 3 July 2014
DECISION DUE DATE: 28 August 2014
CASE OFFICER: Mr Lloyd Jones



PROPOSAL Use of viaduct as an adventure sports facility

ADDRESS Pontsarn Viaduct, Merthyr Tydfil, CF48 2TS

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Bettina Broadway- Mann – Tree Consultant	13th Aug 2014	<p>Further to the vegetation clearance plan provided by the applicant, I have set out my comments below:</p> <p>I have no objection to the proposals provided that -</p> <ol style="list-style-type: none">1) any vegetation clearance only extends for a MAXIMUM of 2m out to the side of the base of the viaduct. This should provide sufficient working area during the abseiling and rock climbing operations.2) Any vegetation clearance / future management is carried out by hand and not by herbicide application.
British Horse Society Heritage Officer (Archaeology)	30th Jul 2014	<p>No response</p> <p>Response:</p> <p>Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that Pont Sarn viaduct is a grade II* listed structure. However, as the proposals do not require any ground works, this scheme is unlikely to have archaeological impact. No archaeological mitigations required.</p>
Merthyr Tydfil CBC Engineering And Highways	28th Jul 2014	No objection subject to conditions
Natural Resources Wales/Cyfoeth Naturiol Cymru	21st Jul 2014	Natural Resources Wales do not object to the proposal.
NP Head Of Strategy Policy And Heritage	29th Jul 2014	The strategy and policy have no objections to the principle of this proposal.
NP Planning Ecologist	31st Jul 2014	<p>Recommendations</p> <p>Clarification of the extent of vegetation removal and the ecological impact of these needs to be provided, along with an appropriate mitigation and enhancement strategy. If this issue can be adequately addressed, it should be possible to recommend appropriate planning conditions to secure the implementation of biodiversity mitigation and enhancement measures.</p>

Reasons:

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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 Rights Of Way
Officer

18th Jul 2014

There is a public footpath below the viaduct and I'm concerned that the apex of the arch through which walkers will go is proposed as a bridge swinging point. The pier to the one side of this is proposed as an abseiling point.

Apart from these activities being potentially off-putting to users of the footpath (whilst they are being undertaken) I am concerned about the safety implications of these activities occurring directly above members of the public.

I note in the design and access statement that the applicant does not consider that the activities are likely to impact on the public. However, there is no detailed explanation given as to why this is considering that the activities will be undertaken directly above the public. The statement clearly states that "...there could be a certain amount of wear and tear on the parapets, piers and abutments from individuals climbing/abseiling/scrambling over the fabric of the viaduct...". The proposed use of the viaduct could make it increasingly likely that pieces of the fabric of the viaduct fall onto the ground below (as has occurred previously), where members of the public could be present. I note that measures will be included to mitigate wear on the arch soffit. In this regard, the statement states "To ameliorate the impact of this localised transverse load on potentially inadequate masonry it is proposed to place a demountable padded strip at the friction point". I would suggest that if this application is allowed, regular inspection of the "potentially inadequate masonry" needs to take place to ensure, as far as is practical, that no masonry falls from the

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fabric of the viaduct.

It should be noted that these proposed activities would be subservient to the public's right of way and members of the public should therefore not be stopped, prevented or deterred from using the right of way whilst these activities are in progress.

NP Senior Heritage
Officer (Building
Conservation)

19th Aug 2014

The DAS offers a good account of the work and follows advice offered in pre-application discussions. This together with the significant planning history for the site establishes a presumption in favour of the development.

The viaduct's status as a Grade II* Listed Building requires clarity in detail and a commitment to undertake work to ensure that its setting, historic masonry, iron and brickwork are all protected and maintained in the long term. To achieve this, it is recommended that the following information be submitted, or that at least conditions are imposed seeking:

1. The completion of a detailed condition survey of the masonry with an agreed set of recommendations for repair and stabilisation prior to the first use of the structure, to include proposals for lime based repairs and mortars,
2. A phased programme of maintenance works to ensure the long term care and stability of the masonry and brickwork,
3. Submission of details of storage proposals for the gallows, protective buffers and fixings when removed,
4. Submission of details of any lighting, signage and security fencing/protection on or in the vicinity of the structure,
5. Submission of details of any supports foot holds rope fixings or anchor points which may be required for the rock climbing section of the viaduct, and advice on whether these are to be permanent or temporary fixings.

