



Brecon Beacons National Park Authority

PLANNING, ACCESS, AND RIGHTS OF WAY

COMMITTEE

29 July 2014

RECOMMENDATIONS OF THE DIRECTOR OF

PLANNING ON APPLICATIONS FOR

DETERMINATION BY

THE PLANNING, ACCESS AND RIGHTS OF WAY

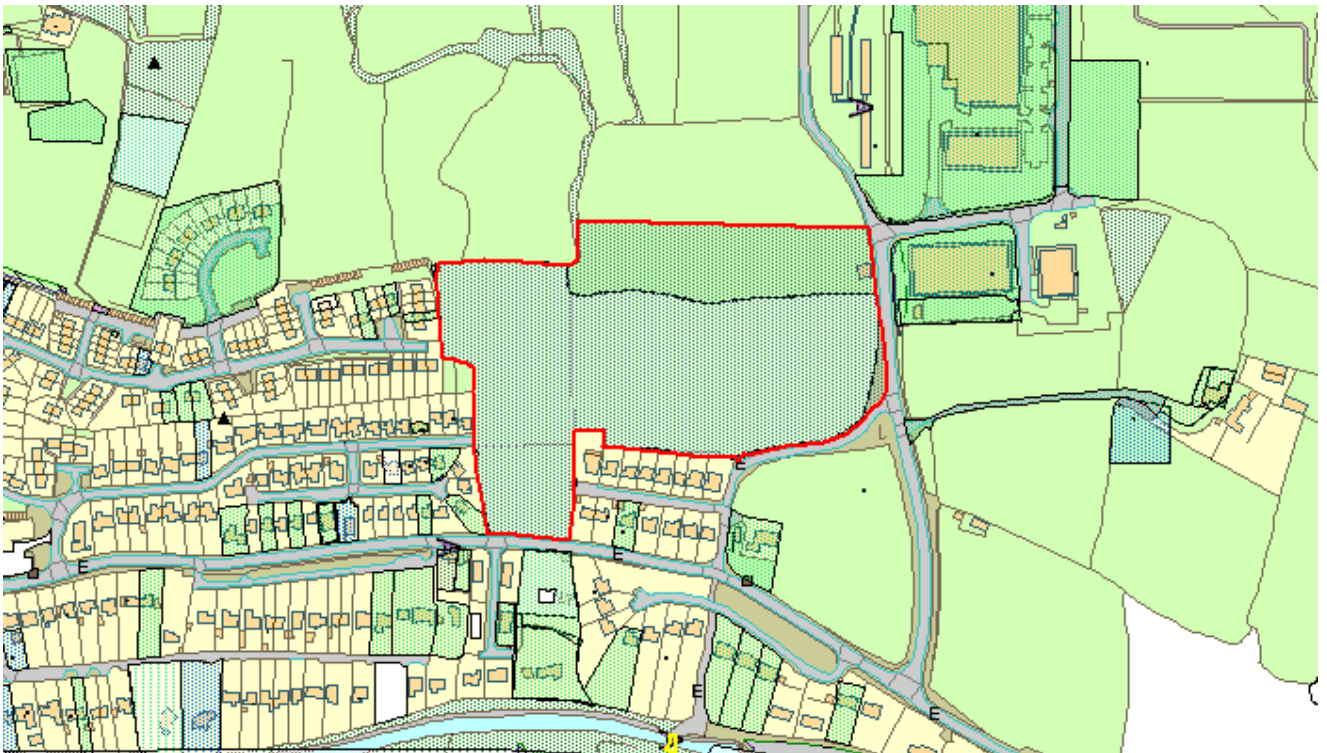
COMMITTEE

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ITEM NUMBER: I
APPLICATION NUMBER: 13/10295/FUL
APPLICANTS NAME(S): Charles Church East Wales
SITE ADDRESS: Land At Cae Meldon
Gilwern
GRID REF: E: 325357 N:214797
COMMUNITY: Llanelly
DATE VALIDATED: 13 December 2013
DECISION DUE DATE: 7 February 2014
CASE OFFICER: Mr Rhodri Davies



PROPOSAL The development proposal comprises the construction of 92 residential units and associated works, including a new road, public open space and recreational space.

ADDRESS Land At Cae Meldon, Gilwern,

Introduction

This application was reported to PAROW on the 10th June, 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 29th July, 2014.

PAROW Committee on the 10th June, 2014

At the last committee meeting late representations from the occupiers of 8, Lancaster Drive; Aberbaiden Farm Cottage; Eriskay, Lancaster Drive; Rosary, Lancaster Drive; Vaynor, Lancaster Drive; 12 Lancaster Drive; 6 Lancaster Drive; Oaklands, Crossroads; 20 Broadmead; and 7, Basildene Close were verbally reported to Members.

Officers also advised Members that Natural Resources Wales had confirmed that they agree with the conclusion of the Habitats Regulations Assessment, which states that the development as currently proposed will not have a significant effect on the River Usk SAC or the Usk Bat Sites SAC, provided that the planning conditions proposed in the assessment are implemented. Furthermore, they agree that the development as currently proposed will not require full under the Habitats Regulations.

In terms of the late representation from the Monmouthshire County Council Highways Officer, Officers summarised their outstanding concerns.

They are included here for completeness:

I refer to the amended details submitted for observation on 21st May 2014.

I am disappointed that the processes for submitting detail for the proposed Section 278 works have not had the due time to progress to a satisfactory conclusion and details of a scheme have not been completed. There is no frontage footway even in schematic design drawn on the amended submitted plans.

The Section 278 works must be completed prior to occupation of the first dwelling on the site.

The amendments on the drawings have not taken into account my previous comments or the verbal confirmation of the applicant at interim meetings, which the link footpaths will be secured to connect to the existing adopted footway at Broadmead. The red site boundary line has not been amended accordingly. The applicant therefore has no control over the land between the footway on Broadmead and the edge of the site.

The application amendments have not annotated pedestrian barriers at the points where the proposed private footpaths will connect to the public highway, thus preventing ingress/ egress of the site by motorised vehicles and to an aid to pedestrian safety.

Recommendation:

I consider that there is more design work required on this scheme before it can be considered acceptable on safety grounds to be presented to the planning authority for approval.

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.

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Officers also advised Members that since the original agenda was published, the developers engineer had pointed out that the 3rd and 4th sentences in the first paragraph at the top of page 60 were incorrect and he confirmed that DC/WW would not adopt the surface water system and Suds approval bodies did not exist yet so the surface water drainage including the infiltration ponds would be maintained by the proposed management company.

In response to a question asked at the end of the meeting by the Clerk of Llanelly Community Council, Officers have subsequently advised the Clerk (and copied Members, the local county councillors, the local MP and the local Assembly Member into the advice to avoid confusion) that the question about the infiltration ponds being outside the settlement boundary/allocated site had already been addressed by the penultimate paragraph on page 59 of the agenda. The paragraph clearly stated that:

*“The proposed development is partly outside of the settlement boundary for Gilwern and the extent of the allocated site. Policy ELP1 sets out the circumstances in which the LPA will look favourably on development proposals which are located on edge of settlement locations outside of defined boundaries where they are essential to community sustainability and/or have a limited environmental impact. **Criteria 7 sets out that an exception can be made for the creation of new ponds and wetlands that act as Sustainable Drainage Systems (SuDS).”***

Amended Scheme

Amended plans have been received in the interim period between PAROW meetings and a reconsultation period has been undertaken to publicise the fact.

Plot 41

In response to the issues raised by the occupier of 7, Basildene Close, Officers confirmed that, having checked the proposed site layout plan against the submitted topographical survey for the site and environs, the existing boundary fence was only 4.5m from the rear elevation of 7, Basildene Close but the proposed site layout plan indicated that the boundary was 6m from the rear of 7 Basildene Close.

Officers sought Members authorisation at the previous meeting to add a condition requiring revised plans for this part of the scheme (plot 41) to ensure that the proposed Lavernock housetype is a sufficient distance from the rear elevation of 7 Basildene Close. In this instance it was advised that Officers would be seeking at least 10m distance between the houses.

However, during the seven week window between the committee meetings, the applicant has submitted a revised scheme illustrating a substitute housetype for this plot (a smaller Ogmores in lieu of the previously proposed Lavernock) with a distance of 11m between the gable ends.

Therefore, there is no longer a requirement to add a condition to the original recommendation.

Plot 37

In response to the points made by the only speaker at the last meeting (Mrs. Nightingale, on behalf of her Mother who resides at Glenside, Lancaster Drive) the applicant has replaced the previously proposed Lavernock housetype at Plot 37 with a smaller and repositioned Ogmores housetype to ensure that the dwelling is an additional 1m away from the side facing window of

Glenside (12m in total) and it has been sited slightly further back into the plot to further improve the outlook from this window.

Having regard to the reduced scale of the house at plot 37, the drop in levels between Lancaster Drive and the application site and increased distance between the proposed and existing dwellings Officers consider that the dwelling at plot 37 is even less likely to cause significant detrimental harm to the residential amenities of the occupier(s) of Glenside.

Highways Concerns

In response to the concerns raised by the Highways Officer the applicant has submitted a revised S.278 (offsite) works scheme which illustrates a revised quiet lane arrangement. The amendments are a result of discussions between the consultant highway engineers (Vectos) and the Monmouthshire County Council Highways Officer. Members will note that the revised planning layout for the scheme now illustrates an extension to the length of footpath along the eastern boundary of the site.

In response, the latest comments from the Highways Officer are as follows:

“Having reviewed the revised drawings submitted by Daryl Jones of Persimmon on 3rd July 2014 I would offer the following comments giving clarification on our position as Highway Authority.

Firstly, I would comment that drawings 1324-TP-01 Rev. D (planning layout) and WI41336/A/03 Rev. B (S278 proposals) do not correspond with the previously submitted drawing 3724-S278-1 (S278 Layout and Construction Details), for some reason the proposed pedestrian crossings on Ty Mawr Road have been omitted. It should be noted that these pedestrian crossings will be required as part of the S278 off-site highway improvement works.

Notwithstanding the above we as Highway Authority are generally satisfied with the principles of the proposed off-site highway improvement works, namely the quiet lane and footway improvements, however the detail of which shall be agreed and approved by the Highway Authority under the respective S278 Agreement. It should be noted however that MCC Highways have a responsibility to enter into formal consultation with the local community with regard to these proposals therefore this may necessitate an alternative design.

Regarding the internal site layout in accordance with planning layout, 1324-TP-01 Rev. D, we remain concerned about the proposed footway link to Broadmead. I would reiterate Wendy’s previous comments by stating that a small section of third party land appears to intervene the application site and Broadmead. The proposed pedestrian link is required as part of the development therefore the applicant will be required to establish land ownership and obtain right of access to Broadmead. In addition no further consideration has been given to the proposed pedestrian link onto Abergavenny Road, there are concerns that no pedestrian safety barriers/guard rails are being provided. It is recommended that the aforementioned be considered by the applicant with a view to submitting further details and a revised drawing for approval.

Should the Planning Authority be minded to approve the application we would insist that the following conditions are applied or made conditional to a Section 106 Agreement:-

1. The developer will be required to enter into a Section 278 Agreement with the Highway Authority for the implementation of the associated off-site improvement works, namely;

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- (a) Provision of environmental highway improvement on Crossroads, Gilwern to create a 'quiet lane' or an environment that promotes slower vehicle speeds and encourages pedestrian use prior to the commencement of the dwellings accessed off Crossroads.
 - (b) Provision of estate road access and pedestrian footways and crossings on Ty Mawr Road prior to the occupation of the first dwelling.
2. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that the estate roads serving each phase of the development will be completed.

Reason – To ensure that the estate roads serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
3. No dwelling shall be occupied until the estate roads affording access to those dwelling has been completed in accordance with the Estate Street Development Plan.

Reason - To ensure that the estate roads serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.
4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Notes:

Completion of Streets / Estate Street Phasing Plan

The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 2, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 4 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.”

The off-site works will be the subject of a separate Section 278 application to the Highway Authority. The applicant has confirmed that the red line boundary is accurate and indicates all land within the control of the applicant and the current land owner. The Ordnance Survey base plan does not show the adoptable highway extending up to the red line boundary where, in actual fact, it does on site. The applicant has submitted an adopted highway plan, which illustrates that the adjoining road at Broadmead is adopted all the way to the application boundary and this plan will form part of the Officer's "recap" presentation to Members.

Officers will consider the imposition of the suggested conditions and informative notes.

Affordable Housing and Mix

In terms of the location of the Affordable Housing within the site, the applicant has submitted an email from Melin Homes Housing Association (the preferred Registered Social Landlord for this site) which confirms that:

*"Each site with a requirement to provide affordable housing under a S106 agreement will be unique and each Local Authority will have their own requirements which Melin will help to achieve. Developments with significant numbers of affordable housing can benefit from pepper potting and do not pose particular management issues. Conversely, schemes where all affordable housing is focused in one location can be acceptable but requires careful consideration. **In the case of the Lancaster Drive scheme which does provide a relatively high concentration of affordable housing in one location than typically expected, the mitigating circumstance is the mixture of tenures available including low cost home ownership, intermediate rent and benchmark rent. On this basis and without prejudice to future schemes, we can confirm that the proposals submitted are acceptable.**"*

Therefore, having regard to the above advice, Officers are of the opinion that the scheme as submitted is acceptable in planning terms and the lack of "pepper potting" within this site is not a sustainable reason for refusal. This view is supported by the fact that the Affordable Housing units include low cost home ownership dwellings and they back onto open countryside away from the less attractive Industrial Estate and main roads that bound the site to the south and east.

In addition, although TAN2: Planning & Affordable Housing (the practical guide on the role of the planning system in delivering affordable housing) has been cited by Members as being supportive of "pepper potting" it should be noted that it was produced in 2006 and the document only refers to "an appropriate and well integrated mix of housing types and tenures" (para. 10.11) and "affordable housing should also be indistinguishable from market housing provided on the same site in terms of external design quality and materials" (para. 11.1). The scheme complies with this advice.

As confirmed at the previous meeting, there is no reference to "pepper potting" in TAN2 or Chapter 9 (Housing) of Planning Policy Wales (2014). PPW suggests at paragraph 9.2.15 that AH makes an essential contribution to community regeneration and social inclusion where it is desirable that housing schemes incorporate a reasonable mix and balance of housetypes and sizes to cater for a range of needs.

It is considered that the development provides a reasonable mix of affordable housing to serve an identified local need and there is a broad range and mix of housetypes across the site which

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will provide a suitable level of choice for future homebuyers. At the same time, the scheme responds to the identified demand in the area as evidenced by the sales performance of the nearby Ty Mawr development also by Persimmon. For example, although the smallest of the 4 bed dwellings on this site is advertised as a four bed dwelling, it is more akin to a 3 bed dwelling with a small box room/study.

Conclusion

As plots 37 and 41 have been changed and the layout and off-site works have been revised during the period between committee meetings, Officers suggest that a condition be attached to the recommendation requiring all other supplementary plans (landscaping scheme, storey height plan, cross sections etc.) to be updated prior to the commencement of works on site. This will ensure an orderly and consistent development with no confusion as to the nature of the approved plans.

The scheme will provide 18 No. much needed Affordable Housing units on site as well as a financial contribution of £175k towards off site Affordable Housing, £246k towards Education, £56k towards public transport improvements, £300k towards recreation and a contribution for public art.

The development will also fund necessary improvements to the Aberbaiden WwTW to allow this development (and the 19 unit residential development at Govilon Primary School) to go ahead in advance of DC/WW's programme of upgrading works.

The site has been the subject of a Housing allocation in the Local Plan (1999) and the Approved Unitary Development Plan (2007) and it is allocated for housing (112 units) in the recently adopted Local Development Plan (2013).

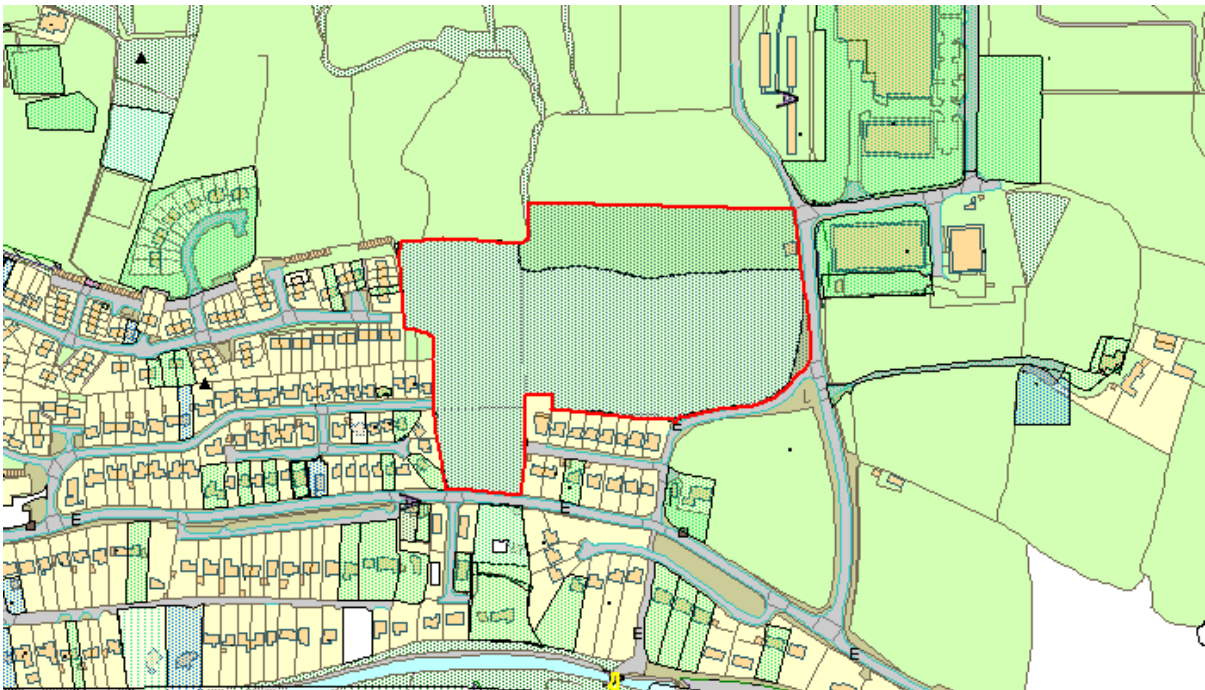
The application is still recommended for approval as per the original report below and the above advice.

Committee Report 10th June 2014

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ITEM NUMBER: I

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Gilwern
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ADDRESS Land At Cae Meldon, Gilwern

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Dwr Cymru Welsh Water - Developer Services	6th Feb 2014	SEWAGE TREATMENT As you will be aware discussions are ongoing between ourselves, the applicant and Brecon Beacons National Park regarding Aberbaiden Waste Water Treatment Works, to which the development will drain. It is envisaged that these discussions will result in a satisfactory outcome for all parties which will allow us to reconsider our position. However until outcomes are known and a way forward has been agreed, we have no alternative but to object to the proposed development.

Our concerns are raised on the basis that the proposed development would overload Aberbaiden Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Accordingly, we consider that any development prior to improvements being made to be premature and therefore **OBJECT** to the development.

SEWERAGE

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

WATER SUPPLY

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Dwr Cymru Welsh Water - Developer Services	28th May 2014	For clarity, foul flows from the proposed residential development of 92 units would drain to our Aberbaiden Waste water Treatment Works.
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Discussions have been ongoing regarding a scheme to accommodate

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new development/growth at Aberbaiden Works which primarily involves the installation of a new side-stream process. The total cost of the solution is £140,675.40 + VAT, and the most appropriate funding mechanism for the delivery of this scheme is considered to be via S106 Planning Obligations.

This has been acknowledged by Brecon Beacons National Park Authority.

Persimmon Charles Church Homes is content in principle to agree fund the growth scheme. This is acknowledged and allows us to consider the removal of the current objection to the planning application, subject to confirmation from the Local Planning Authority that the required funding will be secured via the S106 agreement.

In order to progress matters I trust that this letter provides Officer's and Members that, subject to appropriate controls contained with a S106 Agreement, we are content to remove our objection to this planning application. I trust that this information provides certainty and commitment that there is a viable/deliverable scheme to accommodate growth and should the Local Authority be minded to grant consent for this development therefore, I would welcome further discussions on the content of any legal agreement.

Heritage Officer
(Archaeology) 15th Jan
2014

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).

Planning Policy Wales (Edition 5: 2012):

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).

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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 features'.

Archaeological sensitivity and significance of the site

Very little is known about the archaeological significance or potential of the site of the proposed development. Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority do not indicate that there are any known sites or features of archaeological interest on the site. However, the Clydach Gorge is an important area and has been utilised and exploited by humans for millennia. The site of the proposed application is a greenfield site, which has not previously been subject to development in modern times, and so there is the possibility for as yet unknown archaeological remains to survive. Despite including references to the appropriate UDP and LDP policies in relation to cultural heritage and archaeology, and despite the inclusion of the assertion, on a number of occasions, that a number of standalone technical reports have been submitted with the application (in addition to the Environment Impact Statement) that deal with a number of specific issues, of which it states archaeology is one of these (Para.3.5.20, pp.45 of the Environmental Impact Statement), the potential archaeological heritage of the site is not considered, assessed or discussed anywhere in the application. Therefore, at present it is not possible to fully assess the archaeological sensitivity and significance of the site.

Archaeological Impact of the development

The development of this site has the potential to have a significant negative impact on any archaeological remains that survive at this site. The project outlined in the application indicates that the development requires a large amount of ground works and engineering work, and any ground works associated with the development including the excavation of foundation trenches; piling; the insertion of drains, sewers and other services; the insertion of new access routes and the landscaping of the site, all have the potential to damage or destroy any surviving archaeological remains on the site within the area of the ground works. The level of the impact cannot be fully assessed until the survival and nature of the archaeological remains is more fully understood.