Conclusions:

The new use is not one for which the building was designed and so it is important that users are aware of its historic significance and the long term impact this new activity may have on the structure of the

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building. The details required could also establish a framework for building maintenance and repair to guide unplanned wear and tear or damage in the future.

Along with the landscaping and ecological constraints, the buildings status as a Grade II* Listed Building presents an opportunity for users to learn more about the site's history. Proposals to enhance interpretation material at the entrance to the site could also be required as a condition of planning permission and improve the site's overall restoration and enhancement in the long term.

I would welcome your advice on how far these issues can be addressed as conditions or within the context of a S106 [to support the Planning Permission]. However any recommendation to Cadw that LBC be granted should at least be supported by an indicative account of the details set out in points 3-5 above.

Open Spaces Society
Ramblers Association 20th Jul 2014
Merthyr Valley

No response received

We at Merthyr Valleys Ramblers wish to strongly object to the above proposal. Our reasons are as follows:

A significant long distance trail (The Taff Trail) passes over this viaduct and is very well used. The implementation of an adventure sports facility, never mind how well managed, is bound to provide some obstruction to both walkers and cyclists and so reduce the amenity that The Taff Trail currently provides for both locals and the considerable number of visitors from outside the area.

Twenty years ago the viaduct was used for abseiling etc. before action was taken to curtail this activity. During that period the obstruction, mentioned above, was very evident. A further problem arose through continual damage being caused to the masonry of the viaduct. This resulted in people, using the area immediately below the viaduct for picnics, etc., being placed in considerable danger.

There can be no doubt that this proposal does not enhance this important facility but, will detract from it.

Vaynor Community 28th Jul 2014 Support
Forum

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No responses received

PLANNING HISTORY

App Ref	Description	Decision	Date
MT18523	Rigging and use of viaduct for rock climbing, abseiling and bridge swinging	Application Permitted	1st Oct 2002
MT18528	Rigging for rock climbing, abseiling and bridge swinging	Application Permitted	20th Apr 2003
13/09991/FUL	Use of viaduct as an adventure sports facility	Application Withdrawn	29th Oct 2013
13/09992/LBC	Use of viaduct as an adventure sports facility	Application Withdrawn	29th Oct 2013

OFFICER'S REPORT**Introduction**

Full planning permission is sought for use of the Pontsarn Viaduct as an adventure sports facility.

This application is being report to Planning and Rights of Way Committee as the application site includes land owned by the National Park Authority.

Site Description

Pontsarn Viaduct is located approximately 1.5km to the south west of Ponsticill. The Viaduct is a Grade II* Listed Building comprising a viaduct of seven arches and associated piers of irregular sized rock faced lime stone. The viaduct has an overall length of 128m and has a maximum height of 28m. The listing description explains that is it a historically important and architecturally impressive. The route of the former railway which runs across the viaduct forms part of the Taff Trail. A public right of way also runs under the viaduct. The Taf Fechan flows to the east of the public right of way. A number of trees are located adjacent to the area surrounding the viaduct, which are covered by a Tree Preservation Order.

The viaduct is owned by Merthyr Tydfil County Borough Council, but the land under and adjacent is owned by the Brecon Beacons National Park Authority. The applicant will require an operating licence from Merthyr Tydfil County Borough Council and the Heritage Statement submitted identifies that a structural survey carried out in 2002 identified a number of threats to the integrity of the structure. As part of the operating licence, the applicant identifies that this project aims to address these issues by undertaking an agreed programme of remedial works as well as an on-going maintenance programme.

Proposal

The application proposes to use the viaduct to undertake basic rock climbing, abseiling and bridge swinging. The plans illustrate that these activities will be undertaken on the southern side of the viaduct and the works involves the provision of four concrete bases at positions along the deck of the viaduct.

The rock climbing and abseiling will be undertaken under the first arch and attached pier. The anchor slab is proposed within the first pier and will measure 2.5m by 1.5m. Two anchor points will be attached to the slab.

With regards the proposed bridge swinging two reinforced concrete slabs measuring 2.5m by 1.5m are proposed are either side of the arch, and anchor sleeves will be installed to allow the connection of the gallows framework. A gallows bracket will be attached to the parapet of the wall and two support ropes will be attached to a protective hessian protective blanket wrapped around a timber plank measuring 3m by 1.5m by 0.5m.

The rigging systems will be removed from the site at the end of the use.

Planning Policy Context

The development plan for the area is the adopted Brecon Beacons National Park Local Development Plan (2013) and this application is considered against policies CYD LPI, 1, 15, SP3 and 59.

Planning History

The site has previously benefited from planning permission (MT18523) and listed building consent (MT18528) for similar proposals in October 2002 and March 2003 respectively. These permissions were never implemented as the operating licence could not be obtained from Merthyr Tydfil County Borough Council. The most recent planning application (13/09991/FUL) and listed building consent application (13/09992/LBC) were withdrawn to allow the preparation of an Ecological Survey.

Principle of development

The proposal is located in an area of open countryside as defined by the Local Development Plan (LDP). Policy CYD LPI of the LDP sets out the forms of development within the open countryside that are considered to be acceptable. Criterion 5 of this policy seeks to support development of recreational facilities. The Strategy and Policy Section support the principle of this development and that it complies with policy CYD LPI (5). As a result, the principle of the development is considered to be acceptable.

Impact on Character of Grade II* Listed Building

Policy I (i) aims to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Park's landscape and built environment.

Planning Policy Wales states that "where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Policy SP3(f) of the LDP stipulates that development must demonstrate that it does not have an unacceptable impact on built heritage, whilst Policy I5 refers specifically to Listed Buildings and that proposal will be supported provided that they do not give rise to significant harm to the special historic or architectural character and setting of the building.

The National Park Heritage Officer has assessed the proposal and considers that the installation of permanent fixing points for gallows and anchor points will not have a detrimental impact on the architectural character of this listed building. A number of conditions are recommended to ensure that there is a commitment to undertake work to ensure its setting, historic masonry, iron and brickworks are all protected and maintained in the long term. Apart from the provision of a phased programme of maintenance work all other matters raised will be conditioned accordingly. With regards the phased programme of maintenance work, it is considered that this is a matter, which falls outside the scope of this planning permission, and as described above is a matter that will be addressed as part of the operating licence.

Officers consider that in light of the planning history at the site and due to the nature of the proposed intervention, that subject to conditions the proposal preserves the character of this Grade II* Listed Building. In light of the previous planning history at this site where the proposals have been considered to be acceptable, the proposal is considered to comply with policies SP3 (f), I5 and I9 of the LDP.

Neighbour Amenity

There are no immediately adjacent properties, with the nearest property being the vacant Pontsarn Inn. The application details that the facility could be operated seven

days/week, but at first it is anticipated that it will be operated during daylight hours on the weekend. Due to the location of the viaduct and that there are no immediately adjacent residential properties, it is considered that there will not be any detrimental impact on the amenity of the area through any unacceptable increase in noise and disturbance.

Biodiversity and Trees

The Emergence and Re-Entry Survey (May 2014) provided in support of the Scoping Survey (Spring 2013) prepared by Merlin Bio-Surveys found no evidence of bats roosting in the viaduct. The National Park Ecologist and NRW therefore have no objection to the proposal from an ecological perspective.