Mitigation Required

More information is required in order to fully understand the nature of the surviving archaeological resource of this site, and therefore

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enable an accurate understanding of the likely archaeological impact of the proposed development pre-determination. If a standalone report relating to the archaeological and cultural heritage of the site had been previously prepared, as para. 3.5.20, pp.45 of the Environmental Impact Statement suggests, then the applicant should submit this information at the earliest opportunity to allow the required assessment of the archaeological sensitivity and significance of the site, and the impact of the proposed development upon it to be assessed.

If such a report has not been produced and the potential archaeological heritage of the site has not been considered or assessed as part of the application, then this is required. A pre-determination Rapid Desk Based Assessment and an Archaeological Field Evaluation would provide the required information relating to the surviving archaeological resource at Land At Cae Meldon, Gilwern, including its presence or absence, character, extent, date, integrity, state of preservation and quality, and to allow the accurate understanding of the likely archaeological impact of the proposed development and the formulation of an appropriate mitigation strategy if required.

Heritage Officer
(Archaeology) 22nd Apr
2014

Following my initial comments requesting further information in order to allow a full understanding of the nature of the surviving archaeological resource of this site, and therefore enable an accurate understanding of the likely archaeological impact of the proposed development pre-determination, an Archaeological Desk Based Assessment has been commissioned by the applicant and received by this Authority. The Desk Based Assessment was carried out by AB Heritage. I have reviewed this report and can confirm that it conforms to best practice and industry standards and guidance, and uses a sound methodology. As such I support the conclusions of the Desk Based Assessment, that no direct impact on any known heritage assets are likely to result from the development; that the indirect impacts of the development on the setting of known heritage assets are limited, and that the potential for the recovery of complex or significant as yet unknown archaeological remains, relating to all periods, on the site is low. As such no further archaeological works or mitigations are required.

Llanelly
Community
Council 16th Jan
2014

The Community Council received a number of representations from local residents asking for further information.

The Chairman and members from Llanelly Community Council would ask for this application to be deferred, until such time as the council are able to consider the application and the Design Statement, and hold a public consultation meeting.

The Community Council would request hard copies of the application form and Design Statement and other reports submitted with the application.

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Llanelly
Community
Council

5th Feb
2014

The Chairman and members from Llanelly Community Council would like to extend an invitation to meet with you and the developer's agent to consider the application in more depth
The chairman and members of the community council are holding a drop in session to allow all interested parties the opportunity to inspect the application documents.

Llanelly
Community
Council

18th Mar
2014

The community council would request an extension on the time, to allow the information to be collated and a formal response submitted in relation to this application.
Please find below the observations and any recommendations from Llanelly Community Council regarding the above application. Llanelly Community Council would be grateful if you would take into account these observations and report them to the Planning Committee.

Should the National Park Authority be minded to grant permission for the above Application. Llanelly Community Council would recommend that the following matters are controlled by means of appropriate planning conditions.

Comments:

The Community Council received a number of representations from local residents asking for further information.

The Chairman and members from Llanelly Community Council have held several meetings where members of the public have addressed the Council and made a number of observations.

Affordable housing:

Concern has been expressed over the location of the affordable units and the construction of the three storey block of flats. After consulting the affordable housing need survey there has been no call for one bedroom units in this community. The development proposed is out of keeping with the proposed dwellings and design. Also the proposed building will detract from the immediate street scene and the overall appearance will change the character of the landscape. It is clear from the LDP table 6.2 on page 87 that this development would Ty-Clyd. This will provide one third of the affordable housing in the NPA within the first three years of the LDP when no review of the housing need has been undertaken.

Under policy 4-The proposals for this development contain trees that will be required to be felled under the tree survey.

The policy states the NPA should be satisfied with the tree survey and the trees and their root systems are retained and adequately protected prior to, during, and after development.

It would seem from the application that a large number of trees are

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going to be removed from the northern side of the development. It is clear that the existing trees do not need to be felled and replacement trees planted. Therefore no scheme to replace them should be required.

Drainage and Sewerage Constraints.

In 8.6.1 Dwr Cymru Welsh Water identifies capital investment is required on the sewerage network in the NPA. This location within the village of Gilwern is prone to foul drainage backing up and overflowing into the gardens of dwellings in Lancaster Drive. It is clear the extra capacity which is going to be placed on this system is going to exacerbate the drainage issues in this location.

The extensive size of this development will have an overwhelming affect on the run-off from the impermeable surfaces which will increase the risk of flooding in the location downstream which is already being affected at the moment. The construction of the attenuation ponds which are outside the LDP boundaries. The LDP document identifies sustainable drainage is a design philosophy and a range of techniques should be employed to manage rain water and excessive surface water. The developer should produce an effective system into the development. Llanelly Community Council would recommend that any s106 agreement is ring fenced for the up grading of the drainage in this location

Highways issues:

The proposed footway along Lancaster Drive to allow access between plots 36 and 37. It would appear the residents have not been consulted in relation to this proposed development along a private drive. It is clear there is insufficient pedestrian access. It would also appear from the proposed plan that there is no footway from the proposed development to the recreation and school facilities in the village.

The application would appear to have a complete disregard to visitor parking within the proposed development. The Wales Parking Standards for any new houses development should be taking into consideration visitor parking.

Members are concerned over any improvement to the junction with the Abergavenny and Ty-Mawr Road. Members expressed concern to the Planning Manager for the developer as the land both sides of Ty-Mawr Road are in third party ownership and any major improvements will be restricted. The traffic has a tendency to speed in this location, hence the regular speed checking by Gwent Police. Can you advise if any mitigating agreements have been confirmed in the pre-application stage?

Concern must also be expressed over the footway links on Ty-Mawr Road and the link onto Abergavenny Road. The footway on

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the Old Ty-Mawr road is insufficient in its width as it does not comply with current highway standards and protocols.

Waste Collection:

A further point relates to the waste collection from the two cul-de-sacs on the Old Ty-Mawr Road, where collection and refuse vehicles will find it difficult to access the properties in these two locations due to the manoeuvrability in this confined space where these 9 dwellings are proposed. It can only be assumed that this will lead to waste bags being left on the side of the highway prior to any collection. It would also appear that the access into this location will not meet the required standard and most, if not all of the hedging in this location will be removed.

Llanelly
Community
Council

23rd Apr
2014

The Community Council received a number of representations from local residents asking for further information.

The Chairman and members from Llanelly Community Council held an open meeting where a number of members of the public attended, and addressed the Council and made a number of observations.

Affordable housing:

Concern was expressed again about the location of the affordable units and the design of the building which will accommodate the one bed units. Members from Llanelly Community Council have concerns over the 232 individuals wishing to live in the Gilwern or surrounding community Llanelly Community Council members are not aware of the numbers quoted. It is clear that the amendments still do not provide sufficient space between the proposed dwellings and the existing dwellings adjoining the development land. The proposed development still detracts from the immediate street scene and the overall appearance will change the character of the landscape.

LCC members still have concerns over two of the proposed plots; that they are still unacceptable due to their closeness to existing properties at Lancaster Drive and Broadmead. Both these proposed plots will have an overbearing effect on these properties.

LCC members would also like to express concern over the proposed two and half storey dwellings that back onto Lancaster Drive. It is felt that both these properties have an overbearing effect on dwellings at Lancaster Drive.

Landscape:

Policy 4-The proposals for this development contain trees that will be required to be felled under the tree survey. The policy states the NPA should be satisfied with the tree survey and the trees and their root systems are retained and adequately protected prior to, during, and after development. LCC members have concerns over some of

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the works that have been carried out prior to consent being granted.

Drainage and Sewerage Constraints:

In 8.6.1 Dwr Cymru Welsh Water identifies capital investment is required on the sewerage network in the NPA. This location within the village of Gilwern is prone to foul drainage backing up and overflowing into the gardens of dwellings in Lancaster Drive. It is clear the extra capacity which is going to be placed on this system is going to exacerbate the drainage issues in this location. Members are concerned that this development is going to have an overwhelming effect on the ground water, which will increase the risk of flooding in the location alongside the existing highway. This highway is already being affected by flooding. LCC members would recommend that any s106 agreement is ring fenced for the up grading of the drainage in this location

Highways issues:

It would appear the amended plan has not taken into account visitor parking within the proposed development. The Wales Parking Standards for any new houses development should be taking into consideration visitor parking. LCC Members still have concern over the improvement to the junction with the Abergavenny and Ty-Mawr Road. Traffic has a tendency to speed along the A4077 in this location, hence the regular speed checks by Gwent Police. LCC members would recommend that the developer submits a safety audit for the site; this audit should confirm that any increased highway movements are safe and the design must highlight all aspects of any road improvements and the application needs to be address all concerns of the highway authority. The safety audit should give provide independent data. Can you please advise if any mitigating agreements have been confirmed in the pre-application stage?

Concern must also be expressed over the footway links on Ty-Mawr Road and the link onto Abergavenny Road. The footway on the Old Ty-Mawr Road is insufficient in its width as it does not comply with current highway standards and protocols.

Waste Collection:

A further point relates to the waste collection from the two cul-de-sacs on the Old Ty-Mawr Road, where collection and refuse vehicles will find it difficult to access the properties in these two locations due to manoeuvrability in this confined space where these 9 dwellings are proposed. It can only be assumed this will lead to waste bags being left on the side of the highway prior to any collection. It would also appear the access into this location will not meet the required standard and most, if not all of the hedging in this location will be removed.

No comments have been received to date.

Monmouthshire

ENCLOSURE 5

CC Transport
Policy And
Compliance
Monmouthshire
County Council
Affordable
Housing

15th Jan
2014

Thank you for your letter of consultation dated 23rd December 2013, received 13th January 2014.

Monmouthshire County Council Housing and Regeneration Services fully support the provision of affordable housing through this development scheme. There are currently 3,532 households on our housing register and 232 of those have indicated that they would like to live in the Gilwern area.

We have previously agreed the following mix for the affordable homes with the planning officer, Rhodri Davies:

6 x 2 person 1 bed flats
4 x 2 person 1 bed flats (OAP)
6 x 4 person 2 bed houses
2 x 6 person 4 bed houses

Please let us know if you require any further information regarding the affordable housing.

No comments have been received to date.

Monmouthshire
County Council
Education
Monmouthshire
County Council
Environmental
Health

8th Apr
2014

I can advise that I have carefully considered the above application and make the following comments:

I am concerned that this noise sensitive development is proposed to be in very close proximity to the Gilwern Park Industrial site and therefore there will be the potential for the future residents to be disturbed by noise from the industrial activities. I note that the nearest businesses are currently Northern Automotive Systems (NAS) and a HGV Training Centre but these businesses may be replaced in the future with others in the same Use Classes. As far as I am aware the NAS use has no restrictions on its hours of operation and currently operates throughout the night. This is of particular concern because clearly activities at night have the greatest potential to give rise to disturbance as they affect sleep patterns. While I do not feel I am in a position to object at this potential clash of noise sensitive and noise producing land uses, I must advise that officer's of this section will not be in a position to resolve complaints of noise if the business concerned is taking all measures that can be reasonably expected to avoid causing a disturbance having regard to its permitted use.

I recommend that if permission is granted that it is subject to the following conditions:

1) No development commences on site until a Management

ENCLOSURE 5

Plan to minimize the impact on nearby residents from noise and dust during the site clearance, groundwork and construction phases, is agreed in writing with the Planning Authority.

2) The site investigation report identified elevated chromium levels across the site, however it was assumed that the chromium was not the most toxic form, chromium VI, and therefore not considered an issue. To be certain of this I would recommend further samples are taken to determine what species of chromium is present and the results reported to the Planning Authority.

In addition a hotspot of elevated PAH contamination was found in the south west portion of the site. Its presence was assumed to have resulted from fly tipping. The report recommends that the soil in this area is scraped back and segregated and then used under hard standing. With this in mind I would recommend that the developer submit a method statement confirming how this will be undertaken to prevent accidental use of the material in a garden area.

Monmouthshire
County Council
Highways

31st Jan
2014

The proposal would not be supported without amendments and approval of detailed requirements.

The development must be constructed to adoptable standards and offered for adoption under Section 38 of the Highways Act 1980.

Drainage proposals

The submission states that full test results were unable to be provided. The infiltration basins are proposed to be adopted by the local authority. We are however unaware of any discussions with this authority as to the proposal and not aware of details on which to make any assessment.

The foul sewer adoption is reported to be of concern until investments are secured which will be unlikely within the next five years. I would point out that within that time period drainage and highway strategy as well as legislation may change and would negate the design on offer.

Traffic Data.

A full transport assessment has been submitted which has analysed the junctions and the traffic flows that will be generated by the proposal. These aspects have been raised as serious concerns by others. The conclusion of the report /assessment following Picardy and Trics analysis considers that the development generated traffic can be accommodated on the highway network with no discernable impact on the junction.

Safety Audits.

There is a requirement for the applicant to provide a safety audit for the site, this audit will confirm safe design as well as highlight aspects of the application that needs to be addressed and amended. The audit at this stage will also give an independent analysis of the data

ENCLOSURE 5

provided.

Accident record.

The Transport assessment has given details of the accident record for the immediate and surrounding highways and junctions for the last 5 years. The report has not highlighted any significant locations where an accident record is considered significant. The junction at Crossroads has not been highlighted as an access requiring significant attention.

Footpath and Footway Links.

Footpath links are an important feature at the development with proposed links into neighbouring areas.

The link onto Lancaster Drive has been the subject of previous discussions. Steps have been removed, however as previously informed, this link will not be considered for adoption as it will link onto a private highway where public access rights will need to be secured from the land owner and liability rights managed. I have previously requested that this feature be removed from the design. Levels of the route are of concern at this location.

The link onto Abergavenny Road needs to be constructed to adoptable standards and therefore DDA compliant. I require details of levels, gradients and barrier treatment proposed at this location. If the route does not comply with current standards, I would not wish to see the feature included.

The link to Broadmead would appear to be over land outside the applicant's control. There is an intervening strip of land between the applicants red line site boundary and the edge of the public highway. Without permission, this link will not be able to be included in an adoption and as such the whole link would need to be excluded from public use.

Legal agreement.

The external footway must be provided on the south western edge of the site with no planting of vegetation interfering with this feature. Plans submitted show conflicting proposals at this location. As this area is existing highway verge, a highway legal agreement under section 278 of the Highways Act 1980 will be required to be entered into.

The design therefore will need to be to current highway standards and submitted for approval. The footway will be required to be provided immediately adjacent to the carriageway and not as presented on the submitted plans.

The route would be required to be extended up to the junction of Lancaster Drive. Further discussion as to the requirements of a

ENCLOSURE 5

Section 278 Agreement with regards to requirements of the whole of this length of public highway.

Concern has been expressed for the pedestrian safety within this location and a safety audit along with an environmental audit will go some way to recognise the importance of good design and requirements to be included in a section 278 agreement.

Parking Provision

Parking provision at the site is well below the Monmouthshire Parking Standards; however the design is compliant with the Brecon Beacons recognised CCS Wales guidelines. The dimensions of the spaces requirements, also vary, Concern has been expressed with regards to the provision at the north west corner of the site with the lack of visitor parking or available on street parking availability at this location.

The transport assessment indicated that there was a 22 visitor parking provision for the site. It is not immediately evident except at a layby feature, where exactly these dedicate visitor parking spaces are located.

Adoptable Layout

The highway authority would only wish to support a layout of private culs de sac of less than 5 dwellings. All other highways should be constructed to adoptable standards and offered for adoption under Section 38 of The Highways Act 1980. This will require appropriate levels and turning areas to accommodate a turning facility for a refuse vehicle.

Refuse Audit

The refuse vehicle tracking confirmation swept path needs to be proven. An audit will include this swept path and is a requirement for this development.

Collection points must be well off the public highway and privately managed. The authority will not take responsibility for the central collection points as we offer a doorstep collection service in most circumstances.

The audit will confirm suitability of locations of the private facility as well as adoptable turning areas.

RECOMMENDATION

The application should be deferred for the above concerns to be fully addressed and an adoptable layout produced for approval.

Safety audit be produced

Refuse Audit be produced

Environmental Audit is produced.

Drainage details be produced

Legal agreements are conditioned to be entered into.

ENCLOSURE 5

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. No comments have been received to date.

Monmouthshire
County Council
Landscape
Consultant
Monmouthshire
County Council
Leisure And
Recreation

29th Jan
2014

I am writing to you regarding the 92 unit development planned for the above location. I must firstly apologise for the delay in replying to your letter, which seems to have been all around the authority during the past couple of weeks.

I am able to confirm that I have had a look at the proposed plans for the development and am able to confirm the following;

A development of this size should have 2 LAP's on site along with 1 LEAP, however we could go with 2 LAP's located in the development itself, with a sum of money, in place of the LEAP, which could be used to enhance / improve play areas in the local area.

The Adult Recreation monies should be spent within 5 miles of the development to enhance, improve or install sports/recreation facilities.

With regards to the Adoption of the Open Space and Play areas, Monmouthshire would be happy to adopt the areas upon payment of a commuted sum (20 year period).

I have noted that the storm drainage system will be outfalling into flood alleviation lagoons, these will need to be slightly amended and health and safety measures implemented.

The amendments are as follows;

The basins will both need to be fenced off (water level up to 1 metre deep) with a 1.20 metre high post and rail fence clad with pig wire. The fence should also include a 3.00 metre wide galvanized field gate for maintenance.

The basin embankments will need to be stepped to allow anyone who falls in an easy escape route (You can guarantee that some idiot will fall in).

This site was raised with me earlier today by one of the local members who had downloaded a document from the BBNP website

ENCLOSURE 5

entitled "Land at Cae Meldon in Gilwern - Planning Obligations Statement" dated December 2013 and prepared by Asbri Planning, presumably for the benefit of the developer.

In section 4.9 the figure of £2,769 should actually read £2,898 per dwelling for off-site open space/recreation provision, making a total of £266,616 - when this is added to the £400 per dwelling for off-site play improvements the figure is £303,416 and not £291,548 as quoted by Asbri.

I know that the drafting of the S106 Agreement is likely to be done by others at a later date but it might be helpful to state here our preferred wording for the clause relating to off-site open space/recreation provision, as follows:

"The developer will make a contribution of £2,898 per dwelling for the provision off site of new or improved open space or recreation facilities to be spent within the administrative area of the Llanelly Community Council"

As discussed with your colleague Tracy Nettleton last year the BBNP prefers to designate the "area of benefit" for using this money as the administrative boundary of the appropriate Town or Community Council.

If you could please bring the revised figure of £2,898 to the attention of the agent and/or developer I would be very grateful. If we are going with I LAP on site, then it should be an enhanced LAP with additional equipment for the under 6's ,such as a swing unit , small multi play unit/ playhouse, springer, hopscotch etc.

No comments have been received to date.

Monmouthshire
County Council
Leisure And
Recreation
Monmouthshire
County Council
Waste
Management
Natural
Resources
Wales/Cyfoeth
Naturiol Cymru

3rd Feb
2014

3rd Feb
2014

Thanks again for the new consultation and for giving us 28 days to respond on this.

My colleagues, who are undertaking the detailed assessment of the impact of the proposal on bats, have requested that I clarify with you exactly which trees containing roosts, or with bat roosting potential, would be affected by the works, and to what extent. The Nov 2013 addendum to Jerry Ross's arboricultural survey seems to advocate the removal of all three trees with confirmed roosts - No 27 (Oak) because of conflict with planned road line, Nos 44 (Oak) & 45 (Lime) due to poor condition. In addition, 3 of the trees with roosting potential are recommended for removal [1 (Ash), 35 (Field maple) & 39 (Lime)], and two more [17 (Lime) & 42 (Lime)] for major pruning or reassessment. Is this set in stone? Are there any firm proposals on which trees should/ will be retained at this stage,

ENCLOSURE 5

Natural
Resources
Wales/Cyfoeth
Naturiol Cymru

25th Feb
2014

or how the loss of the confirmed bat roosts will be compensated for? (Since the removal of tree roosts will require a European Protected Species licence from NRW, the earlier this information will be available, the easier it should be to take it through the licencing stage).

Natural Resources Wales does not object to the application providing that an appropriately worded condition is attached to any condition your authority is minded to grant for the development requiring submission (for approval by BBNPA) and implementation of a bat method statement.

We observe that the site appears to support roosts of common pipistrelle and soprano pipistrelle bats.

We observe that trees on the application site appear to support roosting pipistrelle bats. An oak and an ash tree (identified as numbers 44 and 45 respectively on the Arboricultural Impact Plan) appear to support small numbers of common pipistrelle bats and another tree (an oak labelled number 27) was recorded to support a roosting soprano pipistrelle bat.

The Arb Impact Plan confirms that trees 27 and 45 are to be removed to accommodate the development. Tree 4 (oak) is proposed to be retained, although in the garden of one of the proposed properties.

We agree with the general recommendations in section 7 of the ecology report regarding bats. Providing that appropriate mitigation as indicated in Section 7 is implemented in the form of:

- alternative roost sites (bat boxes and within the proposed new buildings);
 - that these are provided before any trees are felled;
 - that the trees are felled in a sensitive manner and at an appropriate time of year;
 - any lighting scheme for the development maintains dark corridors and avoids lighting roost sites, flight corridors and foraging areas; and
 - appropriate measures are proposed should bats be encountered during the course of the works,
- there should be no detriment to the favourable conservation status of the populations of bats at this site.

Therefore, should your authority be minded to grant planning permission, we advise that suitable conditions are attached to the permission to address the following:

- The preparation of a method statement to be agreed with BBNPA prior to the commencement of development detailing mitigation measures for bats. Method statement to be implemented as agreed. Such a method statement will not be an additional requirement of

ENCLOSURE 5

the developer since it will be necessary for a European Protected Species licence application (see below).

We advise that the method statement gives particular consideration to the location and type of alternative roosts to be provided. Bat boxes are an option but their long term security can be compromised in an urban setting. Vandalism can be an issue and the long term retention of bat roosts in trees in people's gardens cannot be assured. We advise the provision of a mix of alternative roosts within bat boxes and the new properties, taking account of the potential difficulty of retaining the roost in tree 44.

- Provision of a lighting plan that ensures lighting measures do not conflict with the bat use of the site. This should include details of the type of lighting to be used and appropriate siting of lights to ensure roost accesses are not illuminated and suitable vegetated dark corridors are retained to avoid disturbance to at flight paths.

European Protected Species licence

We advise that the applicant seeks 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.

NP Head Of
Strategy Policy
And Heritage

20th Jan
2014

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

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

Proposal

The proposal seeks the development of 92 new residential units.

LDP Policy Context

The proposal site is allocated for residential use within the LDP. In accordance with policy SP5 and table 6.1 of the LDP the proposal site is in part allocated for a total of 112 units with 34 of these being for affordable housing. The site is considered an important site for the settlement of Gilwern and the implementation of the LDP settlement strategy within the A465 corridor in the Eastern area of the National Park. As such it is considered that the site must meet the strategy requirements for a level 3 settlement as set out in LDP policy S LP2. This sets out that all development within level 3 settlements will be required to contribute positively to their 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. Such proposals must demonstrate how

ENCLOSURE 5

they respond to the Settlement's Issues and Objectives and how the scheme will contribute to achieving the 15 year vision for the settlement. This policy makes provision for proposals that strengthen and enhance the mix of dwelling types and tenure options within the Settlement, including provision of a proportion of Affordable Housing in accordance with the identified need within the community. Having reviewed the applicants DAS and plans accompanying this application, I am satisfied that the principle of the development proposed is sound and in keeping with these requirements, there are however, some areas of detail which require further consideration.

Development Density and Affordable Housing Provision

As set out above the proposal seeks the development of an area of land allocated within the LDP for 112 dwellings. This is in keeping with policy 61 Development Density. This sets out that all land should be developed at 30 dwellings to the hectare where this is appropriate to settlement character. The proposed development falls below the required 30dph, proposing development of 92 units. In consideration of the application of this policy it is important to determine whether the proposed development is at a density appropriate to the surrounding built form rather than rigidly applying the 30dph rule. However, where 30dph is acceptable then policy exceptions can only be made on the grounds of the provision of benefits which contribute to the sustainability of a scheme such as Sustainable Drainage Schemes or Combined Heat Power plants which cannot be located on land outside of the development site.

If you are satisfied that the proposal's development density is appropriate to the location then the remaining issue relates to the provision of affordable housing.

In accordance with Policy 28 of the LDP all proposals which result in the net creation of dwellings will be required to make a contribution towards affordable housing. Policy 28 sets out that this contribution will either be through on site provision, a commuted sum, or a mix of both mechanisms. The implementation of this policy is supplemented by the draft Affordable Housing Supplementary Planning Guidance (BBNPA approved for consultation October 2010 - hereafter Draft SPG).

I note that the applicant proposes a 20% provision towards affordable housing, with a total of 18 units being provided for future management by the Registered Social Landlord Melin homes. Whereas this proposal was in keeping with UDP policy, the policy framework has altered significantly with the adoption of the LDP. Gilwern lies within the Abergavenny, Hay-on-Wye and Crickhowell submarket. In accordance with policy 28 of the LDP the total to be provided towards affordable housing is 30%.

ENCLOSURE 5

If we are satisfied that 92 units is acceptable that would make a requirement for 27.6 units to be affordable. The presumption is that the majority of the provision will be met on-site. The mix and tenure of the affordable units to be decided in consultation with the relevant housing officer for the Unitary Authority. In accordance with step 4 of the pre-application process set out in the draft SPG, where the contribution towards affordable housing equates to a fraction of a whole unit, the contribution will be made through the payment of a commuted sum to the National Park Authority. This contribution will be used to fund affordable housing schemes within the National Park area.

Therefore to be compliant with the policy 28 of the LDP the scheme should provide a total of 27 units on site with a commuted sum of £14,626.44 payable. This contribution must be agreed by S106 on the grant of planning permission. Failure to do so, without agreement by the NPA, will result in the proposal failing the requirements of LDP policy 28 and the strategy and policy team would uphold an objection to the proposal.

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

Edge of Settlement Exceptions

The proposed development is in part outside of the settlement boundary for Gilwern. Policy E LPI sets out the circumstances in which the NPA will look favourably on development proposals which are located on edge of settlement locations outside of defined boundaries (such as in this instance) where they are essential to community sustainability and/or have a limited environmental impact. Criteria 7 of this policy sets out that such exceptions can be made for the creation of new ponds and wetlands to act as SuDS. From my understanding of the scheme the area outside of the development boundary is to be utilised to provide sustainable drainage to the site. As such I am satisfied that the proposal is in keeping with the provision of policy ELPI.

LDP Allocation

All LDP allocations are supplemented by a statement as to the requirements of development. These are set out at Appendix 2 of the LDP and define some of the detail a planning application must address in order for it to be acceptable. In this instance there are three requirements as follows.

ENCLOSURE 5

1. Drainage As the site is greenfield and over 1Ha in size, appropriate management of surface water is a requirement of development, developers should take an innovative approach to this through the utilization of SUDs which form amenity and biodiversity enhancements on site.

2. Waste Water DCWW request that the development is postponed until improvements are made to Aberbaiden WwTW are undertaken.

3. Access Primary vehicle access should be derived from the 'new' road leading to Gilwern Park Industrial Estate, possibly by adapting existing junction and realigning the 'old' road. Possibly a secondary vehicle access could be from the A4077 Abergavenny Road

From my reading of the file, all the above matters have been addressed. I trust that you will give these requirements and the extent to which they have been satisfied due consideration in your deliberations.

Recommendation:

In order for the proposal to demonstrate compliance with the policy of the LDP the following issue must be addressed by the applicant:

1. Provide detail of the contribution the scheme will make towards affordable housing in line with the requirements of Policy 28 as set out above.

NP Head Of
Strategy Policy
And Heritage

8th Apr
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, specifically Policy 28 Affordable Housing Contributions.

I note from the file that the scheme has been revised to provide 20% affordable housing on site. In order to comply with the policy requirement the shortfall of 10% (equivalent to 9 units) must be provided in the form of a commuted sum. The amount required by policy 28 is set out below, and has been calculated using comparative unit sizes as per on-site provision.

Number of units	Type of Unit	ACG	58%	of	ACG
5	2P1B	£85,800.00	£ 49,764.00	30%	£
					74,646.00
3	4P2B	£134,500.00	£78,010.00	30%	£
					70,209.00
1	6P4B	£174,400.00	£101,152.00	30%	£

ENCLOSURE 5

30,345.60
Total £ 175,200.60

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

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

NP Planning
Ecologist

29th Jan
2014

Comments

1. Thank you for consulting me on the above application. The development proposals are for the construction of 92 residential units on an allocated green-field site. The proposals include the construction of new roads and a main access on to the road along the eastern boundary of the site, as well as additional [smaller] access to the south-east. Proposals for surface water drainage infrastructure are also included.

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

- o Land at Cae Meldon - Ecological Assessment by Acer Ecology (November 2013)
- o Land at Cae Meldon - Tree survey and arboricultural constraints report by Jerry Ross Arboricultural Consultancy (4th October 2013)

3. I appreciate that the proposal is not deemed to be an EIA development, but am surprised that the "Environmental Statement" that has been submitted does not include a chapter on Ecology, given that potential ecological impacts were raised by the BBNPA in the EIA screening opinion letter dated 8th December 2011. Instead the ecological issues are addressed in the above mentioned Ecological Assessment report and are not in the format of an ES.

4. The ecological surveys were undertaken in May 2012 and September 2013. There is mention in the ecological report of an earlier ecological assessment by WSP in 2007; a copy of this report has been requested, but not received as yet.

5. The vegetation and habitat surveys were undertaken in May 2012 and September 2013 and did not cover the summer months of June, July and August, which would be more appropriate for a grassland site of this nature. There is no information about the surveyor(s); there is also no information about the surveyors who

ENCLOSURE 5

undertook the bat, reptile and invertebrate surveys. The field to the north of the proposed housing has not been included in the survey area although this is where the SuDS is proposed. There is also a barn structure in the corner of the field that although appears to offer limited suitability for bat day roosting should be assessed for potential use as a night roost.

6. Some bat survey information has been provided and I note the presence of bat roosts in three of the mature trees at the site. However, there is generally insufficient survey effort for a site of this size to establish its use by foraging or commuting bats during the summer months. The survey report refers to the Bat Conservation Trust's Bat Surveys Good Practice Guidelines, but the surveys do not appear to have adhered to the recommended survey effort. The bat activity surveys undertaken were focussed on dawn survey periods; no dusk or all-night automated surveys were undertaken. There is no indication of the transect routes walked or details of the surveyors. Page 45 of the Guidelines gives recommendations for the minimum amount of survey effort required for a medium-sized site such as this; I would assess the site as being of medium habitat quality and that monthly transect and automated surveys are required. The Usk Bat Sites SAC is less than 4km to the south west of the application site and there are numerous nearby records for lesser horseshoe bats, including a maternity roost 1km to the south; the potential for this species and others to be utilising the site for foraging and commuting during the summer months has not been fully addressed.

7. The reptile surveys were undertaken at an appropriate time of year and I note the presence of a small population of slow worms. Some reptile habitat will need to be retained and protected for this species and an indication of where should be provided.

8. I welcome the dormouse survey information and note that no evidence of dormouse presence has been found at the site thus far. However, the ecological report states that the surveys are ongoing into 2014. During my site visit earlier this month I noted that a number of the nest tubes were on the ground or were not horizontal. This will need to be rectified and the surveys completed. The locations of the dormouse tubes are on Plan 7, not 6 as stated.

9. The tree survey report is a comprehensive account of the tree surveys undertaken at the site. There are a number of fine specimens within the hedge-lines that provide valuable wildlife corridors; they include trees (T27, 44 and 45) that support bat roosts. The proposed layout retains some mature trees, but includes the removal of sections of the hedge-lines and trees, some of which are classed as Bi and includes the oak tree (T27) supporting a bat roost. Detailed mitigation measures for loss of the roost are required and have not been included; the three tests under the Habitats Regulations need to be satisfied. I appreciate that this is an allocated site, but there is potential for the layout to be altered to enable the retention of more of the trees and the continuity of the wildlife corridors. In any event, the absence of

ENCLOSURE 5

sufficient survey information regarding use of the site by bats means that I am currently unable to support this amount of tree/wildlife corridor removal. I am concerned about the long term future and management of the trees in the north-west corner of the site (T40-44); they are within the garden areas and also support bat roosts. I would also prefer to see the retention of the roadside hedgerow in the south-east corner of the site.

10. I am disappointed that opportunities to accommodate biodiversity enhancement measures such as bat bricks or gaps for bat roosting behind weatherboarding have not been included in the recommendations within the ecological report; further guidance on this is provided by the Bat Conservation Trust at: http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html I recommend that at least one feature for bats or nesting birds is specified (its type and location) for each dwelling. Page 36 includes recommendations for provision of bird boxes, but then refers to bat boxes; this should be clarified and include details of types, numbers and locations of boxes. There is also reference to consideration of provision of wildflower verges; this is not indicated on the landscaping proposals.

11. I am disappointed that there is a lack of detail for landscaping and planting in relation to the Sustainable Drainage Scheme (SuDS). There are significant opportunities for habitat enhancement (grassland and wetland) in this area. I would also expect a habitat management plan to be submitted to secure the enhancements in the long-term.

12. The planting proposals within the scheme could have made greater use of native species within the development site. The Native Woodland Mix A is broadly acceptable although the percentage of tree species is quite low - *Prunus padus*, *P. avium* and *Betula pendula* are other species that could be included. The long-term management of the tree and hedgerow planting will need to be secured. Mix B could also be more diverse.

13. The proposed boundary hedgerow mixes are acceptable although greater species diversity could be included with species such as holly, guelder rose, blackthorn, honeysuckle, dog rose etc. The proposed tree planting along the southern boundary to the north of the Lancaster Drive properties may ultimately cause problems in terms of shading of the new properties and reducing views from the existing properties. This may need to be reconsidered; a higher hedge (3-4 metres) might be more appropriate.

14. Page 34 of the ecological report recommends that site compounds and storage areas should be off-site and on hard standings - is this achievable, and if so, where?

15. There will be a net loss of semi-improved grassland and negative impacts on wildlife corridors as a result of these development proposals; some mitigation and compensation measures can be accommodated, but in addition I recommend S106 contributions to offset this loss.

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Recommendations

Further ecological information is required in order to demonstrate compliance with the LDP policies regarding nature conservation:

- o Details of the surveyors including their experience and qualifications
- o A preliminary ecological appraisal of the field to the north of the proposed housing site, with further surveys for protected species as necessary
- o Additional bat survey work to provide information regarding the use of the site in the summer months; survey effort should follow the best practice survey guidelines (BCT, 2012)
- o Completion of PAN17 forms
- o Completion and submission of results of the dormouse surveys
- o A detailed habitat protection and enhancement scheme; this should include details of reptile habitat, wildflower verges, bird and bat boxes etc.
- o The proposed layout should be altered to enable retention of trees classed as Bi or Ai, particularly T27 which has a bat roost; the final layout will need to accommodate the findings of the additional ecological survey work. If the identified roost must be lost, detailed mitigation measures must be supplied before this application can be approved.
- o Occasional references to CCW should be amended to NRW (e.g. page 33)
- o A Construction and Environmental Management Plan will be required, although this could be subject to a planning condition; an indication of site compound areas should be provided.
- o A Habitat Management Plan to cover at least 10 years following completion of the development, although this could be covered by a planning condition.

I would be happy to meet with the developers and their ecological and landscape consultants to discuss any of the above issues if this would help, particularly with regard to the scope of the additional bat survey work as well as amendments to the site layout.

NP Planning
Ecologist

6th Feb
2014

I thought it might be helpful to clarify things from our point of view. Having looked through the drawings and reports again, there are inconsistencies:

- Acer Ecology report states 44, 45 and 27 have bat roosts.
- Jerry Ross' report states all of these will be removed.
- Planning layout drawing shows removal of 45 and 27 but retention of 44.

Trees with bat roosts should be retained. In the event that that is not possible, full details of the mitigation for the loss of bat roosts needs to be supplied in order to show compliance with the three tests.

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NP Planning
Ecologist

21st May
2014

Comments

1. Thank you for re-consulting me on the above application. I provided comments in a memorandum dated 28th January 2014 and the following information regarding ecological issues has now been submitted by the applicants:

a) Gilwern Extended Phase I Habitat Survey by WSP dated October 2007

b) Land at Cae Meldon, Gilwern - Additional Information Requested by Acer Ecology (March 2014)

c) Land at Cae Meldon, Gilwern - Preliminary Ecological Appraisal by Acer Ecology (March 2014)

d) Land at Cae Meldon, Gilwern - Habitat Protection and Enhancement Scheme by Acer Ecology (March 2014)

2. The ecological survey report by WSP (document a) above) has now been provided; the survey was undertaken in September 2007 and provides baseline data for the site at that time. The fields were deemed to be species-poor, semi-improved grassland; the main faunal interest was identified as potential for breeding birds, badger, dormouse, reptiles and bats, with further surveys for dormouse, reptiles and bats recommended.

3. The additional information report (document b) above) addresses the issues I raised in my previous memorandum.

- o It provides clarification of the experience and qualifications of the surveyors.

- o I accept the findings of the grassland surveys given the further information provided, including the WSP report. I have also checked the Phase I habitat map for the BBNP which confirms this.

- o It has also been clarified that no further dormouse surveys are being undertaken; the survey effort so far is sufficient to establish that dormice are unlikely to be present at the site.

- o The bat survey transect route plan is helpful, although it has the wrong dates (2002 and 2003).

- o I note that it is stated that the survey effort for the site was agreed with the previous BBNPA ecologist, Graham Cowden, in 2011. I recommend a phased approach to the development to allow new landscaping to develop along the northern boundary of the eastern field prior to works and vegetation clearance commencing in the western field.

4. The Preliminary Ecological Appraisal of the field to the north of the proposed housing (document c) above) provides an assessment of the habitats and suitability of the trees for bat roosting. I understand that the trees with high potential for bat roosting are to be retained as is the shed in the southeast corner of the site. The recommendations in Section 7 of this report are appropriate.

5. The submission of the Habitat Protection and Enhancement Scheme (document d) above) is welcome and I offer the following comments:

- o The report states that the main ecological impacts at the site affect bats, reptiles and nesting birds.

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- o The mitigation measures for bats include provision of 9 no. bat boxes on trees that are to be retained at the site. I recommend that a variety of boxes are used rather than just the basic Schwegler 2F; 1FF, 1FS and a 1FW boxes should also be included. These measures will provide sufficient alternative roosting sites for bats to mitigate the loss of the existing roosts and maintain the favourable conservation status of the species affected.
 - o The recommendations in section 4 are appropriate.
 - o The detailed mitigation measures include provision of a kestrel box in a tree that will also have a bat box; this should be moved to an alternative location. The provision of nest boxes for other nesting birds throughout the site is welcome.
 - o I also welcome the provision of a hibernaculum for reptiles; I hope the proposed location has been agreed with the landowner.
 - o Section 3.1 refers to the creation of two new ponds (the SuDS) in the northern field. Please can it be clarified that there will be an opportunities for open water and habitat enhancement in this area, otherwise this should be removed from the report.
 - o There are details of lots of different types of bat boxes, bricks etc. - use of a number of different types would be welcome.
6. I am disappointed that there is a lack of detail for landscaping and planting in relation to the Sustainable Drainage Scheme (SuDS) at this stage. There are significant opportunities for habitat enhancement (grassland and wetland) in this area which could be secured through an appropriately worded condition.
7. The Native Woodland mix is broadly acceptable although I previously mentioned that other species could be included, for example *Prunus padus*, *P. avium* and *Betula pendula*. The proposed boundary hedgerow mixes are acceptable although greater species diversity could be included with species such as holly, guelder rose, blackthorn, honeysuckle, dog rose etc.
8. There will be a net loss of semi-improved grassland and negative impacts on wildlife corridors as a result of these development proposals; some mitigation and compensation measures should be accommodated, but in addition I recommend S106 contributions to offset this loss. There will be opportunities for use of a woodland wildflower mix under the trees to be retained in the central corridor as well as along the eastern roadside boundary.
9. Habitats Regulations Assessment screening reports have been completed and sent to NRW for agreement with the conclusions of no Likely Significant Effect on the nearby Natura 2000 sites (the River Usk SAC and the Usk Bat Sites SAC).

Recommendations

If this application is to be approved, I recommend the inclusion of planning conditions to secure submission of and adherence to:

- o A Construction and Environmental Management Plan including the recommendations in the ecological reports.
- o An amended Habitat Protection and Enhancement Scheme;

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this should include details of the proposed Sustainable Drainage System.

- o A Habitat Management Plan to cover at least 10 years following completion of the development.

Reasons:

To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SPI, 3, 4, 6, 7, 8, 9, 10 and 12 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 Tree
Consultant

22nd Jan
2014

I re-visited the site on Tuesday morning to view the last few trees in full daylight and have the following points to make in relation to the application;

For clarity I shall start my observations in relation to tree retention from the rear of 2 Lancaster Drive. The points below relate to the Arboricultural Impact Plan (drawing number CF728YP-CHA-AIA).

- o Although the loss of trees 1 to 4 is regrettable, it is not considered to be significant. The loss of the hedgerow in this area is also regrettable and will affect the character of the adjacent road. Re-planting in this section will have to be carefully considered to allow appropriate vision splays while still mitigating for the lost hedgerow.

- o The proposed maintenance of the group between trees 4 and 5 is needed. No objections are raised in relation to this point.

- o Trees 5,6 and may be lost to the development (pending appropriate mitigation).

- o Tree 7 is a fine tree that has re-grown for many decades from a previously felled stump of equal age. This tree is of significant value in the local landscape and is a good example of relatively fault free mature sycamore.

- o Trees 9 and 10

- o At the moment it is unclear why trees 11, 12 and 13 are shown to be felled. Although the trees are not prime examples having re-grown from a former hedge line, they are suitable for retention within the completed scheme.

- o Trees 15 and 16 are of lesser retention value and as such may be lost to the development (pending appropriate mitigation).

- o Tree 17 is a superb veteran pollard and should be retained as shown. Ideally the tree would be made the subject of a Tree Preservation Order (TPO).

- o Tree 18 is a good example of mature small leaved lime and should be retained as shown. This tree is also suitable for TPO.

- o Trees 19 and 20 are shown for retention.

- o Trees 21 to 23 are shown for removal. Although no

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objection is raised to this loss in terms of arboriculture it may have a detrimental impact on the ecological value of the site.

- o Tree 24 is shown for retention
- o Trees 25 to 28 are shown for removal. This raises several points discussed further below.
- o Trees 29 to 34 are shown for retention but have an easement area within their root protection area. Any works within the Root Protection Area of retained trees will require a specific arboricultural method statement approved by BBNPA prior to the start of works on site.
- o Tree 35 is shown for removal.
- o Trees 36 to 38 are shown for
- o Tree 39 is shown for removal. No objection is raised but the tree should be checked for bats by a suitably trained and experienced ecologist prior to any works.
- o Trees 40 to 43 are shown for retention but have an easement area within their root protection area. Any works within the Root Protection Area of retained trees will require a specific arboricultural method statement approved by BBNPA prior to the start of works on site.
- o Tree 43 is shown for removal, no objection is raised.
- o Tree 44 is shown for retention.
- o Tree 45 is shown for removal, no objection is raised.
- o Trees 46 to 51 are shown for retention.

Trees 17 and 25 to 28

While it is understood that the site is allocated for housing in the LDP and the proposed layout is not at full density, this should not detract from the long term retention value of significant trees on site.