The National Park Ecologist in her response made reference to the clearance of vegetation that would be required at the base of the viaduct. The applicant has provided a plan indicating that a 1.5m wide strip at the base of the pier and an area measuring 11.4m by 8.4m immediately adjacent. The National Park Tree Consultant has no objection to the removal of this limited area of trees to facilitate the development.

Public Right of Way

The National Park Rights of Way Officer has raised concerns regarding the activities of the occurring above members of the public, and that the activities proposed should be subservient to those using the public right of way.

The agent has described within the planning statement that the movements would take place at a higher levels and only when the lateral movement has stopped would the users be lowered to the ground.

In order to safeguard the integrity of the public right of way an appropriately worded informative note will be added to any planning permission.

Highway Safety

Policy 59 relates specifically to highway safety and that appropriate access can be gained to the site.

As part of the proposal no alterations are proposed to the existing access arrangements to the site, and the applicant has met Merthyr Tydfil County Borough Council Highways to discuss parking arrangements. It is intended to utilise an existing layby to the south of the site which is regularly used by visitors and organised outdoor groups. However, the applicant has advised that as part of the licencing agreement with Merthyr Tydfil CBC this is a situation that would be monitored, and the applicant has agreed to the provision of a green transport plan, and an appropriately worded condition will be added to any planning permission to secure this.

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Merthyr County Borough Council has no objection to the proposal subject to conditions. As a result it is considered that the proposal will not have a detrimental impact on highway safety.

Conclusion

In conclusion, it is considered that the development proposed would not have a detrimental impact on this Grade II* Listed Building, protected species, neighbour amenity, trees, biodiversity or highway safety. The proposal is therefore considered to comply with policies CYD LPI, 1, 15, SP3 and 59.

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 hereby approved shall be carried out strictly in accordance with the approved plans (drawing reference NP1v1, NP2v1, NP3v1 and NP4v1) unless otherwise agreed by the Local Planning Authority.
- 3 No development shall commence until a scheme for the enclosure of the gallows framework and external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence until details of the construction and external finish of the gallows frameworks and anchors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall commence until details of a biodiversity mitigation/enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Prior to the commencement of development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall describe the means by which visitors, employees and other users of the development shall be encouraged to travel to the site by means other than the private car. The Travel Plan as approved shall be monitored and reviewed on an annual basis and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the resulting action plan shall be implemented in full.
- 7 Any vegetation clearance as illustrated on drawing number NP4v1 shall be restricted to a maximum of 2m of the side of the base of the viaduct, and any clearance shall be carried out by hand and not by herbicide application.
- 8 No development shall commence until detail of a survey of the existing masonry including a programme for repair and stabilisation has been submitted to and approved in writing by the Local Planning Authority.
- 9 There shall be no climbing aids used during activities other than those hereby approved on drawing number NP3v1.

- 10 Upon the cessation of the last activity of the day, the gallows framework, matting and all associated equipment shall be removed from the site.

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 To safeguard the architectural integrity of the Listed Building
- 4 To safeguard the architectural integrity of the Listed Building
- 5 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

- 6 To ensure a sustainable form of development
- 7 To safeguard the integrity of the wider group of trees covered by a Tree Preservation Order.
- 8 To safeguard the architectural integrity of the Listed Building
- 9 To safeguard the architectural integrity of the Listed Building
- 10 To safeguard the architectural integrity of the Listed Building