Mr Ross makes some very good points in his arboriculture report and it is agreed that although the retention of some of the older apparently less healthy trees is favourable in their existing environment their retention may become less viable on completion of the development. This is certainly the case for trees 17, 25, 26 and 28. At first sight they may appear to be old deformed trees with many defects, to the trained eye they are remnant trees from a historic field boundary and as such may be of cultural and historical interest. In addition the trees are clearly visible from a number of the properties on Lancaster Drive arguable making them worthy of retention and protection by Tree Preservation Order.

When considering the appropriateness of a TPO for these trees, it is worth noting that the dying exemption in relation to TPO trees in England has been removed. This has been a significant move toward protecting some of the UK's oldest and most important veteran and ancient trees. Sadly this change has not yet occurred in Wales and as such any application to fell or carry out significant works to a veteran tree - many of which are often in an advanced stage of

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decline with a number of significant defects- may be looked upon favourably and the tree lost or rendered no longer worthy of retention. In short, although it may be possible to serve a tree preservation order on these trees, if the order were challenged BBNPA find it difficult to defend the order for some of the trees.

Tree 27 is marked for removal in order to allow the road to be built. Unlike its neighbours this tree cannot be considered a veteran as it is relatively defect free and has not yet reached maturity. This tree is worthy of retention and protection by TPO.

Conclusion

It is recommended that the following trees are made the subject of a tree preservation order as their long term retention is clearly threatened by the proposed development.

T6	Sycamore
T17	Lime
T18	Lime
T27	Oak
T33	Oak
T37	Oak
T38	Oak
T40	Lime
T41	Lime
T42	Lime

It is advised that the road that is shown to run through T27 is moved down hill to the outer limit of the root protection area. Trees 25 to 28 should be retained. Mitigation planting for tree loss elsewhere on site should include provision for suitable native planting along the hedgerow where trees 25 to 28 are found. Planting should be selected to deter people from entering within the crown spread of veteran trees on site.

The planning application should be approved pending suitable retention and protection of trees as listed above. Conditions should be attached to ensure the long term retention of mitigation planting.

As always, if you have any questions about this or any other tree related issue please feel free to contact me via the details below.

NP Tree
Consultant

3rd Apr
2014

Following recent communications in relation to the removal of trees on site and the potential threat posed to the long term retention of trees on site as a result of development on site it is recommended that the following trees (as identified on drawing CF728YP-CHA-AIA) are made the subject of a Tree Preservation Order.

Working from West to East along the Northern boundary of the site the trees are;

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T42, Lime
T41, Lime
T40, Lime
T38, Oak
T37, Oak
T33, Oak
T18, Lime
T17, Lime
T6, Sycamore

The trees contribute to the amenity value of the local and wider landscape. Trees 42 to 17 are on the line of an ancient field boundary and as such are considered to be of cultural and historical importance. It is worth noting that the trees to the east of T17 that run along the line of the ancient boundary are much younger and therefore less likely to have formed part of the original boundary feature. T6, Sycamore is a superb specimen showing no obvious sign of significant structural or physiological defect. T6 is prominent in the landscape and is clearly visible from a number of surrounding roads including Cae Meldon and the junction with Gilwern Park. In addition, the trees will make a significant contribution to the completed development providing a mature landscape and amenity value.

NP Tree
Consultant
Rural Housing
Enabler

22nd May
2014
6th May
2014

After talking this case over with you in the office and having now seen the plans I can confirm that I have no further comments to add. I recently attended a Llanely Community Council meeting to answer questions from councillors and the general public about affordable housing. The questions I received were specifically related to the proposed development on land at Cae Meldon where there is to be on site provision of 18 affordable units.

During the meeting the community council made available the drawings and plans for the site via a laptop and projector. It was confirmed to me that the only consultation between the developer and local residents about the proposed development had been via the Brecon Beacons National Park Authority and Llanely Community Council, so individuals have had to examine the plans and submit comments all online. As these third party responses are not available to view online, it does concern me that the developers themselves might be oblivious to these comments and the local knowledge which could well improve the overall plan if they were given serious consideration.

In Chapter 4 of the adopted Local Development Plan, part 4.6 refers to Level 3 Settlements; Gilwern is a level 3C settlement. Within this section of the LDP, Spatial Policy S LP3 Mitigating Impact contains a detailed policy relating to Development proposals in Settlements classed as 3C.

This policy states:

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"Development proposals on allocated sites within Settlements classed as 3C will be required to demonstrate how the design and nature of the scheme has been developed in collaboration with the community through an appropriate and thorough process of engagement."

In correspondence I have had with the BBNPA since the adoption of the LDP, planners have confirmed that affordable housing contributions were required as soon as the Plan was adopted, even against those planning applications already in the system, despite the lack of Supplementary Planning Guidance being in place.

Why therefore can this planning application be considered without the required consultation having taken place? The developers will be unable to demonstrate any collaboration with the community over the design and nature of the scheme, so it should be discounted before it even goes to PAROW for consideration as it is contrary to planning policy.

My overall feeling from my attendance at the Llanelly CC meeting was that there is an acceptance that as this land is allocated for development it will eventually take place. What people cannot understand is why local opinions have not been sought and those that have contributed have not been considered.

One particular point that stood out to me during the evening was the design of the on-site provision of affordable housing. The following morning I was in a meeting with Welsh Government officials and various private sector representatives including architects. One of the issues raised by the Welsh government officers was the particularly poor design of affordable housing and how it should not be distinguishable from open market housing. I mentioned the affordable housing I had viewed the night before and was asked to send it to the WG so that they could see if it was appropriate for them to use it as an example of bad practice.

As with any large scale development, especially those that contain affordable housing, the planning application would be far easier for planners to determine if developers had demonstrated how they had consulted and collaborated with the local community, so in order for this application to progress I would suggest you ask the developers to carry out the process which S LP3 clearly lays out.

If the planning application as it stands goes to PAROW, then as it is contrary to planning policy it should be refused.

I would be more than happy to work with the developers and community council to help make this a development which makes a positive impact on the community of Gilwern and the BBNP as a whole.

CONTRIBUTORS

Mrs. J. Evans, Crossfields Bungalow, Ty Mawr Road
Mrs. J. Evans, Crossfields, Ty Mawr Road
M. M. Everett, White Cottage, 1, Greenwood Place
Mrs. Sharon Nightingale (on behalf of Mrs. Christina Lewis), Glenside, Cross Roads
Mr. and Mrs. Howells, 7, Basildene Close, Gilwern
Mr. David Ahern, Rosary, Lancaster Drive
Mr. and Mrs. Richard Wood, 9, Cross Roads, Gilwern
Mrs. Bethan Harrington, Arosfa, 21 High Trees Road
Mr. Scott Gable, 73, Dan Y Bryn, Gilwern
Mrs. Emma Gable, 73, Dan y Bryn, Gilwern
Mr. Dennis Dullea, Anden, 8 Lancaster Drive
Dr. Gillian Oakley, 21, Broadmead, Gilwern
Mr. Brendan Hurley, 21 Broadmead, Gilwern
Mrs. Jean Timms, 55, Dan y Bryn
Ms. Sandra South, Dunsmore, 9, Lancaster Drive
Mr. and Mrs. K. Wood, 10, Lancaster Drive
Mrs. Toyah Barton, 8, Basildene Close
Mr. Gareth Hodges, Eriskay, 11, Lancaster Drive
18, Broadmead, Gilwern
Ms. Sally Williams, HR Manager, Northern Automotive Systems
Mr. and Mrs. L. G. Smith, Deva, Lancaster Drive
Mr. and Mrs. D. Hardwick, Delfryn, 3 Greenwood Place
Mr. and Mrs. Court, Vaynor, 7 Lancaster Drive
Mr. K. Roberts, 6 Lancaster Drive
Mrs. V. Pickering, Rosina Cottage, 4, Lancaster Drive
Mr. and Mrs. Powell, 14, Lancaster Drive
Mr. R. M. Straughan, 1 Crossroads, Gilwern
Mr. and Mrs. A. Jones, 62, Dan y Bryn, Gilwern
Mrs. Ruth Binley, 75, Dan y Bryn, Gilwern
Mrs. Therese Gregory, 64, Dan y Bryn, Gilwern
County Councillors Simon Howarth and Giles Howard
David Davies MP
Nick Ramsay AM

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The occupier of Arosfa, 21 High Trees Road:

Many concerns - ranging from traffic issues, the impact of 92 new homes on the community e.g. on the school, on the cleanliness of our streets (92 homes = lots more dogs) However I would also welcome some recreational facilities and public open space in this part of Gilwern.

The occupier of Dunsmore, 9 Lancaster Drive:

- Misleading site address,
- No access to website over Xmas,
- Only phase 1 of larger development,
- No capacity in schools, nurseries,
- No facilities in Gilwern,

- No parking in village,
- Doctor's full,
- Concrete jungle – floods on Lower Road,
- Workers in Industrial Estate – park on road,
- Footpath not supported,
- Loss of privacy,
- Out of character.

The occupier of Anden, 8 Lancaster Drive:

- I completely reject the proposed development.
- You have not provided sufficient time for us to respond.
- There are a number of inaccuracies.
- It states the Site enjoys exceptional views over the open countryside, and the Site will be designed with due consideration for separation/privacy distances and amenity of existing residential occupiers. These exceptional views will be lost for the residents of Lancaster Drive, with a complete loss of privacy from the rear of the properties.
- Lancaster Drive will now only see 1.8metre high wooden boundary fencing and buildings.
- This will reduce the amount of sunlight the gardens receive each day.
- The proposed properties in front of No. 8 & 10 Lancaster Drive are shown as 2.5 stories high - surely it makes more sense to site higher properties further down the proposed site where the slope aspect can be used to compensate any loss of views?
- There will now be significant light pollution in evenings, noise and environmental pollution through traffic, people, music litter etc.
- Will also be a significant eyesore which will be visible from the A40 and the Llanwenarth (Sugar Loaf) car park.
- There will be 267 vehicle spaces, with 92 properties, and the majority of households now having at least two people on a daily commute/school run, the TRICS rates of 56/63 vehicle movements in peak periods appear totally unrealistic and should be at least doubled.
- The existing road network is narrow and with blind bends which will increase the risk of accidents and lead to significant tailbacks for vehicles turning onto the A4077.
- Vehicles of employees employed on the local industrial estate already park on the Ty Mawr Road as there is insufficient parking space.
- Vehicles may try to enter the top of the proposed development via Lancaster Drive which will not be possible as there is no thoroughfare.
- Lancaster Drive is a Private Road and does not have turning spaces, and the surface is not capable of accepting increased traffic without damage.
- There are already capacity problems at the local wastewater treatment works and no consideration has been made in the application on how this will be dealt with.
- The water runoff from existing fields and roads cause flooding at the bottom of Ty Mawr road.
- The destruction and removal of natural vegetation will have significant impact on the wildlife in the area and insufficient consideration has been given to the protection of this natural habitat.
- It significantly contravenes the BBNP Development Plan Policy G3 in every key area, and has evidently been composed with limited knowledge of the site, surrounding local area, and limited consultation with existing residents.
- Trees planted on border between gardens will result in falling leaves in Autumn,

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- blocking of light & views etc.
- Footpath link to Lancaster Drive, leading to kids playing, potential damage to vehicles, increased litter etc.
- Lancaster Drive is a Private Road, and is not classified as a Public Right of Way, and as such permission would be required from all residents to allow this.
- Together with the development at Ty Mawr will lead to significant increase in the number of children (estimate minimum of 60 total) who will require a school place. The primary school in the village is at 100% capacity so what provision is being considered to accommodate this?
- The Doctors surgeries in both Gilwern & Crickhowell are also at 100% capacity so what provision is being made to accommodate this?
- It is evident that the developer intends to make a second application at a later date to build a further number of homes on this area, which would again increase all of these concerns.
- Will lead to a devaluation of the properties in Lancaster Drive of £50,000.
- Appropriate compensation should be provided to the residents of Lancaster Drive if this development goes forward.

The occupiers of 10, Lancaster Drive:

- Negative impact of development on standard of living
- No capacity in schools, nursery, doctor's
- Wildlife must be protected
- Development will stand out and not blend in
- Against human rights act protocol 1, article 1 – right to peaceful enjoyment of possessions
- Loss of privacy and light
- Roots will damage properties
- Increase in traffic
- Highway safety
- No footpath allowed

The occupier of Rosary, Lancaster Drive:

- The Brecon Beacons web site for planning has not adhered to its information planning policy and some documents, amendments with new plans are not available to the public, as they are lawfully supposed to be.
- I would remind you of the following which I thought was a good prestigious thing for us to have "Brecon Beacons Park Society and Brecon Beacons National Park Authority are delighted to announce that the Brecon Beacons National Park has become only the fifth destination in the world to be granted prestigious International Dark Sky Reserve status making it Wales' first International Dark Sky Reserve."
- This development would have a substantial impact on the whole valley from Abergavenny through to Crickhowell. Not in line with the light requirements of the awarded status.
- The Plans are incorrect as far as the removal of trees for the development, and there are at least 40% more tree removal, plus hedge lines required to fulfil their building requirement.
- Plans submitted show a public footpath adjoining Lancaster drive at the S.E Corner 1

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would remind you that this is a "Private road" each portion owned on the deeds of each dwelling for half way across the Lancaster drive road, belonging to each dwelling and has been so for the last 78 years 78yrs.

- THERE SHOULD BE NO CONNECTION HERE WITH ANY FOOTPATH ON TO PRIVATE PROPERTY
- There would be a considerable service impact on the area with this development, which needs all main services including, road development and noise impact, a survey should be completed on the village requirements there are no shops to sustain such a large influx of people to the area or doctors surgery or schooling for children available that would be able to cope with this, there is also gas supply (which is already at low pressure) Tel and broadband to the area. Water supply which is already a current problem. and mobile phone coverage which is non existent on some areas of the development, much more consideration needs to be done on this before allowing such a large development to take place.
- The application has many implications for the community and the committee should consider all this before allowing the development and wait for all parties to reconsider this.

The occupier of 55, Dan y Bryn:

- Gilwern is not a growth village. There is no industry or commerce that requires additional housing to support that.
- There are several sites in nearby Abergavenny which had been placed on hold due to poor sales / demand and the scheduled build there would be more than sufficient for any new housing.
- BBNP is supposed to be robust in keeping the area green and opposing pointless construction on green areas and this proposed development is not consummate with that ethos.
- There are several houses of various levels of price and type already for sale in the village which have remained unsold proving that the demand for additional housing is not there.
- The proposed housing in Abergavenny town is more than sufficient and as 'affordable housing' will form part of any build, putting houses in a village, away from the main town would only add additional financial burden on those occupants.
- It would also place increased demands on doctors etc. within the village which, if current waiting times are an indicator, is already at its limit.
- Encouraging the village to sprawl is unnecessary and without any valid reason (other than profit for the developer of course).
- The ability to comment and object has been made even more difficult by the very poor BBNP website.
- Like all matters of this nature, I have no doubt that the decision has already been made to go ahead and asking for comments is little more than lip service.
- In 1999 we, as a society were far less environmentally minded than today so I'm very disappointed that the review still thinks this land is appropriate for development when there are other 'brown' areas nearby that would be preferable to maintain our rural landscape.
- I do have a strong feeling that this application is merely awaiting the inevitable rubber stamp and asking for comments (all of which so far seem to be objections) is just for show as the decision is already made.
- Perhaps I could suggest that BBNP be one of the tiny minority of authorities that

actually respond to the views and opinions of the community they serve? I'll keep my fingers crossed.

The occupier of 18 Broadmead, Gilwern:

“The multi storey building, at the bottom of the site is not in keeping with the environment surrounding this area due to it's proposed height. I also object to the finishes on some of the buildings - again not in keeping with the surrounding environment. The planning should include some community resources - I can't see any included ...e.g. recreational area. I am not happy to note that the social housing is "clumped together" in one area... seems a little segregational?? Surely it should be dispersed throughout the site?”

The occupier of 8 Basildene Close, Gilwern:

“I wish to object to this application on the grounds that my property is directly adjacent to the proposed plot of land and we already suffer from high noise levels caused by passing traffic. The new build will only increase this noise. Also we are concerned that the light into our house and garden will be reduced by the new properties, this will include the loss of privacy. The additional increase in smells and fumes could also have a negative effect on the health of my young family. Finally the loss of our beautiful outlook over the valley and the impact on the local wildlife would affect the whole area.”

The occupier of Eriskay, Abergavenny Road:

I object to this proposed development on several issues which will be detailed in a separate letter to be sent shortly via email.

- Amenity, loss of privacy/overlooking, loss of outlook, cramming
- Pedestrian access causing disturbance
- Highway safety

Northern Automotive Systems:

- Employs over 500 people
- Road already hazardous
- Heavy construction traffic will impact their access
- How can NP restrict lighting and noise levels?

The occupier of Deva, Lancaster Drive:

- Object to footpath - Questions 2 exits onto Ty Mawr Lane – bend, dangerous

The occupier of Delfryn, 3 Greenwood Place:

- Question need for more housing
- Increase in traffic
- Lack of capacity at school, doctor's

The occupier of Vaynor:

- Impact on standard of living
- Misleading site address
- Inconvenience over Xmas
- Website down until 3rd January
- Have very large objectives about the site
- Concerned about footpath
- Detriment to residential amenities
- Noise and smell impact
- Lack of drainage
- Loss of views, wildlife, trees
- Direct contravention of policies

The occupier of 6 Lancaster Drive:

- Site address a red herring
- Spoils view
- Loss of bird, mammal, insect, butterfly, newts habitat
- Loss of established trees
- Dangerous ponds for children
- Loss of natural daylight
- Letting in street lighting at night
- Not allowed to have footpath link
- 2 exits onto Ty Mawr Lane dangerous
- Already a busy road
- One surgery, no dentist, two shops, one being a garage

The occupier of Rosina Cottage, 4 Lancaster Drive:

- Height, loss of outlook
- Proximity to bungalows
- Noise pollution and nuisance
- Traffic congestion
- Pedestrian access to Lancaster Drive
- Community services
- Nature conservation
- Property value
- Impact on environment
- Did not realise site planned for development

The occupiers of 73, Dan y Bryn:

- Lack of infrastructure in village
- Adverse environmental impact
- Not in keeping with the village aesthetics
- Flooding on Ty Mawr Road
- Noise pollution
- Loss of privacy and overlooking
- If approved, should enforce controlled hours of operation and other restrictions

- Note that land is allocated in the LDP
- Plans not available to view
- No engagement with the community
- Loss of views
- Highly congested
- Block of flats inappropriate
- Open space not clear on plans
- Not considered how whole community can benefit
- Against dark sky status

The occupier of 14, Lancaster Drive:

1. development too close for both parties being overlooked and a lack of privacy
2. the footpath is not supported by owners of the private road

The occupier of I Crossroads:

- Misleading site address
- Not enough time to object
- Extra demand on limited services
- Estate road will be used by nearby workers
- Extra traffic
- Suggest wheel washing facility
- No pavements on adjoining roads
- Not an infill development
- Noise
- Should be part of smokeless zone
- A smaller development would be more acceptable

The occupier of 62 Dan y Bryn:

- Loss of privacy
- Loss of views
- Increased pressure on school and medical centre

The occupier of White Cottage:

- Direct views into lounge, dining room and conservatory
- Devaluation of property

The occupier of 7 Basildene Close:

- Size and amount of housing detrimental to the local community
- Direct impact on property
- Contravention of rights
- Incorrect plans/position of their property
- Deliberate attempt by planners to mislead
- Loss of light, views

- Reduced resale value
- Objection to footpath running along boundary
- Effect on wildlife
- Local amenities and capacity
- School and health services
- Localised flooding and drainage

The occupier of Crossfields Bungalow:

- Gilwern cannot absorb additional facilities required for dwellings
- Access is already restricted causing congestion
- The roads cannot cope
- Why is good agricultural land being used instead of brownfield sites?
- Why is there a need to constantly encroach on the supposed Green Belt?

The occupier of 75, Dan y Bryn:

- Disappointed that plans were not available on website due to technical issue – this has raised great concerns within the community and local councillors
- Site is wrongly named
- Told in 2006 that there were n plans to build - will be investigating further
- The volume of dwellings is very concerning – already have trouble with gas supply, sewerage, drainage
- Lack of attention to unique character of the sites location
- Exceptionally urban appearance
- Line of site will be three storey flats – an eyesore
- Plans are flawed – impact on outlook and privacy
- Confusion over 2.5 storey dwellings – they are either 2 or 3 storeys in actual fact – I understand it as 3
- Loss of views, light
- Against BBNP principal aim to have access to and enjoy the environment and its unique qualities – development will have opposite effect and impact
- School at capacity
- Years of flooding problems on Ty Mawr Road
- Cannot see recreational area on plans
- Community not consulted
- Ponds are not recreational areas and are a risk to children
- Impact on wildlife
- Loss of trees
- Impact on children and their education

The occupier of 64, Dan y Bryn:

- Disruption
- How many homes?
- How close will they be?
- Impact on privacy of family
- Loss of view, loss of trees, impact on wildlife
- What are the planned hours of operation?

- How is water and drainage going to be affected?

The occupier of Crossfields, Ty Mawr Road:

- Access is restricted, traffic from factory is enough, to build on good agricultural land is a crime
- Where does the green belt come into this?
- It seems to me there is a law for one and not for another

The occupier of 9 Crossroads:

- Not in keeping with the beauty of the National Park
- Eyesore
- Services under pressure
- Making Gilwern an unattractive place for visitors and residents
- Houses in front of Lancaster Drive should be bungalows and further away
- The houses on the main road should also be bungalows
- Affordable housing should be spread among the site rather than an enclave
- The density is too high
- Brickwork not in keeping with area
- If passed, would open door for any green space in Gilwern to be developed

The occupier of Glenside, Abergavenny Road:

- Plot 37 abuts onto my boundary wall, and the side wall of the house and the apex of its roof is directly in front of my living room window and bedroom window. The house is not proportionate to the scale of my bungalow and there is insufficient space between it and my residence.
- I am also concerned about the potential damage to my health caused by the boiler/gas vent which will be on the side wall next to the house's utility door and which points straight at me. The smell, fumes and pollution from this gas vent will prevent me from opening my windows.
- The overbearing proximity of this house to me is an anomaly as no other existing residence has a planned house this near to it.
- This means my home will have its long enjoyed right to light and sunlight obstructed.
- The new building will limit the amount of light and sunlight that enters through this large picture window for most of the day (it having a south western aspect).
- The level of light inside will fall below an accepted level and the room will be colder, which is of great concern to me.
- be overshadowed.
- lose privacy from such an overbearing and dominating presence.
- suffer from the loss of view it has always enjoyed.
- be overlooked.
- suffer potential construction related damage due to the proximity of plot 37 house.
- suffer potential noise and disturbance on an ongoing permanent basis.
- suffer poor air quality and potential pollution.
- The house will have a dominating and intrusive impact on my home and I ask that permission for it be refused.

ENCLOSURE 5

- I appreciate the need for affordable housing however this has to be balanced against, and proportionate to, the needs and requirements of the existing community.
- This development does not result in a benefit in landscape and environmental terms.
- Is unacceptable in terms of its visual impact on the area and the village of Gilwern.
- It is too dense and it is an overdevelopment for this area, adversely impacting its neighbourhood and the residential amenities of its neighbouring properties, and on Gilwern overall which has few amenities, and a school and doctors' surgery that are already over subscribed.
- Is out of scale, overbearing and out of character in the context of the National Park and village environment into which it is to be placed.
- It is just an urban "bog standard" design and does nothing to maintain or enhance the quality of the landscape or built environment.
- Will cause detrimental impact on the local roads, vehicular access and on highway safety.
- Will have a negative impact on a site that is of high local value for wildlife including roosting bats, including the loss of so many mature trees for which there are no mitigating or alternative factors.
- May cause flooding or similar problems in the future.
- There has been no collaboration between the developer and the community.

The occupier of Rosary, Lancaster Drive:

"Could I please ask you to confirm to me that all members of the planning committee will receive copies of consultee letters such as shown below and also the private resident letters that you have been sent on this matter before the next planning meeting."

The occupier of Glenside, Abergavenny Road:

- The revised plan shows plot 37 house as 11m from the actual wall of my mother's bungalow, NOT 11m from the boundary wall. I refer to your email of 20 February, in which you said that the developers "have moved it 11m further away from the boundary".
- The developer has not complied with your request as to the distance.

The occupier of Anden, 8 Lancaster Drive:

- I completely reject the proposed development for the reasons laid out in my previous rejection letter (with the exception of the proposed public access to Lancaster Drive, which has now been withdrawn from the plan),
- No correspondence has been received from BBNP in relation to my previous objections laid out in nor to the objection letter of 29th January 2014 from Monmouthshire County Councillors G. Howard & S. Howarth.
- There have been no site meetings with the BBNP & residents to address any concerns,
- The residents are aware that BBNP have been holding separate meetings with the developer
- It appears BBNP are only interested in placating the developer and approving this development with complete disregard to existing residents of the BBNP.
- The developer is itself stating that due to the very steep site topography, they are planning to significantly alter the height of the land to accommodate the internal access road, and any departure from this would result in a reduction in the layout density. In

other words large areas of the site are not compatible with the high density of plots they are planning, and to reduce the plot numbers would have a detrimental financial impact on the viability of the proposed development.

- Surely a negative financial impact for the developer cannot be a viable argument as to whether this significant alteration to the site topography is acceptable or not.
- Whilst the location and dwelling type of a number of the proposed plots have been slightly changed in certain areas of the site, the amended development plan as detailed in still has 2.5 storey dwellings immediately located opposite my property.
- There is no reference made with regards to financial compensation to existing residents in relation to devaluation of their properties if this proposed development goes ahead.
- So apart from the physical detrimental impacts to existing residents' lives, we will also have negative financial impact.
- It is unacceptable that no financial compensation has been considered by the developers or is a stipulated condition of acceptance by the BBNP.
- The amended development plan details that a hedgerow will be planted between the rear fences of Lancaster Drive & the rear fences of the proposed new dwellings. As this land will not be my property, I assume it will be the property of the proposed new residents, however they will be unable to access this hedge to maintain it, as there are wooden fences to the rear of their properties, and no walkway access. So, why is a hedgerow being considered that will be unmaintainable and left to grow wild. This is an unacceptable proposal.
- The amended development plan showing the existing vegetation (trees, hedges etc) in the South West area of the plan as marked in "Red" which is stated as "to be removed". There have been numerous surveys undertaken of the site, even correspondence from Bridgit Symons the BBNP Planning Ecologist stating that it is not acceptable to remove existing vegetation on a proposed development which already has wide ranging negative environmental & visual impacts and replace it with nothing.
- A plant/wildlife survey was being conducted last week, and when approached the people conducting the survey stated it was a waste of time as it was the wrong time of the year.

The occupier of 21 Broadmead, Gilwern:

- Traffic assessment for junctions onto Abergavenny 2077 are based on current levels which are due to increase due to alterations to the A465.
- The western side of Phase 3 development requires a severe to moderate visual impact on "properties adjacent to the site on neighbouring residential roads". Establishment of mitigation measures is likely to take 10-20 years to be completed.
- The groundworkings of the western side of Phase 3 is likely to have an adverse effect upon the ground stability of 21 Broadmead, house and garden, and residents of dwellings 44-49 are likely to excavate their gardens in order to render them level, further affecting the stability of no 21.
- It is not unambiguously clear from the plans provided by the developer that the rear fence of dwelling 44 would be not closer than 3 meters from the eastern wall of no 21 Broadmead, or that the rear wall of no 44 would be not closer than 12 meters from the same eastern wall of no 21.
- It is a concern of 21 Broadmead that the ground floor level of no 44 would not end up as indicated and also the height of the roof ridges of nos 44, 45, 46, 47, 48 and 49 could easily be higher too.
- The roofs of nos 44 to 49 are almost 3 meters high, and not less.

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- It is a concern that the rear upper storey windows of dwelling no 41 of Phase 3 looks directly into the front upper bedroom window of 21 Broadmead.
- The visual impact of the line of houses immediately to the east of 21 Broadmead, our house, is not acceptable.
- Our privacy is invaded. House No 41 will be able to look down directly into the main bedroom at the front of 21 Broadmead.
- Increased footfall on Broadmead and danger to pedestrians.

The occupier of Glenside, Abergavenny Road:

I was interested to read in our local Bournville Village Trust (BVT) Outlook magazine here in Birmingham, about a sympathetic and sustainable small development of a similarly challenging topographical site. Surely if the developer can achieve such a thing in this urban setting, it's not beyond the realms of possibility within the National Park setting! It just needs imagination and proper consideration by a developer rather than a cheap and off the peg approach.

Giles Howard and Simon Howarth, County Councillors, Clydach and Llanelly Hill):

- Request a site visit prior to determination
- Maintain an objection to the development of the site per se and believe that it damages the ability of existing residents to enjoy the National Park and views of the countryside.
- It is detrimental to the qualities of the designation and principal aim of conserving and enhancing the natural environment.
- The affordable housing is all located in one part and is immediately recognisable against advice contained in TAN2 – Planning and Affordable Housing.
- The design of the block of flats is austere and unappealing and it is unprecedented in Gilwern.
- The scheme does not relate to the rest of Gilwern or the National Park as a whole.
- The scheme has an urban appearance more suited to an urban environment.
- A buffer zone should be considered between proposed and existing units.
- The properties to the north of Lancaster Drive will ruin privacy and amenity of residents.
- The property to the west of Glenside will have a huge impact on the resident being completely overshadowed.
- The property to the east of 7, Basildene is far too close and will be very overbearing.
- The proposed footpath to Abergavenny Road is too close and will allow overlooking into the gardens and rear of the houses, spoiling amenity and privacy.
- The accuracy of the Design and Access Statement is questioned.
- The density of the development should be lower.
- Too many mature trees will be cut down to enable the development.
- Object to removal of a bat roost through the felling of an Oak.
- The plans are misleading.
- If approved there should be a condition requiring one for one replacement of any trees lost.
- Native species should also be used for ground cover and shrub planting.
- The ecological impact has not been adequately addressed.
- The scheme does not conform with the requirements of the International Dark Sky Reserve Status.
- There seems to be a complete absence of visitor parking.

- The layout is dangerous for pedestrians/future occupiers.
- The adjoining highway network is substandard.
- Domestic rubbish will be dumped on the highway for collection.
- The proposed footpath link to Lancaster Dive has not been agreed by residents, the road is private.
- The impact of the development has not been accurately measured.
- The GP surgery is at capacity, capacity at the school is limited and footpath links to the school are not very good,
- The gas supply is at low pressure, water supply is a problem, mobile phone coverage is non-existent in some areas, sewage capacity has long been a problem, there's a history of blocking up and overflowing, the foul sewer diversion has not been consulted on or agreed by residents through whose property it passes.
- Not sure about the position of the storm water attenuation tanks and their position outside the development boundary – and whether they could be re-located or tanked underground to allow for the development to be moved northwards away from Lancaster Drive.
- The DAS admits that the scheme will promote private car usage.
- The DAS should not state that Gilwern is in the Central Wales Area of te Wales Spatial Plan.

Nick Ramsay AM:

“Yesterday I called in to a drop-in session at Gilwern to meet local residents and view plans for the proposed development of ninety two houses at Cae Meldon, having previously received a large number of emails from constituents who are unhappy with the plans. I do not usually choose to be involved in planning issues, but in view of the large numbers voicing their concerns about the design and layout of the site I felt on this occasion I should make my views known. Having considered the plans, I am particularly concerned about the high density of housing proposed and also that the dwelling are of a “town house” design which to me does not seem to be in keeping with the character of Gilwern. I hope that my views and those of many local residents who are unhappy about the design and layout of the site will be considered fully before full approval is given.”

David Davies MP:

- There's widespread concern amongst villagers that it is inappropriate for the village and will put further strain on already struggling infrastructure and services. They have asked me to represent these concerns:
- Originally proposed 95 units now amended to 92 unfortunately with very little other plan changes as was promised.
- Inappropriate facilities and infrastructure to support the development.
- No public transport service in the area or proposals in place to support any residents.
- No facilities including parking to assist disabled persons.
- No shopping facilities in the area apart form I small shop in the village.
- There will be a requirement for additional policing resources.
- The impact on the surrounding small lanes have resulted in an objection from Highways Dept. and the dangerous connection with the main Gilwern Road.
- Sewerage and drains are a considerable concern as the Aberbaiden plant will not have the capacity Welsh Water have objected to it and have said that they will not be able to

- cope and raw sewerage will be discharged into the river Usk.
- Low gas supply and water pressure, extremely poor mobile and television signals.
 - The developer has no regard to planning rules and regulations and last week on two separate occasions they had contractors cutting down hedges with birds building nests and Oak trees that have bats and an owl living in it to make access routes for building and heavy earth moving equipment.
 - Objections have been made about the development being too close to existing dwellings.
 - Strong objections made by the Community Council.
 - Objections from both County Councillors.
 - Considerable concern over the drain off ponds that are planned (how many children will need to drown) before they agree it's wrong and unsafe.
 - The additional lighting will light up the whole valley from Crickhowell against the Dark Sky status.

RELEVANT POLICIES

SPI	<i>"National Park Policy" Local Development Plan (2013)</i>
Policy 1	<i>"Appropriate Development in the National Park " Local Development Plan (2013)</i>
SP3	<i>"Environmental Protection – Strategic Policy" Local Development Plan (2013)</i>
Policy 3	<i>"Sites of European Importance" Local Development Plan (2013)</i>
Policy 4	<i>"Sites of National Importance" Local Development Plan (2013)</i>
Policy 5	<i>"Sites of Importance for Nature Conservation" Local Development Plan (2013)</i>
Policy 6	<i>"Biodiversity and Development" Local Development Plan (2013)</i>
Policy 7	<i>"Protected and Important Wild Species" Local Development Plan (2013)</i>
Policy 8	<i>"Trees and Development" Local Development Plan (2013)</i>
Policy 10	<i>"Water Quality" Local Development Plan (2013)</i>
Policy 11	<i>"Sustainable Use of Water" Local Development Plan (2013)</i>
Policy 12	<i>"Light Pollution" Local Development Plan (2013)</i>
Policy 13	<i>"Soil Quality" Local Development Plan (2013)</i>
SP11	<i>"Sustainable Design" Local Development Plan (2013)</i>
SLP1	<i>"Definition of Settlements" Local Development Plan (2013)</i>
SLP2	<i>"Settlements Appropriate Development" Local Development Plan (2013)</i>
SLP3	<i>"Mitigating Impact" Local Development Plan (2013)</i>
SP5	<i>"Housing" Local Development Plan (2013)</i>
SP6	<i>"Affordable Housing" Local Development Plan (2013)</i>
Policy 28	<i>"Affordable Housing Contributions" Local Development Plan (2013)</i>
SP15	<i>"Supporting Sustainable Communities" Local Development Plan (2013)</i>
Policy 53	<i>"Planning Obligations" Local Development Plan (2013)</i>
Policy 56	<i>"Water and Sewage Supply for New Devt" Local Development Plan (2013)</i>
Policy 58	<i>"Sustainable Drainage Systems" Local Development Plan (2013)</i>
SP17	<i>"Sustainable Transport" Local Development Plan (2013)</i>
Policy 59	<i>"Impacts of Traffic" Local Development Plan (2013)</i>
Policy 60	<i>"Provision for Cycling and Walking" Local Development Plan (2013)</i>
SP18	<i>"Sustainable Use of Land" Local Development Plan (2013)</i>
Policy 61	<i>"Dwelling Density" Local Development Plan (2013)</i>

PLANNING HISTORY

App Ref	Description	Decision	Date
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None relevant.

OFFICER'S REPORT

INTRODUCTION

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

The scheme includes planning obligations requiring a Section 106 Legal Agreement and it has been the subject of objections from the Community Council, local residents, local County Councillors, the Assembly Member for the region and the Member of Parliament for the constituency.

This scheme has been the subject of detailed pre-application discussions since 2011.

The application was registered as valid on 13th December, 2013, it has been advertised in the Abergavenny Chronicle (9th January, 2014 edition and 10th April, 2014 edition) and site notices have been erected at various points within the vicinity of the site.

SITE DESCRIPTION

This application seeks full planning permission for the redevelopment of 3.7 Ha of agricultural land to the north-east corner of Gilwern.

The site lies within the development settlement boundary of Gilwern as identified in the Brecon Beacons National Park Authority Adopted Local Development Plan. Gilwern is defined as a Level 3 Settlement under policy LPI of the LDP and the site is allocated for housing under policy SP5. Table 6.1 indicates that the site is earmarked for development within the first 5 years of the plan period (site code CS102) and it is allocated for 112 units (including 34 Affordable Housing units).

The entire site has been allocated for housing in the first tier settlement of Gilwern under policy SSI: Housing Land in the First Tier of Settlements of the Approved Unitary Development Plan (2007). At that point it was allocated for 79 No. units. During the examination of the Unitary Development Plan the eastern segment of the site (to the north of Lancaster Drive) was added to the allocated housing site under policy H1 of the BBNPA Adopted Local Plan (1999).

The site lies within the administrative area of Monmouthshire County Council and an area covered by Llanelly Community Council.

The "L" shaped application site includes approximately 0.9 Ha of land that lies to the north and outside of the allocated site which will accommodate two infiltration basins as a surface water drainage solution. The dwellings (and internal estate road) will not extend into this area.

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The Greenfield site is made up of two field parcels (and approximately 1/3 of another) and is currently utilised as grazing land. There are a limited number of agricultural type structures at the north-east and western ends of the site and the existing boundaries (especially the northern field boundary) are defined by established hedgerows with several mature trees.

In terms of the topography of the site, the land perceptibly falls from south to north at an average gradient of 1:10.

The site is enclosed by the A4077 (Abergavenny Road), the residential properties of Lancaster Drive and a country lane (Ty Mawr Lane/Crossroads) linking Abergavenny Road to Ty Mawr Road to the south; adjacent agricultural fields to the north; Ty Mawr Road (and Gilwern Park Industrial Estate) to the east and the residential cul-de-sacs of Dan y Bryn, Broadmead and Baseldene Close to the west.

The site is crossed by a public sewer (which is to be diverted under a S.185 Agreement with DC/WW), a private sewer (controlled by Monmouthshire County Council) and a trunk/distribution watermain.

The application site is within approximately 500m of the River Usk Special Area of Conservation (SAC) and the River Usk (Upper Usk) Site of Special Scientific Interest (SSSI).

PROPOSAL

It is proposed to erect 92 No. residential units (including 74 No. open market dwellings and 18 No. Affordable Housing units) on this site together with a new main vehicular access to the eastern end of the site off Ty Mawr Road (approximately 240m north of the junction with Abergavenny Road), an internal estate road, two new access points to private drives at the south-eastern corner of the site off Ty Mawr Lane/Crossroads, a Local Area of Play, and footpath links to Abergavenny Road at the south-western end corner of the site and to Broadmead at the western end of the site.

The residential units include a mix of house types, styles and finishes. The open market dwellings include:

- 3 No. Caswell Housetype (plots 49, 50 and 51) which are two storey, 3 bedroomed mid link units, with a brick finish and rooftiles and two off-street parking spaces;
- 7 No. 1101 sq. ft. Housetype (plots 6, 46, 47, 48, 87, 88 and 91) which are two storey, 4 bedroomed detached dwellings with a brick finish and rooftiles and two off-street parking spaces plus an integral garage;
- 12 No. Pendine Housetype (plots 22, 23, 24, 25, 30, 31, 72, 73, 83, 84, 85, 86) which are 2 ½ storey (i.e. using the loft space – they are not townhouses), 4 bedroomed, semi-detached units in a combination of off-white rendered pairs (30/31, 83/84) and brick finished pairs (remainder) with rooftiles and two off-street parking spaces and a detached garage space (apart from units 84 and 85 which have 3 No. tandem parking spaces due to sewer easement);
- 5 No. Ogmores Housetype (plots 3, 9, 19, 20 and 26) which are two storey, 4 bedroomed detached dwellings, with a brick finish and rooftiles and two off-street parking spaces plus a detached garage space;
- 7 No. Newgale Housetype (plots 8, 12, 16, 21, 28, 76 and 80) which are two storey, 4 bedroomed detached units, in a combination of off-white rendered houses (plot 8 only) and brick finished houses (remainder) with rooftiles and two off-street parking spaces

ENCLOSURE 5

- and a detached single garage space;
- 9 No. Warwick Housetype (plots 38, 39, 44, 45, 70, 71, 89, 90 and 92) which are two storey, 4 bedroomed detached units, with a brick finish with rooftiles and two off-street parking spaces plus an integral garage;
- 9 No. Whitmore Housetype (plots 4, 7, 34, 35, 42, 74, 75, 77 and 81) which are two storey, 4 bedroomed detached units, in a combination of off-white rendered houses (plot 74 only) and brick finished houses (remainder) with rooftiles and two off-street parking spaces and a detached single garage space;
- 11 No. Lavernock Housetype (plots 2, 11, 13, 15, 17, 27, 37, 40, 41, 43 and 82) which are two storey, 4 bedroomed detached units, in a combination of reconstituted stone (forticrete shearstone cottage finish) houses (plot 41 only) and brick finished houses (remainder) with rooftiles and two or four off-street parking spaces and either a detached single garage space or a detached double garage;
- 11 No. Southerndown Housetype (plots 1, 5, 10, 14, 18, 29, 32, 33, 78, 79 and 92) which are two storey, 4 bedroomed detached units, in a combination of reconstituted stone (forticrete shearstone cottage finish) houses (plots 1, 5, 10, 32 and 79) and brick finished houses (remainder) with rooftiles and two or four off-street parking spaces and a detached double garage;

In terms of the 20% on-site provision of Affordable Housing in the form of 18 No. units it is proposed to offer a combination of social rented units and intermediate housing.

The 12 No. social rented units will include 10 No. 1 bed flats (6 No. within a 3 storey block with a brick and rooftile finish and the remaining 4 No. within a two storey semi-detached pair of ground and first floor flats with a brick and rooftile finish) and 2 No. 4 person 2 bed end and mid link two storey dwellings with a brick and rooftile finish.

The remaining 6 No. two storey low cost home ownership/intermediate units are made up of 4 No. 4 person 2 bed units and 2 No. 6 person 4 bed units all with a brick and rooftile finish.

The 1 bed flats are provided with a surface parking space each and the 2 and 4 bed units are provided with two surface parking spaces.

The social rented housing will be both internally and externally designed and laid out in accordance with the Welsh Government's Development Quality Requirements with the dwellings built to Lifetime Homes Standards. The low cost home ownership/intermediate houses will be constructed to Welsh Quality Housing Standards. The 18 No. units will be transferred to a Registered Social Landlord and the affordable housing provision will be the subject of a Section 106 Legal Agreement to ensure that they are retained as affordable housing in perpetuity.

The detached garages on the site are a combination of single and double units ranging between a standalone garage to groups of three garages together.

A variety of enclosures are proposed including 1.1m high railings, 1.8m high hit and miss style fencing, 1.8m high close boarded fencing and 1.8m high brick screen walling. It is also proposed to provide bin stores, bicycle shelters, rotary washing lines, rainwater harvesting units and garden sheds within the estate.

The Local Area of Play (10m x 10m) is situated to the western end of the site (Monmouthshire

ENCLOSURE 5

County Council Leisure and Recreation Officers require this facility to be equipped with a swing unit, small multi play unit/ playhouse, springer, hopscotch etc.) and the two surface water infiltration basins are proposed to the north of the site with no public access to the ponds. The applicant has been in negotiations with Dwr Cymru/Welsh Water with a view to funding a solution to the capacity/processing issues at the Aberbaiden Waste Water Treatment Works before the works are upgraded by DC/WW – this will be included within the Section 106 Legal Agreement.