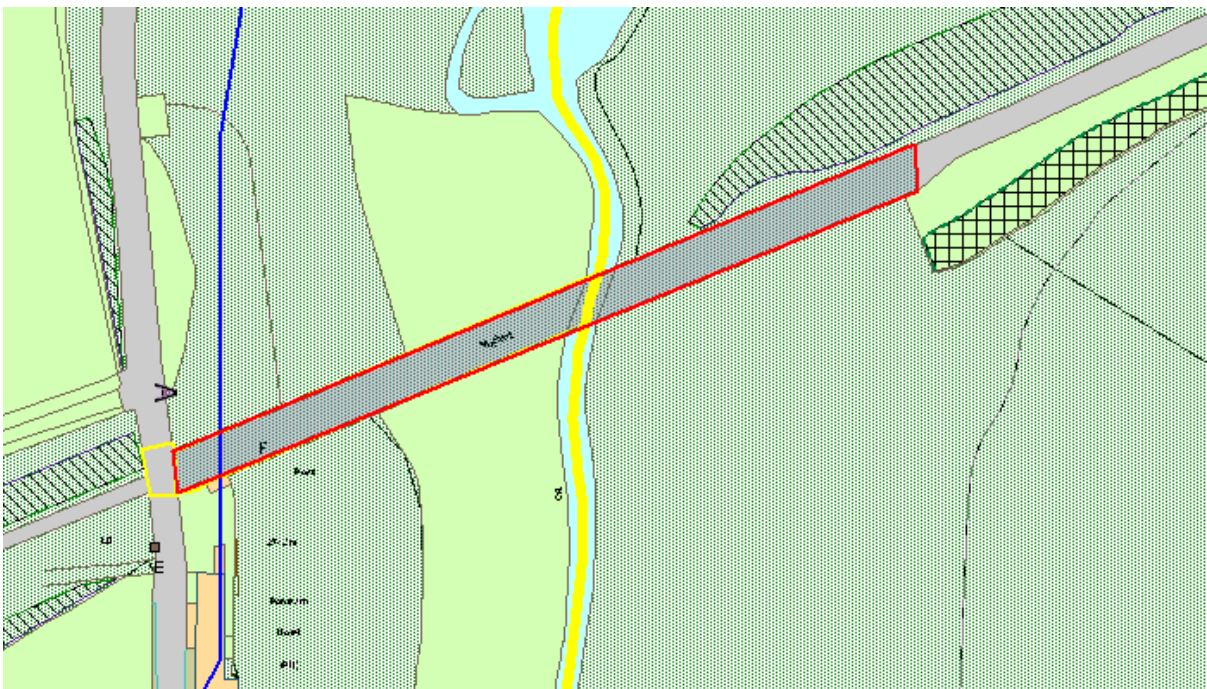
Informative Notes:

- 1 Please be aware that the Taf Fechan is a designated Main River. Under the terms of the Water Resources Act 1991 the prior written consent (Flood Defence Consent) of Natural Resources Wales is required for any proposed temporary works or permanent structures in, under, over or within 7 metres of the top of bank of the Main River. If repairs are to be undertaken within the vicinity of the watercourse the applicant/developer should contact NRW (Chris Nutt - 02920 245 156) to discuss the proposals.
- 2 Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the unexpected 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 being committed. NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX. Tel. 01873 737000.
- 3 Please note that Public Rights of Way cross the site. This planning permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. The carrying out of the proposed activities shall not stop, prevent or deter users from using the rights of way.

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ITEM NUMBER: 7

APPLICATION NUMBER: 14/11011/LBC
APPLICANTS NAME(S): Mr Richard Davies
SITE ADDRESS: Pontsarn Viaduct
Merthyr Tydfil
CF48 2TS
GRID REF: E: 304529 N:209916
COMMUNITY: Vaynor
DATE VALIDATED: 1 July 2014
DECISION DUE DATE: 26 August 2014
CASE OFFICER: Mr Lloyd Jones