The access road and public areas will be constructed to adoptable standards but they will be maintained by a private management company rather than being offered for adoption to Monmouthshire County Council.

It is proposed to construct the spine road and divert the sewer first then build out the first group of properties and the easternmost infiltration pond within Phase 2, build the properties that back onto Lancaster Drive, the Affordable Housing units to the north-west corner of the site and the second infiltration pond in Phase 3, complete the open market units and LAP to the western end of the site as Phase 4 and finish off with the two cul-de-sacs off Ty Mawr Lane/Crossroads and the S.278 Highway Works as Phase 5.

Due to the nature of the terrain, extensive retaining features are required and the development will result in the felling of trees and hedgerows along the northern edge of the site, at the centre of the site and along the south-eastern edge of the site although it is proposed to retain some of the key trees on the site (such as the mature Sycamore close to the main entrance into the site) and plant replacement trees and hedgerows in line with the submitted landscaping details. In addition, in order to further protect trees that are shown to be retained, it is proposed to make five limes, three oaks and the sycamore tree the subject of a Tree Preservation Order.

The scheme has been revised since the original submission including the omission of the proposed footpath link to Lancaster Drive (which is a private road), amendments to the house types and location of the dwellings at plots 37, 41 and 92 to reduce the impact of the development on existing properties and to retain a sycamore tree at the entrance into the site, amendments to the Ty Mawr Lane/Crossroads part of the development to accord with Monmouthshire County Council Highways Dept. advice relating to highway safety and pedestrian access around the site.

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.

ENCLOSURE 5

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

- Planning Policy Wales (PPW, 6th Edition February 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 12 (TAN12) – Design (2009)
- Technical Advice Note 16 (TAN16) – Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 (TAN18) – Transport (2007)
- Technical Advice Note 22 (TAN 22) - Planning for Sustainable Buildings (2010)

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

As outlined above the site is defined as Housing Allocation CS102 in the LDP under Policy SP5 and table 6.1, a greenfield site at the edge of an existing Level 3 settlement with an anticipated capacity to accommodate approximately 112 units. The site is considered an important site for the settlement of Gilwern and the implementation of the LDP settlement strategy within the A465 corridor in the Eastern area of the National Park.

Prior to the adoption of the LDP this site was allocated for housing in the approved Unitary Development Plan (2007) and before that the westernmost field parcel was allocated for housing in the adopted Local Plan (1999).

As far as Officer's are aware, no objections were received regarding the continued allocation of this site for housing during the examination stage of the Local Development Plan.

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 site is allocated within the LDP for residential use.

In terms of the density of the development, policy 61 of the LDP (Development Density) sets out that all land should be developed at a minimum of 30 dwellings per hectare where this is appropriate to the settlement character.

On the basis of the whole application site (3.7 Ha) the density of the development is approximately 25 dph. However, a large section of the site is devoted to non-built development in the form of two infiltration ponds and if this area (approximately 0.9 Ha) is removed from the equation, the density of the development measures around 33 dph which is in line with policy. However, the majority of the site is occupied by large detached houses within reasonably sized plots which is generally in keeping with the character of adjacent residential areas.

Therefore, Officers consider that the development accords with policies SP5 and 61 of the LDP as well as guidance contained within Planning Policy Wales (2014).

AFFORDABLE HOUSING

Policy 28 of the LDP relates to the provision of affordable housing as follows (Officer's emphasis in bold):

*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 be either 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 18 No. social rented units to be provided within the site. As this was effectively contrary to LDP policy, Officers negotiated the provision of 12 No. social rented units and 6 No. intermediate units within the site together with a commuted sum to cover the 10% shortfall of affordable housing provision (the equivalent of 9 No. Affordable Housing units). This is considered to be preferable to providing all of the

required Affordable Housing provision (27 No. AH units) on-site.

As listed above, the majority of the social rented units (10) are one bed units in response to the identified need in the area. The Monmouthshire County Council Affordable Housing Officer has confirmed that Housing Need for social rented properties in Gilwern is as follows:

1 bed	140
2 bed	87
3 bed	43
4 bed	4

The 18 No. Affordable Housing units are to be constructed of the same materials as the open market units. Whilst they are of a different design to the open market units and are grouped together at the north-western corner of the site to satisfy DQR/Welsh Quality Housing Standards and to aid the management of the properties by the Housing Association respectively, Officers consider that the AH units are not segregated from the remainder of the site and will not form a “ghetto.”

Based on the mix of affordable units to be provided on site, the commuted sum has been calculated at £175,200.60. The applicant has agreed to pay this commuted sum to fund off-site provision of affordable housing within the vicinity of Gilwern. The contribution, together with the mix and tenure of affordable housing units within the site, will be secured via a Section 106 Legal Agreement.

Therefore, the development complies with policies SP6 and 28 of the LDP.

RESIDENTIAL AMENITY

Numerous comments have been received from neighbouring occupiers and the Community Council relating to the potential impact of the development on residential amenity. The applicant has attended a meeting with the Community Council and the Community Council arranged a drop in session for local residents to discuss their concerns.

The objections are highlighted in Llanelly Community Council’s formal comments received on 18th March and 23rd April, 2014 and third party representations as summarised above.

TAN 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 (6th Edition, February 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.

PPW paragraph 3.1.8 advises that in determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations.

For example, the loss of views and the devaluation of property are not valid material planning considerations.

Officers have considered the representations and amendments have been secured to address specific areas of concern with regard to the relationship between existing and proposed dwellings and potential detriment to existing standards of residential amenity.

The main areas of concern revolve around the location and scale of proposed dwellings and the proposed footpath links to:

1. the rear (north) of Nos. 2 – 16, Lancaster Drive i.e. plots 20-26;
2. the west of “Glenside” (13, Lancaster Drive) i.e. plot 37;
3. the east of the adjacent cul-de sacs/streets of Basildene Close, Broadmead and Dan y Bryn i.e. the affordable housing units, plots 40, 41, 44, 54/55 and the apartment block; and,
4. the proposed footpath links to Lancaster Drive, Abergavenny Road and Broadmead.

With regard to the 2 ½ storey properties proposed for to the north of Lancaster Drive (plots 22-25) it should be noted that the topography of the site and the proposed re-grading of the land will result in the new properties being developed on land approximately 3.5m below the ground level at Lancaster Drive. This is evidenced by the cross sections submitted with the application.

Therefore, the ridge levels of the new dwellings are comparable to the ridge heights of the bungalows at Lancaster Drive and the new dwellings will not have an overbearing impact on existing properties.

In addition, the distance between the rear elevations of plots 20-25 and the rear gardens of Lancaster Drive range between 10.5m and 14m which is acceptable in planning terms. Also, none of the rear elevations would be within 21m of the rear elevation of the bungalows along Lancaster Drive. Together with the effect of the levels difference between existing and proposed dwellings and the proposal to plant a new hedgerow and trees along the rear boundary (which will be maintained by a private management company), the potential for any loss of privacy or overlooking has been reduced to an acceptable level.

With regard to plot 37, it was acknowledged early on in the application process that the initial scheme would have an overbearing and unneighbourly impact on the main living room window (to the western side elevation) of Glenside as the flank wall was within 4m and directly in front of the window. To that extent amendments were sought to re-position the dwelling further away from the boundary with Glenside. The footprint of the house at plot 37 is now 11m away

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from the side elevation of Glenside and it has been set back into the site by 1m to allow a wider aspect from the lounge window of Glenside. Officers consider that this is sufficient to reduce the potential impact of the development on the residential amenities of the occupier of Glenside.

Plot 41 has also been revised to increase the distance between its end gable elevation and the boundary with 7, Basildene Close. The gable end of Plot 41 is now 10m away from the rear elevation of 7, Basildene Close instead of 7.5m as originally proposed. Although the ridge height of the proposed dwelling is slightly higher than 7, Basildene Close, there are no windows in its side elevation and it is positioned within the plot in such a way that it will not significantly reduce the amount of sunlight reaching the main private garden area and conservatory of the adjoining property. Therefore, it is considered that the relationship between plot 41 and 7, Basildene Close is acceptable in residential amenity terms.

The occupier of 21 Broadmead is concerned that the groundwork/remodelling is likely to have an adverse effect upon the ground stability of his property and suggests that the ridge heights of plots 44, 45, 46, 47, 48 and 49 would be higher than indicated on the plans and cross-sections. The occupier has also registered a concern that the rear upper storey windows of plot 41 would look directly into his front bedroom window.

Having reviewed the submitted plans, it is apparent that plots 44-49 will be constructed to a ground level that is lower than 21 Broadmead but not to the extent that his property will be undermined. The proposed dwellings are 10.5m from the boundary with his property and rear windows of plot 44 will be at least 13m from the side elevation of 21 Broadmead which does not include a habitable room window at first floor. The ridge level of plot 44 will be roughly the same height as the eaves level of 21 Broadmead and the rear windows of plot 41 will be 35m from his bedroom window which is well in excess of the accepted standard distance of 21m. Therefore, it is considered that the residential amenities of the occupier of 21 Broadmead will not be prejudiced by this development.

Plot 56 at the north west corner of the site includes a window at first floor level within the side elevation fronting Dan y Bryn to the west but it is only a landing window, it is 13m away from rear gardens of existing properties and a tree is to be retained between the old and new dwellings. Plot 54/55 does not include any side elevation windows and, therefore, will not prejudice the privacy of existing residents. In addition, the three storey block of 1 bedroom flats is at a lower level than the adjoining cul-de-sacs and is at least 75m away from existing private properties. It is considered that the Affordable Housing units at the north-west corner of the site will not have a detrimental impact on the residential amenities of Dan y Bryn.

The three south facing windows in the three storey apartment block will be obscurely glazed and non-openable below an internal height of 1.8 metres in order to safeguard the privacy of the gardens to the rear of plots 70 and 71.

In terms of the new pedestrian links proposed as part of the scheme, whilst a footpath link into the site from Lancaster Road would have allowed existing occupiers a direct route to Abergavenny Road and Gilwern village, residents have reiterated the fact that Lancaster Drive is a private road and they do not support the link. Therefore, this element was omitted from the scheme during the application process. Due to their position within the site and the use of boundary treatments the footpath links to Abergavenny Road and Broadmead will not be

detrimental to the residential amenities of adjoining houses or highway safety in and around the site.

In terms of noise, the Monmouthshire County Council Environmental Health Officer has raised concerns relating to the proximity of Gilwern Park Industrial site as there will be the potential for the future residents to be disturbed by noise emanating from the site, particularly at night. However, the EHO has not objected to the development and has advised that they will not be in a position to resolve any complaints if the businesses are implementing measures to limit disturbance. A condition has been suggested to minimise disturbance to existing residents during the construction phase(s).

Therefore the proposal is considered to comply with the requirements of PPW and TAN12 as the development will not have a significant detrimental impact on the residential amenities of neighbouring properties.

VISUAL IMPACT

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 it conserves and enhances the Natural Beauty, wildlife and cultural heritage of the Park and/or provides 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 rural fringe of Gilwern 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.

Policy SLP2 'Settlements Appropriate Development' requires a positive contribution to the setting and enhancements to the quality of the landscape.

The principle of the residential development of this site has been established and the density of development complies with local and national policies. It is considered that the layout of the development, the scale of the buildings, the mix of housetypes and the palette of materials to be used on the site are generally acceptable in design terms subject to the future approval of material samples.

Although the development will result in the removal of established trees and hedgerows the scheme has been revised to accommodate the mature sycamore close to the new entrance into the site and the applicant has justified the felling of the oak (with bat roost) at the heart of the site and offered mitigation and replacement planting. A band of native woodland planting is proposed along the northern boundary of the site between the houses and the infiltration ponds and it is expected that this feature, together with planting within the site (including the retention

and enhancement of the band of trees between the west and east field parcels), will soften the edges of the estate and allow it to integrate with the adjoining countryside.

Officers consider that these measures will effectively minimise the visual impact of the scheme and are satisfied that the development responds to the topography of the site and is consistent with the character of the area in accordance with Policy SP1, criteria i) and ii) of Policy I and Policy SLP2 of the LDP.

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.

The supporting text to this policy suggests that where there is no capacity to accommodate development within the existing infrastructure, sites may still come forward in advance of DC/WW investment where the developer is willing to requisition the works and/or to fund the necessary infrastructure improvements. In such cases planning permission will only be granted subject to a suitable planning condition or obligation. Developers should also enter into appropriate management and aftercare arrangements with DCWW.

The preamble also recommends that developers enter into early dialogue with DCWW and the NPA to discuss options for servicing new development at the earliest stages of the Design Process.

The site is crossed by a public sewer which will to be diverted under a S.185 Agreement with DC/WW and no buildings are allowed within 3m either side of the centreline of this sewer. The foul drainage network will be designed as a gravity system so no pumping is proposed on this site. A private sewer (controlled by Monmouthshire County Council) also crosses the site along the northern boundary of the site although this does not need to be diverted and the scheme has been designed so that the buildings lie outside of the easement. Finally a trunk/distribution watermain runs parallel to the private sewer and DC/WW have provided conditions relating to development near watermains, including the stipulation that no structure can be sited within a minimum distance of 4m from the centre line of the pipe.

As stated above, the scheme has been the subject of detailed pre-application negotiations and one of the main stumbling blocks has been the ability of Aberbaiden Waste water Treatment Works to accommodate a scheme of this size and the cost of providing the necessary improvements in advance of DC/WW's capital investment programme. An initial assessment indicated that the WwWT was hydraulically overloaded but, following further investigations, the issues relate to biological overloading from foul flows.

Discussions have been ongoing since around 2011 and a potential solution to the problem has been identified, researched and priced. However, a holding objection was lodged by DC/WW on the basis that the development would overload Aberbaiden WwTW and any development prior to the necessary improvements is premature.

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During the application process, the developer has confirmed that they are willing to fund a solution (which involves the installation of a new side-stream process at Aberbaiden WwTW to reduce the pressure on the treatment process) at a total cost of £140,675.40 + VAT.

This has allowed DC/WW to consider the removal of the current objection to the planning application, subject to confirmation from the Local Planning Authority that the required funding will be secured via the S106 agreement. Officers can confirm that the funding and delivery of the solution will be included in a Section 106 Legal Agreement for the development.

The trigger point for payment is likely to be prior to the commencement of development in order to allow for procurement and installation of the solution before the dwellings are occupied. A timeframe for delivery by DC/WW will be included within the S.106 and they are confident that the system can be installed and operational within 12 weeks of receipt of payment.

DC/WW have also confirmed that the scheme is reliant on an ongoing 'compliance' scheme to be delivered by DC/WW which currently has an expected completion date of January 2015. However, if the timetable for the compliance scheme is revised and the adoption of the sewers/communication with Aberbaiden WwTW can be agreed in a timely fashion then some units could be completed sooner. The date of connection to the public sewers will be controlled via the timescales within the s106 agreement (i.e. X weeks after the full payment has been received by DC/WW).

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 proposed development is partly outside of the settlement boundary for Gilwern and the extent of the allocated site. Policy ELPI sets out the circumstances in which the LPA will look favourably on development proposals which are located on edge of settlement locations outside of defined boundaries where they are essential to community sustainability and/or have a limited environmental impact. Criteria 7 sets out that an exception can be made for the creation of new ponds and wetlands that act as Sustainable Drainage Systems (SuDS).

Infiltration ponds are a form of SuDS and it is the preferred method for surface water disposal. Ground permeability testing was undertaken to provide a basis for the design of the two infiltration basins to serve the development and they are located in the adjacent field to the north. All surface water generated by the development (estate roads, footways, private drives, roof run-off) will be collected and drained to the basins. No additional on-plot SuDS facilities are proposed as part of the scheme.

The basins have been designed to hold the 100 year return period storm with a climate change factor of 30%. The slopes of the basins will be no greater than 1:3 with a maximum water level of 1m. The SuDS will be constructed to adoptable standard and offered for S.104 adoption to Dwr Cymru/Welsh Water. The infiltration basins themselves are proposed to be adopted by Monmouthshire County Council. There will be no public access to the ponds.

Therefore, it is considered that the foul and surface water drainage proposals are appropriate for this location. 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, 58 and ELPI 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.

Section 42 of the Act requires the National Assembly for Wales, in consultation with the Countryside Council for Wales, to publish a list of living organisms and types of habitat which are of principal importance for the purpose of conserving biodiversity.

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:

- 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"

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

Natural Resources Wales originally expressed a concern that trees containing roosts, or with bat roosting potential, would be affected by the works. They confirmed that the site supports roosts of common pipistrelle and soprano pipistrelle bats.

Following clarification of the trees to be felled and the scope to mitigate for the loss, NRW confirmed that they do not object to the application provided that a condition is attached to any consent requiring the submission of a bat method statement detailing appropriate mitigation in the form of alternative roost sites (bat boxes and within the proposed new buildings) before any trees are felled at an appropriate time of year. The method statement should also illustrate how any lighting scheme for the development will maintain dark corridors and avoid roost sites, flight corridors and foraging areas.

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The NPA Planning Ecologist had reservations about the timing of the vegetation and habitat surveys (which did not cover the summer months of June, July and August), the lack of information about the surveyor(s) and the lack of coverage of the area that would accommodate the infiltration basins.

It was noted that the potential for bats to be utilising the site for foraging and commuting during the summer months had not been fully addressed and detailed mitigation measures for the loss of the bat roost within the Oak were not included with the submission. This resulted in the Planning Ecologist being unable to support the application. The Planning Ecologist's recommendations and advice were forwarded on to the applicant and a meeting was arranged to discuss potential alterations to the layout of the scheme to retain more of the trees, especially the oak which sustained a bat roost.

Following the meeting and receipt of additional information, the Planning Ecologist now accepts that the scope of the survey for the site was agreed with the previous BBNPA ecologist in 2011. A phased development is recommended to allow new landscaping to establish along the northern boundary of the eastern field prior to works/clearance commencing in the westernmost field. Apart from the internal estate road, the western end of the application site will not be developed until Phases 3 and 4.

The Habitat Protection and Enhancement Scheme identified that the main ecological impacts at the site affect bats, reptiles and nesting birds and the mitigation measures for bats include the provision of 9 No. bat boxes on trees that are to be retained within the site. A variety of boxes should be utilised to provide alternative roosting sites for bats and maintain the favourable conservation status of the species. There are potential opportunities for habitat enhancement near the infiltration ponds, the native woodland and boundary hedgerow mixes are broadly acceptable and mitigation is required for the loss of semi-improved grassland and wildlife corridors via a S106 contribution.

Habitats Regulations Assessment (HRA) screening reports have been completed and sent to NRW for agreement with the conclusions of "No Likely Significant Effect" on the nearby Natura 2000 sites (the River Usk SAC and the Usk Bat Sites SAC).

Conditions are recommended to secure the submission of, and adherence to, a Construction and Environmental Management Plan, an amended Habitat Protection and Enhancement Scheme and a Habitat Management Plan to cover at least 10 years following completion of the development.

Having regard to the above, it is considered that the proposals will not have a significant detrimental adverse effect on the ecology and biodiversity of the area.

Therefore, Officers are satisfied that the delivery of the proposed mitigation measures will maintain and enhance the favourable conservation status of bats in line with the requirements of the Habitat Regulations 1994 (as amended), Section 40 of the NERC Act, guidance in TAN 5 and relevant LDP policies.

IMPACT ON TREES

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

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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 1. 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 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.”

The LDP also goes on to say that the NPA will use planning conditions or Tree Preservation Orders to protect important woods or trees and will ensure that trees are retained and protected on any development site, whether they are protected by legislation or not.

The Consultant Tree Officer provided initial comments on the content of the tree survey report and questioned the extent of tree removal and advised that any works within the Root Protection Area of retained trees will require a specific arboricultural method statement prior to the start of works on site. Ten trees were recommended for protection through a tree preservation order as their long term retention is threatened by the development and subsequent occupiers.

It was suggested that that the internal access road should be moved to the outer limits of the root protection area of the oak tree at the centre of the site in order to retain it within the development. Following a meeting with the developer it was agreed that the oak would be removed as part of the scheme as it was not possible to realign the access road. However, it was agreed that the sycamore at the entrance into the site could be retained if the housetype at plot 92 was changed and it was recommended that the sycamore and 8 No. other trees as shown for retention within the scheme be the subject of a Tree Preservation Order as they contribute to the amenity value of the local and wider landscape and will benefit the completed development by providing a mature landscape and amenity.

As well as the retention of trees on site, a landscaping scheme has been provided to indicate areas of supplemental tree and hedgerow planting and Officers consider that the proposed works are in keeping with the aims and objectives of policy 8 of the LDP.

PUBLIC OPEN SPACE

As stated above, the development includes an area of public open space comprising a 10m x 10m Local Area of Play (LAP). This area will be maintained by a management company which will be secured via the Section 106 Agreement.

Upon advice received from Monmouthshire County Council Leisure and Recreation Officers during the pre-application stage, it was determined that the number of LAP’s on site should be reduced from two as it is the Council’s experience that LAP’s seem to consist of the same constituent parts (i.e. bow top fence, a self-closing gate, a bench, litter bin, some safety surfacing and one or two small items of equipment) whilst their preference is to have one LAP of a slightly larger size to accommodate three or four items of equipment for young children.

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The LAP will include additional equipment for the under 6's, such as a swing unit, a small multi play unit/playhouse, springer, hopscotch etc. which will be secured via the Section 106 Agreement.

Officers consider that the open space provision is in keeping with the context of the site and the aims and objectives of Policy I of the LDP.

SUSTAINABLE DEVELOPMENT

It is expected that the development will achieve a minimum Code for Sustainable Homes Level 3 and obtain 1 credit under issue Ene 1 – Dwelling Emission Rate as required by advice contained within PPW (2014) and TAN22: Planning for Sustainable Buildings (2010).

The application has been accompanied by a Design and Access Statement (which includes a section on Environmental Sustainability) and a Code pre-assessment report.

Policy SPII 'Sustainable Design' of the LDP requires all proposals to address the principles of sustainable design by demonstrating that they a) meet National and where defined local requirements for sustainable design or higher and b) are able to demonstrate consideration of the use and where appropriate the application of, renewable energy sources.

It is considered that the proposal complies with policy SPII of the LDP and relevant national planning guidance.

CONTAMINATED LAND

Monmouthshire County Borough Council's Environmental Health Department noted that the site investigation report identified elevated chromium levels across the site. However it was assumed that the chromium was not the most toxic form, chromium VI, and therefore it was considered not to be an issue. It is recommended that further samples are taken to determine what species of chromium is present and a condition is attached to the recommendation to cover this point.

A hotspot of elevated PAH contamination was also found in the south west portion of the site, probably due to fly tipping. The submitted report recommends that the soil in this area is scraped back and segregated and then used under areas of hard standing. The Council's EHO has recommended that the developer submit a method statement confirming how this process will be undertaken to prevent accidental use of the contaminated material in a garden area.

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. Monmouthshire County Council Highways Officers were involved in the pre-application

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discussions for the site. However, in response to the initial submission, they advised that the proposal would not be supported without amendments and approval of detailed requirements. The comments were forwarded to the applicant and the Transport Consultant was instructed to resolve the outstanding issues.

The layout has subsequently been amended by omitting the pedestrian access to Lancaster Drive, by extending the footpath at the western end of the site so that it links up with the adopted highway at the end of Broadmead, by re-aligning the footpath at Ty Mawr Lane/Crossroads so that it runs adjacent to the road instead of behind the highway verge which improves visibility for drivers exiting the two private drives in this location.

In terms of the Traffic Data, the submitted Transport Assessment concludes that the traffic generated by the development traffic can be accommodated on the highway network with no discernable impact on the junction.

The requested safety audit and tracking analysis will be secured via appropriately worded conditions. Although the development will be constructed to adoptable standards, the applicant does not wish to offer the road and public areas for adoption and the Council have accepted this position although their preference is always for adoption.

A meeting was arranged with the applicant and Monmouthshire County Council Highways Officers in order to discuss options for the treatment of Ty Mawr Lane/Crossroads and the potential requirements of a Section 278 Agreement. The applicant has subsequently been negotiating this element of the development with the Council and a detailed drawing illustrating the proposed highway works to Ty Mawr Lane/Crossroads has been submitted to the LPA and Mons CC Highways have been re-consulted but no additional comments have been received to date.

With regard to off-street parking provision it is considered that the site accommodates a sufficient number of spaces to serve each dwelling on the site. A condition will be applied to ensure that the garages are used for the parking of private vehicles in perpetuity. As the development is in a relatively sustainable location close to the main road and Gilwern village, it is considered that future residents will have access to sustainable modes of transport.

Having regard to the above, the scheme accords with the aims and objectives of policies SPI7, 59 and 60 of the LDP and advice contained within national planning policy.

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 Agreements (and, where appropriate Unilateral Undertakings)

A Planning Obligations Statement has been submitted with the application, and as well as the Affordable Housing Contribution (£175,200.60) and the commitment to fund improvements to the Aberbaiden Waste water Treatment Works (£140,675.40 + VAT) the Section 106 will include the following planning obligations:

EDUCATION CONTRIBUTION

The Education contribution has been the subject of pre-application discussions between the developer and Monmouthshire CBC Education Dept. The Council has requested a financial contribution of £3,000 per dwelling apart (not including the 10 No. 1 bed apartments) which equates to a total figure of £246,000.

The monies will go towards the cost of improvements to Gilwern Primary School that are

necessary to accommodate the increase in the number of pupils attending the school as a direct result of this development.

PUBLIC TRANSPORT ENHANCEMENTS

Monmouthshire County Council Transport Officers have negotiated a figure of £56,000 to subsidise the X4 Abergavenny to Cardiff bus service and/or the No. 3 Abergavenny to Brynmawr service.

OPEN SPACE/LEISURE AND RECREATION

Monmouthshire CBC Leisure and Recreation Officers have identified the requirement for an equipped Local Area of Play and a contribution of £266,616 towards the provision/improvement of adult recreation facilities in the immediate area and £400 per dwelling (£36,800) for off-site play facility improvements for older children.

It is envisaged that this money will enhance existing local provision within 5 miles of the development. In terms of the LAP, this will be provided on site and the applicant will retain ownership of it and manage/maintain the facility in perpetuity.

PUBLIC ART

1% of the total development build cost will be secured to fund public art on or within the site. Officers consider that this money could either be used to fund an installation or piece of public art or it can be used to upgrade some features within the development such as ornate railings around the LAP.

CONCLUSION

Officers consider that the proposed scheme on an allocated housing site is an acceptable form of development that accords with the Development Plan. It is therefore recommended that planning permission be granted subject to the applicant first entering into a S106 legal agreement with the Brecon Beacons National Park Authority, Monmouthshire County Council and Dwr Cymru/Welsh Water.

RECOMMENDATION: Permit subject to Section 106 Agreement

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, NP15v1 to NP45v1 (inclusive), NP46v1 (excluding plot 36), NP47v1 (excluding plot 39), NP48v1 - NP55v1 (inclusive), NP56v1 (excluding plot 38), NP57v1 - NP83v1 (inclusive) received on the 13th December, 2013; drawing nos. NP5v2, NP6v2, NP7v2, NP8v2 and NP87v1 received on 24th March, 2014; drawing no. NP86v1 received on the 27th March, 2014; drawing nos. NP4v2 and NP84v2 received on the 14th May, 2014 and drawing nos. NP3v3, NP9v3 and NP88v1 received on 16th May, 2014] except where otherwise stipulated by conditions attached to this

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- permission or unless otherwise agreed in writing by the National Park Authority.
- 3 Notwithstanding the approved plans as listed in condition 2 above and the submitted schedule of materials and finishes, no development shall take place until details or samples of materials to be used externally on walls and roofs of all proposed structures (including enclosures and garage doors) and on all hard surfaces, including roads, paths and parking spaces 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 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.
- 5 Prior to beneficial occupation of the dwellings within Phase 5 of drwg. no. NP4v2 received on 14th May, 2014, the design of the accesses into this phase of development, and the treatment of Ty Mawr Lane/Crossroads to make it less attractive to through traffic, shall be submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 6 Within 5 days of the date of commencement of the development provision shall be made within 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.
- 7 No development shall take place, including any groundworks, 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:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling and or disposing of waste resulting from demolition and construction works
- 8 No development shall take place until a scheme for the surface water drainage of site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme or relevant phase is completed.
- 9 No development shall take place until a scheme for the foul drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme or relevant phase is completed.
- 10 The dwellings shall achieve a minimum Code for Sustainable Homes Code Level 3 and a minimum of 1 credit under Ene 1 Dwelling Emission Rate in accordance with the requirements of TAN22 'Planning for Sustainable Buildings' and the Code for Sustainable Homes Technical Guide 2010. Construction of the dwellings hereby permitted shall not begin until an Interim Certificate has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1

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- credit under Ene1 - Dwelling Emission Rate, has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes Technical Guide. Within 6 months of beneficial occupation of the individual dwellings hereby permitted a Final Certificate shall be submitted to the Local Planning Authority certifying that Code Level 3 and a minimum of 1 credit under Ene 1 Dwelling Emissions Rate has been achieved.
- 11 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 to Friday 7.00 am to 6.00pm, Saturday 8.00 am to 1.00 pm nor at any time on Sundays, Bank or Public Holidays.
- 12 Prior to the commencement of development an external lighting plan shall be submitted to and approved by the Local Planning Authority in writing. The lighting plan shall include a lighting design strategy for biodiversity which shall:
- a) Identify those areas/features on site that are particularly sensitive for bats; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- 13 Prior to the beneficial occupation of any of the residential units an estate management plan detailing the management company's proposed maintenance schedule and a scheme for the provision of storage, prior to disposal, of domestic 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.
- 14 Notwithstanding the plans hereby approved, prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the National Park Authority. Development shall be carried out in accordance with the approved details.
- 15 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until details of the phasing of the proposed site clearance, tree felling, hedgerow clearance and replacement planting as part of the approved landscaping scheme (Drwg. No. NP86v1 received on 27th March, 2014) has been submitted to and approved by the Local Planning Authority. The submitted design shall include drawings at a scale of 1 to 200 or 1 to 500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.
- 16 The landscaping scheme approved under conditions 2 and 15 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 National Park 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

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- the 5 year maintenance period.
- 17 The landscaping scheme required by conditions No. 2 and 15 above shall include the following:
- a 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.
 - b Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.
 - c Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.
- 18 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 public open space, mature woodland, the local area of play, the unadopted highway and the bat mitigation measures other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the National Park Authority prior to the beneficial residential occupation of the development. The landscape management plan shall include details to be agreed with the LPA relating to landscape management and maintenance for 10 years from the final beneficial occupation of the scheme.
- 19 Notwithstanding the provisions of condition 7 above, no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) A timetable for implementation including a phased approach to vegetation clearance and new landscaping;
 - c) Identification of “biodiversity protection zones”;
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 20 Prior to the commencement of development details of the play area including play 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 shall be constructed in accordance with the approved details and thereafter maintained and retained in perpetuity unless otherwise agreed in writing by the LPA.
- 21 Plots 1-9 that will be accessed via Ty Mawr Lane/Crossroads shall not be occupied until the submitted scheme for the improvements to Ty Mawr Lane/Crossroads (Drwg. No. NP88vI received on 16th May, 2014) has been completed in accordance with the approved details and a Section 278 Agreement with Monmouthshire County Council Highways Authority.

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- 22 Prior to the commencement of development a highway safety audit and environmental audit (to be included in the subsequent section 278 agreement with Monmouthshire County Council Highways) together with tracking analysis for refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority.
- 23 No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:
- a Fencing, of a type and form agreed in writing with the Local Planning Authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.
 - b No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the Local Planning Authority.
 - c No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.
 - d There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.
- 24 The integral and detached garage elements hereby permitted shall be kept available for the parking of private motor vehicles at all times and shall at no time be converted to habitable accommodation. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 25 In addition to the provisions of condition 15 above, no development shall take place (including any demolition, ground works, site clearance, tree felling) until a method statement to cover impacts on bats has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include:
- a) The provision of alternative bat roosting features, including installation of bat boxes prior to any vegetation clearance and tree felling at the site;
 - b) A methodology for tree-felling at an appropriate time of year and in a sensitive manner;
 - c) The extent and location of proposed works shown on appropriately scaled maps and plans;
 - d) A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) The persons responsible for implementing the works;
 - f) The initial aftercare and long-term maintenance and monitoring
- The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 26 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Details of the Sustainable Drainage Scheme (SuDS);
 - c) Ecological trends and constraints on site that might influence management;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;

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- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

27 Phase 4 of the development shall not begin until details of the levels, gradients and barrier treatments proposed for the footpath onto Abergavenny Road at the south-west corner of site have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

28 Before the development hereby permitted commences on the site, additional soil sampling shall be undertaken and the results provided to the Local Planning Authority to determine which species of chromium is present within the site. If the chromium is identified as the most toxic form, chromium VI, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential units hereby permitted are occupied. Additionally, soil containing elevated PAH contamination levels in the south west portion of the site should be scraped back and segregated from other soil and used under hard landscaped areas. To ensure that this measure is implemented a method statement confirming how this will be undertaken shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented before any residential units hereby permitted are occupied in order to prevent accidental contamination of this material in a garden area.

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 in the interests of the character of the area and in order to ensure a sustainable form of development to meet the requirements of the Local Development Plan and TAN 12.
- 4 In order to safeguard the character and visual amenities of the locality.
- 5 In the interests of highways safety..
- 6 In the interests of highway safety.
- 7 In the interests of highway safety and to protect the amenities of neighbouring occupiers.
- 8 To ensure an orderly form of development
- 9 To ensure an orderly form of development
- 10 To satisfy the requirements of Planning Policy Wales (2014) and Technical Advice Note 22: Planning for Sustainable Buildings (June 2010).
- 11 To protect the residential amenity of local residents and occupiers.
- 12 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and

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- Policies SPI, 3, 4, 6, 7, 8, 9, 10 and 12 of the adopted Local Development Plan.
- 13 To ensure an orderly form of development.
- 14 In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 15 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 16 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 17 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 18 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
- 19 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.
- 20 To ensure the play area is suitably equipped.
- 21 To ensure the safety and free flow of traffic and pedestrians on the highway.
- 22 To ensure the safety and free flow of traffic and pedestrians on the highway
- 23 To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.
- 24 To ensure adequate off street parking arrangements remain available at all times.
- 25 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.
- 26 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.
- 27 To ensure a safe and accessible environment for pedestrians and to comply with DDA requirements.
- 28 To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

Informative Notes:

- 1 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 2 Further advice on compliance with the contaminated land conditions may be obtained by contacting the Environmental Health Service at Monmouthshire County Council.
- 3 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 Monmouthshire County Council Highways.
- 4 The developer is advised to contact DC/WW'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. Telephone No. 0800 9172652 for further information on this matter.
- 5 The developer shall note if there are changes to the plans hereby approved due to building regulation requirements or any third party requirements, details should also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.

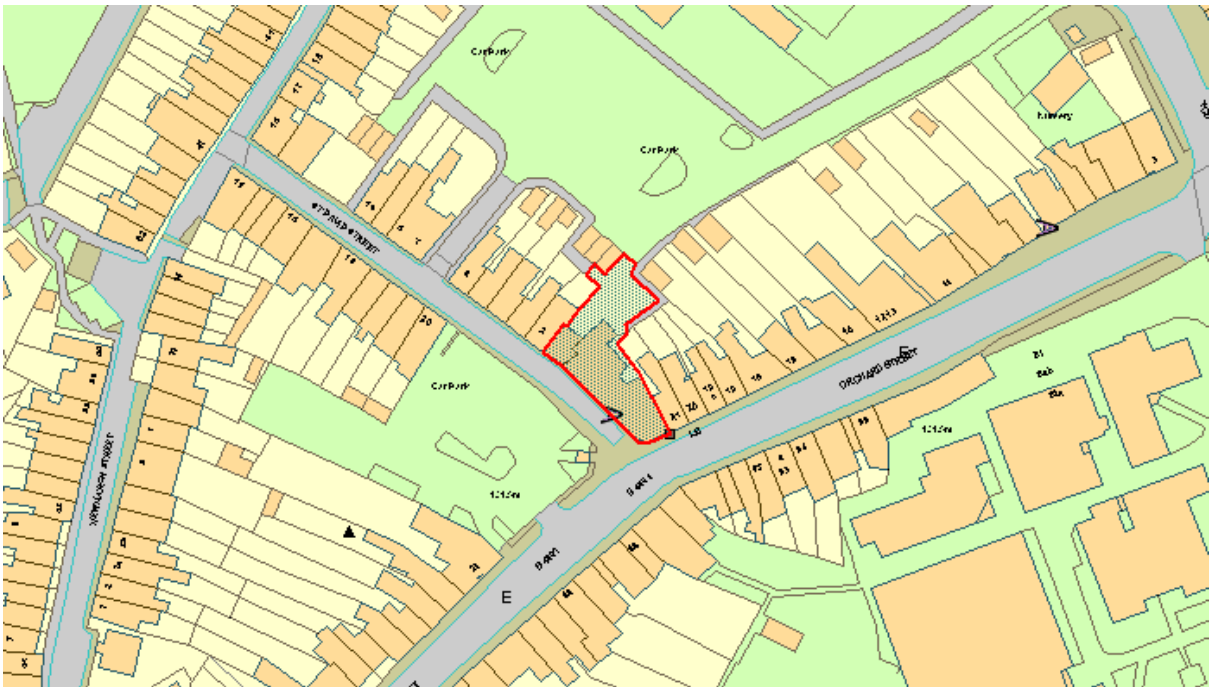
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- 6 This planning permission is pursuant to condition precedent conditions. Failure to comply with such conditions without obtaining written approval by the National Park Authority prior to the commencement of development works will render this planning permission invalid and formal enforcement action being taken to regularise the unauthorised development works.
- 7 Natural Resources Wales advise that the applicant seeks 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.
- 8 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.
- 9 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 10 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the local County Surveyors Department for advice on how to progress the agreement.
- 11 The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
- 12 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access their apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- 13 The proposed development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

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ITEM NUMBER: 2

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: Mr 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

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Natural Resources
Wales/Cyfoeth
Naturiol Cymru

24th Jul 2013

historic or archaeological features will be affected by 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

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Environment Agency's 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

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

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.

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,

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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-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'.

Natural Resources
Wales/Cyfoeth
Naturiol Cymru

21st Feb 2014

The application site lies entirely within Zone CI 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 suitable flood proofing measures to the internal

ENCLOSURE 5

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

Natural Resources
Wales/Cyfoeth
Naturiol Cymru

13th Aug 2013

No comment

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.

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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 reconsultation 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.

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

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 LP1	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

This application is brought for consideration by the Planning and Rights of Way Committee as a recommendation for approval without a contribution towards affordable housing 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

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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 applicants 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.

Principle

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 CI 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 other purpose 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.
- 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: 3

APPLICATION NUMBER: 14/10565/FUL

APPLICANTS NAME(S): Mr Carwyn Iles

SITE ADDRESS: Land Adjacent To A4054
North Of Cefn Coed
Merthyr Tydfil

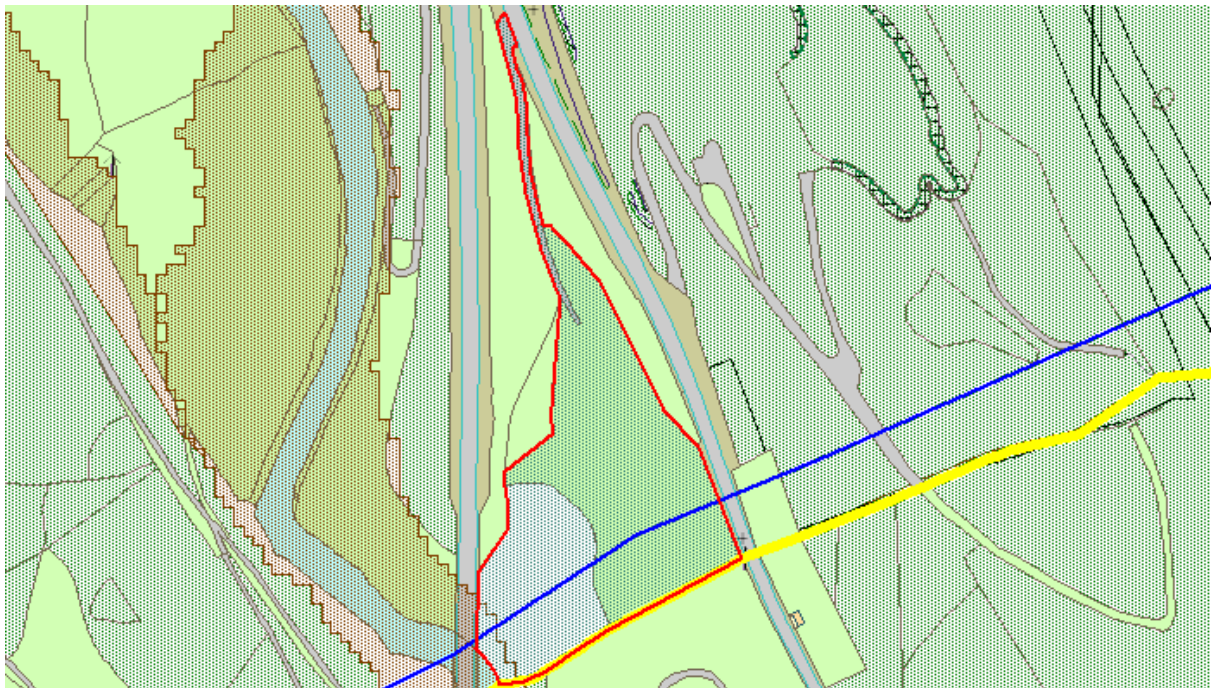
GRID REF: E: 302355 N:208886

COMMUNITY: Vaynor

DATE VALIDATED: 13 March 2014

DECISION DUE DATE: 8 May 2014

CASE OFFICER: Mrs Helen Rice



PROPOSAL Natural burial ground

ADDRESS Land Adjacent To A4054, North Of Cefn Coed, Merthyr Tydfil

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Health And Safety Executive	21st Mar 2014	Commenting
Heritage Officer (Archaeology)	15th Apr 2014	<p>No mitigations required, but wanted to highlight the Essential Setting of the adjacent Registered Park and Garden.</p> <p>Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that the site of the proposed development is within the Essential Setting of the Grade II Registered Park and Garden Gm70(MER) Coed Cefn Cemetery and Jewish Burial Ground. However, taking into account the nature of the proposed development, and the use of the area of low impact natural burials, the proposed development is unlikely to have a negative impact on the setting of this nationally designated heritage asset. There are no known archaeological sites or remains on the site, therefore direct archaeological impact is not considered likely. No archaeological mitigations required.</p>
Merthyr Tydfil CBC Development Control	30th Apr 2014	No Objection subject to the imposition of conditions as specified by Merthyr Tydfil County Borough Council Highway Engineer.
Merthyr Tydfil CBC Engineering And Highways	7th Apr 2014	<p>No objection,</p> <p>Conditions: Visibility splays of 2.4 metres by 43 metres at the point(s) of access onto the public highway shall be provided before the commencement of the development and anything within the vision splay shall not exceed 0.9 metres in height.</p> <p>The existing access shall be permanently stopped-up at a point in time and in a manner to be agreed with the LPA.</p>
Merthyr Tydfil CBC Waste And Environmental		No comments received
National Grid UK	14th Apr 2014	The proposal is in proximity to National Grid's

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Transmission		Transmission assets and as such we suggest you take no further action with regards to your proposal until you hear from us.
National Grid UK Transmission	30th Apr 2014	Holding Objection issued pending confirmation that no works are to take place within 12.2m of the National Grid Pipeline.
Natural Resources Wales/Cyfoeth Naturiol Cymru	8th May 2014	<p>Thank you for consulting us on the above proposal which we received on the 21st March 2014. We have the following comments to make regarding the application.</p> <p>We are aware that we have previously provided comments on a planning application for this site in 2011 (Our reference: SE/2011/113874/01). The site is located within close proximity of the Taf Fawr and is also situated on a principal aquifer. This type of aquifer has the potential to store and yield sufficient groundwater on a strategic scale and is therefore considered sensitive with respect to controlled waters. Therefore we recommend that the following condition is included on any planning permission your authority is minded to grant.</p> <p>Condition</p> <p>All burials in the cemetery shall be:</p> <ul style="list-style-type: none">- a minimum of 50 m from a potable groundwater supply source;- a minimum of 30 m from a water course or spring;- a minimum of 10 m distance from field drains;- no burial into standing water and the base of the grave must be above the local water table; <p>Reason</p> <p>To protect the quality of controlled waters in the local area.</p> <p>We recommend that the applicant reviews the following guidance 'Assessing the groundwater pollution potential of cemeteries (3rd edition)' available on the Environment Agency's website. Please note that at green burial sites, the coffin or shroud should be at a depth of at least 1.3m with grass or shrub cover over the grave.</p>
NP Head Of Strategy	9th Apr 2014	The development plan for the area is the Brecon

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Policy And Heritage

Beacons National Park Local Development Plan 2007-2022 (hereafter LDP) which was adopted by resolution of the National Park Authority on the 17th December 2013.