PROPOSAL Use of viaduct as an adventure sports facility

ADDRESS Pontsarn Viaduct, Merthyr Tydfil, CF48 2TS

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Heritage Officer (Archaeology)	20th Aug 2014	Response: Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that Pont Sarn viaduct is a grade II* listed structure. However, as the proposals do not require any ground works, this scheme is unlikely to have archaeological impact. No archaeological mitigations required.
NP Head Of Strategy Policy And Heritage NP Senior Heritage Officer (Building Conservation)	19th Aug 2014	No response received The DAS offers a good account of the work and follows advice offered in pre-application discussions. This together with the significant planning history for the site establishes a presumption in favour of the development. The viaduct's status as a Grade II* Listed Building requires clarity in detail and a commitment to undertake work to ensure that its setting, historic masonry, iron and brickwork are all protected and maintained in the long term. To achieve this, it is recommended that the following information be submitted, or that at least conditions are imposed seeking: 1. The completion of a detailed condition survey of the masonry with an agreed set of recommendations for repair and stabilisation prior to the first use of the structure, to include proposals for lime based repairs and mortars, 2. A phased programme of maintenance works to ensure the long term care and stability of the masonry and brickwork, 3. Submission of details of storage proposals for the gallows, protective buffers and fixings when removed, 4. Submission of details of any lighting, signage and security fencing/protection on or in the vicinity of the structure, 5. Submission of details of any supports foot holds rope fixings or anchor points which may be required for the rock climbing section of the viaduct, and advice on whether these are to be permanent

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or temporary fixings.

Conclusions:

The new use is not one for which the building was designed and so it is important that users are aware of its historic significance and the long term impact this new activity may have on the structure of the building. The details required could also establish a framework for building maintenance and repair to guide unplanned wear and tear or damage in the future.

Along with the landscaping and ecological constraints, the buildings status as a Grade II* Listed Building presents an opportunity for users to learn more about the site's history. Proposals to enhance interpretation material at the entrance to the site could also be required as a condition of planning permission and improve the site's overall restoration and enhancement in the long term.

I would welcome your advice on how far these issues can be addressed as conditions or within the context of a S106 [to support the Planning Permission]. However any recommendation to Cadw that LBC be granted should at least be supported by an indicative account of the details set out in points 3-5 above.

Vaynor Community
Forum

No response received

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No responses received

PLANNING HISTORY

App Ref	Description	Decision	Date
MT18523	Rigging and use of viaduct for rock climbing, abseiling and bridge swinging	Application Permitted	1st Oct 2002
MT18528	Rigging for rock climbing, abseiling and bridge swinging	Application Permitted	20th Apr 2003

13/09991/FUL	Use of viaduct as an adventure sports facility	Application Withdrawn	29th Oct 2013
13/09992/LBC	Use of viaduct as an adventure sports facility	Application Withdrawn	29th Oct 2013

OFFICER'S REPORT

Introduction

Listed Building Consent is sought for use of the Pontsarn Viaduct as an adventure sports facility.

This application is being report to Planning and Rights of Way Committee as the application site includes land owned by the National Park Authority.

Site Description

Pontsarn Viaduct is located approximately 1.5km to the south west of Ponsticill. The Viaduct is a Grade II* Listed Building comprising a viaduct of seven arches and associated piers of irregular sized rock faced lime stone. The viaduct has an overall length of 128m and has a maximum height of 28m. The listing description explains that is it a historically important and architecturally impressive. The route of the former railway which runs across the viaduct forms part of the Taff Trail. A public right of way also runs under the viaduct. The Taf Fechan flows to the east of the public right of way. A number of trees are located adjacent to the area surrounding the viaduct, which are covered by a Tree Preservation Order.

The viaduct is owned by Merthyr Tydfil County Borough Council, but the land under and adjacent is owned by the Brecon Beacons National Park Authority. The applicant will require an operating licence from Merthyr Tydfil County Borough Council and the Heritage Statement submitted identifies that a structural survey carried out in 2002 identified a number of threats to the integrity of the structure. As part of the operating licence, the applicant identifies that this project aims to address these issues by undertaking an agreed programme of remedial works as well as an on-going maintenance programme.

Proposal

The application proposes to use the viaduct to undertake basic rock climbing, abseiling and bridge swinging. The plans illustrate that these activities will be undertaken on the southern side of the viaduct and the works involves the provision of four concrete bases at positions along the deck of the viaduct.

The rock climbing and abseiling will be undertaken under the first arch and attached pier.

The anchor slab is proposed within the first pier and will measure 2.5m by 1.5m. Two anchor points will be attached to the slab.

With regards the proposed bridge swinging two reinforced concrete slabs measuring 2.5m by 1.5m are proposed are either side of the arch, and anchor sleeves will be installed to allow the connection of the gallows framework. A gallows bracket will be attached to the parapet of the wall and two support ropes will be attached to a protective hessian protective blanket wrapped around a timber plank measuring 3m by 1.5m by 0.5m.

The rigging systems will be removed from the site at the end of the use.

Planning Policy Context

The development plan for the area is the adopted Brecon Beacons National Park Local Development Plan (2013) and this application is considered against policies CYD LPI, 1, 15, SP3 and 59.

Planning History

The site has previously benefited from planning permission (MT18523) and listed building consent (MT18528) for similar proposals in October 2002 and March 2003 respectively. These permissions were never implemented as the operating licence could not be obtained from Merthyr Tydfil County Borough Council. The most recent planning application (13/09991/FUL) and listed building consent application (13/09992/LBC) were withdrawn to allow the preparation of an Ecological Survey.

Impact on Character of Grade I I* Listed Building

Policy I (i) aims to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Park's landscape and built environment.

Planning Policy Wales states that "where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Policy SP3(f) of the LDP stipulates that development must demonstrate that it does not have an unacceptable impact on built heritage, whilst Policy 15 refers specifically to Listed Buildings and that proposal will be supported provided that they do not give rise to significant harm to the special historic or architectural character and setting of the building.

The National Park Heritage Officer has assessed the proposal and considers that the installation of permanent fixing points for gallows and anchor points will not have a

detrimental impact on the architectural character of this listed building. A number of conditions are recommended to ensure that there is a commitment to undertake work to ensure its setting, historic masonry, iron and brickworks are all protected and maintained in the long term. Apart from the provision of a phased programme of maintenance work all other matters raised will be conditioned accordingly. With regards the phased programme of maintenance work, it is considered that this is a matter, which falls outside the scope of this planning permission, and as described above is a matter that will be addressed as part of the operating licence.

Officers consider that in light of the planning history at the site and due to the nature of the proposed intervention, that subject to conditions the proposal preserves the character of this Grade II* Listed Building. In light of the previous planning history at this site where the proposals have been considered to be acceptable, the proposal is considered to comply with policies SP3 (f), 15 and 19 of the LDP.

Conclusion

It is considered that the proposal will preserve the character of this Grade II* Listed Building and one that complies with policies SP3 (f), 15 and 19 of the LDP. The proposed development is considered to be in accordance with the requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard be given to the desirability of preserving the building or their setting or any features of special architectural or historic interest. It is recommended that Cadw be advised that the Local Planning Authority is mindful to grant Listed Building Consent for the proposed development and subject to them having no objections or not wishing to determine the application themselves, that consent be granted.

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 hereby approved shall be carried out strictly in accordance with the approved plans (drawing reference NP1v1, NP2v1, NP3v1 and NP4v1) unless otherwise agreed by the Local Planning Authority.
- 3 No development shall commence until a scheme for the enclosure of the gallows framework and external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence until details of the construction and external finish of the gallows frameworks and anchors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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- 5 No development shall commence until detail of a survey of the existing masonry including a programme for repair and stabilisation has been submitted to and approved in writing by the Local Planning Authority.
- 6 There shall be no climbing aids used during activities other than those hereby approved on drawing number NP3vI.
- 7 Upon the cessation of the last activity of the day, the gallows framework, matting and all associated equipment shall be removed from the site.

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 To safeguard the architectural integrity of the Listed Building
- 4 To safeguard the architectural integrity of the Listed Building
- 5 To safeguard the architectural integrity of the Listed Building
- 6 To safeguard the architectural integrity of the Listed Building
- 7 To safeguard the architectural integrity of the Listed Building

Informative Notes:

- 1 Please note that any further alterations to the Viaduct that do not form part of this approval will require Listed Building Consent.