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

Proposal

The proposal seeks the development of a natural burial ground.

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. 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 that are considered acceptable within these parameters. Criterion 2 of this policy makes provision for proposals that strengthen and enhance the provision of community facilities and services serving the region. This strategy position is refined through policy 51 which sets out that the development of community facilities in countryside locations is limited to edge of settlement locations.

The proposal before us seeks to extend an existing burial ground which serves the settlement of Cefn Coed y Cymmer, this village is primarily located outside of the National Park boundary. As such it is reasonable to suggest that the proposal meets criterion 1(b) of policy 51 in that the proposal is adjacent to an existing community facility, and supports the sustainable development of an existing community (albeit outside of the NP boundary).

As such the strategy and policy team are satisfied that the principle of the development is acceptable in accordance with policy CYD LPI and Policy 51 of the LDP.

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However I note that the proposal is located in an area where Policy 2, 'Notifiable Installations', In this instance this is due to the presence of a North Sea Gas Pipeline onsite. This does not prejudice development on site, however you need to be satisfied that there will be impact on public health or safety arising from the proposal and/or impact on the operation of the notifiable installation.

Recommendation:

Strategy and Policy have no objection to this proposal.

NP Planning Ecologist 11th Apr 2014

A. Planning Policy & Guidance

- 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:

- o SP3 Environmental Protection - Strategic Policy

- o Policy 3 Sites of European Importance

- o Policy 4 Sites of National Importance

- o Policy 5 Sites of Importance for Nature Conservation

- o Policy 6 Biodiversity and Development

- o Policy 7 Protected and Important Wild Species

- o Policy 8 Trees and Development

- o Policy 9 Ancient Woodland and Veteran Trees

B. Legislation

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

- o Natural Environment & Rural Communities Act 2006 - Section 40 requires local authorities to

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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 creation of a natural burial ground adjacent to an existing cemetery which lies to the south. The site lies between the A470 and the A4054 and much of it is currently sheep-grazed pasture with areas of woodland. The northern part of the site includes steep, unmanaged slopes and a small area of less-improved grassland.

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

- o Natural Burial Ground, Danydarren Farm, Cefn Coed, Merthyr Tydfil - A Phase I Ecological Assessment by Just Mammals Consultancy dated June 2011

- 3. I welcome the submission of the ecological report with the application and I note that bat activity surveys undertaken in May 2011 found limited use of the site by bats (common and soprano pipistrelle bats were the only species recorded, and

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in low numbers). The recommendations regarding works to trees T2 and T17 are appropriate.

4. The assessment of the botanical interest of the main field was not undertaken at an appropriate time of year; nevertheless, I agree that the main field appears to be improved and of limited botanical interest.

5. The assessment of the site was undertaken in 2011 and the development proposals have changed since that time in order to accommodate a new access from the A4054. This will have an impact on the steep, unmanaged slope adjacent to the road, the northern part of the field (north of the hedgeline) and the hedgerow. The ecological assessment of the site should be updated to take account of this and address the impacts on the grasslands. Unimproved calcareous and acid grassland habitats are found near the site (within 100m); both are Priority Habitats listed in section 42 of the NERC Act 2006 and afforded some protection under LDP Policy 6.

6. There will be opportunities to accommodate biodiversity enhancement measures as indicated in the ecological report. It is not clear whether these measures can or will be implemented during the course of development. The prevention of grazing in the woodland areas to allow regeneration of trees and shrubs is particularly welcome; it needs to be clarified whether this is part of the proposals.

7. The landscaping plan is also based on the original scheme and does not include the proposed new access. It conflicts with the Design and Access Statement as it indicates that the land will be mown once or twice a year and the arisings removed. The DAS states that the site will continue to be grazed; this has implications for the likely success of the new woodland and tree planting shown on the landscaping plan.

D. Recommendations

The following issues need to be addressed before this application can be approved:

- o An ecological survey and impact assessment of the land affected by the proposed new access should be provided, with botanical surveys at an appropriate time of year to assess the grassland

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habitats. Impacts on Priority Habitats would need to be appropriately mitigated or compensated for. The development proposals will need to be assessed in terms of compliance with LDP Policy 6 (see below).

- o The landscaping plan should be amended to take account of the proposed new access. Fully detailed planting plans will also be required although this could be subject to a planning condition should this application ultimately be approved.

- o Clarification of the future management of the site is required - is it to be grazed or occasionally mown? A long-term habitat management plan will be required to ensure that the site is sensitively managed in the future. An approach to the proposed management of the site should be agreed prior to determination; the finer details can be subject to a planning condition. Cessation of grazing and introduction of an appropriate mowing regime is preferred.

Reasons:

To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP

To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006

Policy 6

Biodiversity and Development

Development will only be permitted where;

1. the developer proves to the satisfaction of the NPA that there is no unacceptable loss or fragmentation or other impact of a habitat or landscape feature and/or increased isolation on important species as listed under Section 42 of the NERC act (habitats and species of principal importance to Wales), OR

2. A the developer identifies habitats and landscape features of importance for wildlife within the site and provides for the further creation, positive management, restoration, enhancement or compensation for these habitats and features to

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ensure that the site maintains its nature conservation importance; and

B full provision is made for the future management of the site's habitats and features of nature conservation value. This will be secured either through Planning Obligations or the imposition of Planning Conditions; and

C there is no unacceptable loss/breaching of linear features (e.g. hedgerows, woodland belts) Development should seek to enhance linear habitat features (e.g. hedgerow, woodland belts) 'dark corridors' and roosts used by bats

The NPA will require all development being judged against this policy to provide biodiversity enhancement through the scheme in accordance with the direction of the Planning Obligation Strategy.

NP Planning Ecologist 20th Jun 2014

A. Planning Policy & Guidance

- 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:

- o SP3 Environmental Protection - Strategic Policy

- o Policy 3 Sites of European Importance

- o Policy 4 Sites of National Importance

- o Policy 5 Sites of Importance for Nature Conservation

- o Policy 6 Biodiversity and Development

- o Policy 7 Protected and Important Wild Species

- o Policy 8 Trees and Development

- o Policy 9 Ancient Woodland and Veteran Trees

B. Legislation

- o Environment Act 1995 - the first Statutory

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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 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 creation of a natural burial ground adjacent to an existing cemetery which lies to the south. The site lies between the A470 and the A4054 and much of it is currently sheep-grazed pasture with areas of woodland. The northern part of the site includes steep, unmanaged slopes and a small area of less-improved grassland.

2. I have reviewed the documents and drawings submitted with the application and previously provided comments on 11th April 2014.

3. The following updated ecological information has now been provided as the result of an additional survey in May 2014:

- o Natural Burial Ground, Danydarren Farm,

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Cefn Coed, Merthyr Tydfil - A Phase I Ecological Assessment by Just Mammals Consultancy dated June 2014

4. The recommendations in the ecological report are appropriate. Unfortunately the area of grassland to the north of the hedge-line has still not been assessed; it will therefore be important to retain as much of this grassland within the proposed scheme and to secure an appropriate restoration and enhancement scheme to compensate for any negative impacts on this habitat as well as to comply with LDP Policy 6. I recommend that the land immediately to the north of the hedge-line is reinstated as grassland, with trees on the steep slopes between this area and the A4054.

5. There is still some confusion regarding the future management of the site. The recommendation to secure the prevention of grazing in the woodland areas to allow regeneration of trees and shrubs is welcome. The landscaping plan states that the grassland areas will be maintained as a 'hay meadow' and mown once or twice annually; it also states "The site will not be grazed by livestock". This is all welcome; however, the DAS states that the site will continue to be grazed. Grazing also has implications for the likely success of the new woodland and tree planting shown on the landscaping plan and is best avoided or restricted to certain areas.

6. In order to comply with the NERC Act 2006 as well as LDP Policy 6, it will be important to ensure that the site is managed for nature conservation interest where possible. A fully detailed habitat protection, enhancement and management scheme will need to be submitted to demonstrate how this can be achieved.

D. Recommendations

If this application is to be approved, I recommend the inclusion of the following planning conditions in order to secure appropriate biodiversity mitigation and enhancement at the site:

Prior to the commencement of the development, a landscape and ecological protection, enhancement and creation scheme shall be submitted to and be approved in writing by the local planning authority.

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The scheme shall be based on the submitted landscaping scheme and shall incorporate the recommendations in the ecological report dated June 2014. It shall include reference to Local Biodiversity Action Plan Priority Habitats and Species and also make provision for the long-term management of the site. The content of the plan shall include the following:

- a) Details of areas of existing habitats/features that are to be retained and how they will be protected during and post-development.
- b) A description of features to be created and/or enhanced.
- c) Full details of seed mixes and planting specifications.
- d) The aims and objectives of the management proposals.
- e) Appropriate management options for achieving the aims and objectives.
- f) Preparation of a work schedule.
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Provision for ongoing monitoring and remedial measures (how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme).

The approved plan shall be implemented in accordance with the approved details.

Reasons:

To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP

To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006

NP Tree Consultant
Vaynor Community
Forum

17th Apr 2014

No comments received
Support

Welsh Government

16th Apr 2014

Can confirm that the proposed highway

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Transport
Department

improvements to the access point off the A4054 to the site is in accordance with the WG requirements for a DMRB compliant junction perpendicular to the carriageway. Therefore, I would advise that the Welsh Government Transport as highway authority for the motorway and trunk roads has no further comments to raise on this application and would be content that the highway improvements proposed are accepted as part of the mitigation for this proposed development.

Western Power
Distribution South
Powys

Advising that electricity apparatus traverses the application site and provides various guidance to the developer to ensure safe working practices.

CONTRIBUTORS

Mr And Mrs Fisher, Dan Y Darren Farm, Cefn Coed

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

One letter of objection has been received raising concerns over the highway safety implications of the proposal particularly having regard to the site's proximity to the junction between the A470 and A4054 and the nature of the traffic likely to use the facility turning from the A470 onto the A4054.

RELEVANT POLICIES

Local Development Plan Policies

Policy 1	Appropriate Development in the National Park
Policy 2	Notifiable Installations
SP3	Environmental Protection – Strategic Policy
Policy 6	Biodiversity and Development
Policy 7	Protected and Important Wild Species
Policy 8	Trees and Development
Policy 10	Water Quality
Policy 12	Light Pollution
CYD LPI	Enabling Appropriate Development in the Countryside
Policy 51	Development of New or Extended Community Facilities
Policy 59	Impacts of Traffic

Planning Policy Wales (6th Edition, February 2014)

Technical Advice Note 5: Nature conservation and Planning (2009)

Technical Advice Note 18: Transport (2007)

PLANNING HISTORY

App Ref	Description	Decision	Date
11/06347/FUL	Natural Burial Ground	Application Withdrawn	31st Aug 2011

OFFICER'S REPORT

INTRODUCTION

This application seeks full planning permission for a Natural Burial Ground on land adjacent to the A4054 (known as Danydarren Farm), near Cefn Coed, Merthyr Tydfil. The application is being reported to Members as the application site area is in excess of 1 hectare and as such is classed as a major development.

SITE AND SURROUNDINGS

The triangular shaped application site is located to the north west of Merthyr Tydfil with the A470 defining its western boundary, the A4054 leading into Cefn Coed defining its eastern boundary and the existing Cefn Coed Municipal Cemetery defining its southern boundary which is also the southern boundary of the National Park.

An existing agricultural access from the A4054 provides access into the application site which comprises an undulating grazing field that steeply slopes from east to west before levelling out and then steeply slopes from east to west down towards the A470 and River Taf Fawr.

The application site is dissected by the main North Sea Gas Pipeline which commands a 12 m wayleave (6m either side of the centreline of the pipe). The stone wall of the municipal cemetery provides a definitive boundary to the south, whilst a mixture of stone walls, retaining grounds works and woodlands define the eastern and western boundaries. In this regard the application site is very well screened from public vantage points. The majority of the application site is laid to grass and it is understood is being actively used for the grazing of livestock.

PROPOSAL

The proposal seeks to create a Natural Burial Ground where the emphasis is placed upon minimising impact upon the environment whilst providing a natural burial process. The application details that grave rights would be sold for a defined period not exceeding 100 years with the site remaining in the ownership of the landowner. The application anticipates a burial rate not exceeding 25 interments per annum with the overall total number of single interments capable of being provided within the site estimated to be 935 plots.

Grave digging would be carried out by hand, with any excess soil relocated within the site. All burials would be in environmentally friendly materials (e.g. cardboard, bamboo, and wicker) with non-biodegradable materials prohibited with the exception of some metal fixings. Single depth graves would be covered by a minimum of 610mm of soil. As no permanent memorials would be placed on graves, plot positions would be recorded

and located by a topographical grid linked to a GPS system, and it is anticipated that each burial would be marked with a GPS locating device. Any fixtures such as seats and benches would be constructed of natural materials, however no specific information on such fixtures have been provided.

It is proposed for the burial site area to be continued to be used for agricultural grazing with only mechanical grass cutting undertaken either side of the access road and banks.

This application is a re-submission of a previous application for the same proposed development that was withdrawn due to landownership issues and objections raised by the Welsh Government in relation to access into the site and its impact upon highway safety. Since that application was withdrawn, the applicant has engaged in extensive discussions with the Welsh Government to overcome both issues which has facilitated the submission of this current application.

As a consequence of discussions with Welsh Government, it is proposed to block up the existing agricultural access into the site with the creation of a new access approximately 40m to the south of the existing access from the A4054. This new access site is proposed to increase the distance between the existing site entrance and the junction of the A470/A4054. The proposal includes engineering works, by virtue of the local topography in this area, to create a level entrance capable of accommodating the expected funeral traffic. It is proposed to erect curved stone walls at the entrance with visibility splays of 2.4m by 43m. The access track will broadly follow the alignment of the existing track albeit at a raised level as indicated on the cross sectional drawings provided. Re-grading and landscaping works, including tree planting, either side of the access track are proposed to reduce the visual impact of the works whilst ensuring land stability.

The access track is proposed to extend into the wider site culminating in a turning circle which will itself provide car parking provision for up to 10 cars with a further 15 spaces provided along the 6.5m wide access track.

PLANNING POLICY FRAMEWORK

The application has been considered against the relevant policies of the Brecon Beacons National Park Authority Local Development Plan (the LDP) as indicated above, in addition to the following national guidance documents:

Planning Policy Wales (6th Edition, February 2014)

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

Technical Advice Note 18: Transport (2007)

The main considerations of relevance to this application have been determined as the principal of development, impact upon the character and appearance of the area, ecological impacts, groundwater protection, impacts upon highway safety and public safety.

Principle of development

The application site is located within the open countryside as defined by the LDP Proposals Map where there is a general presumption against development with the exception of those development forms where there is a defined essential need for a countryside location.

Policy CYD LPI sets out the forms of development that are considered acceptable within the countryside and of particular relevance to this application, Criterion 2 makes provision for proposals that strengthen and enhance the provision of community facilities and services serving the region. Policy 5I further refines the strategic position and seeks to concentrate new community facilities either within or on the edges of settlements. In this particular case, given the nature of the proposal, and its location north of the existing Cefn Coed Cemetery which lies within the administrative area of Merthyr Tydfil County Borough Council, it is considered reasonable to conclude that the application site can be classed as edge of settlement and therefore complies with criterion 1(b) of policy 5I. It is also considered that the proposal represents a logical extension to the existing neighbouring cemetery.

The development is therefore considered to be acceptable in principle subject to other material considerations.

Impact upon the character and appearance of the area

The application site by reason of local topography and boundary vegetation is very well screened with limited views into the site from nearby public vantage points along adjacent highways. Given the nature of the development, which concentrates on having a minimal impact upon the environment, with no permanent memorials or structures on site and the provision of landscaping mitigation and enhancements, the proposal would not necessarily significantly change the appearance of the existing site especially given the intention to continue to graze the majority of the burial area of the application site. The main direct visual impact of the development would be the creation of the proposed new access and the necessary cut and fill engineering works that would be required, which will necessitate the removal of some vegetation and re-grading works. However, Officers are satisfied that the submitted details provide adequate detail at this stage to ensure that the overall impact of these works can be adequately mitigated and thus would not result in a detrimental impact upon the character and appearance of the area. To secure the proposed landscaping and enhancement works a condition is recommended to be imposed to require the submission of further details prior to the commencement of works. It is therefore considered that the proposal complies with Policies CYDLPI and 1(i) of the LDP.

Ecological Impacts

Planning Policy Wales (2014), section 5.5 and also Technical Advice Note (TAN) 5, stipulate that 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.

The application site currently comprises an agricultural field, and the submitted ecological report stipulates that the site does not support any protected species that would warrant specific protection. The submitted ecological report includes various recommendations that are broadly welcomed by the National Park's ecologist. However, concerns were raised by the NP Ecologist in relation to the parcel of land where the new access is proposed which had not been adequately surveyed to establish its biodiversity potential. The applicant therefore duly submitted additional information, and whilst the NP Ecologist raised concerns over the level of assessment undertaken, it is considered that the imposition of a condition to ensure that the recommendations of the submitted documentation are duly implemented as well as setting out the long term management of the application site would be reasonable and thus overcome the concerns raised by the NP Ecologist.

The proposal is therefore considered to comply with Policies I (iv), 6, 7 and SP3 of the LDP and guidance set out in PPW and TAN5.

Groundwater Protection

The application site is located within very close proximity to the River Taf Fawr, located within the valley to the west of the site. Furthermore, the site is located on a principal aquifer that has the potential to store and yield sufficient groundwater on a strategic scale and is therefore considered sensitive to potential pollution in respect of controlled waters.

In considering the previous application, the Environment Agency (now Natural Resources Wales) initially raised objection to the scheme on grounds that the proposed use had the potential to pollute the underlying aquifer and insufficient information had been provided to demonstrate otherwise. Following discussions with the Environment Agency and the subsequent preparation of a Ground Investigation Report which included undertaking trial pit assessments, the original objection was raised on grounds that the Environment Agency was satisfied that the report demonstrated that the site could be classed as low risk given the sufficient cover of drift and sufficient depth to groundwater.

This situation still stands for the current application, and Natural Resources Wales has confirmed that they wish to raise no objection subject to the imposition of a condition to ensure that burials are located at defined distances away from controlled waters in the area as well as advising that the coffin/shroud must be buried at a minimum depth of 1.3m and covered in grass/shrub.

In light of the above, it is considered that the development, subject to the imposition of appropriate conditions would not lead to the pollution of controlled waters and therefore complies with policies I and 10 of the LDP and relevant guidance set out in PPW.

Impact upon highway safety

The application site is located in very close proximity to the A470/A4054 junction and is currently accessed from the A4054 via an agricultural style access point. The Welsh Government Transport Directorate has previously recognised that the section of A470 adjacent the site attracts high speeds and, by virtue of its alignment and visibility, encourages overtaking. As such, careful consideration of the highway safety aspects of the proposal has been undertaken.

By way of background, in relation to the previous application which sought to use the existing access, significant concerns were raised over the potential for long and slow moving funeral corteges turning right onto the A4054 from the A470 and then in a matter of a few meters turning into the application site again creating potential highway hazards on a stretch of road where accidents have happened. Similarly concerns were raised over possible highway verge parking along the A4054 presenting additional highway safety concerns. The Welsh Government Transport Directorate advised that they would not object if a new access point could be created further to the south of the existing access and therefore further away from the junction or the creation of an access via the existing cemetery to the south.

Following extensive discussions between the applicant and the Welsh Government, the current proposal seeks to create a new access which is located approximately 40m from the existing access and 85m from the A470/A4054 junction. As stated above, the new access would necessitate significant ground works due to the local topography, however, it is considered that this would provide an adequate access point into the site and is supported by the Welsh Government Transport Directorate. In addition, visibility splays of 2.4m by 43m can be achieved and therefore Merthyr Tydfil County Borough Council as the Highway Authority for the A4054 raise no objection to the scheme.

In terms of car parking, the proposal includes the provision for up to 25 car parking spaces within the application site itself. The applicant advises that the nature of the burials do not tend to attract large funeral corteges and as such the provision for 25 car parking spaces is considered ample in their opinion. Whilst evidently there is the potential for large funeral corteges to occasionally use the facility, it is not considered that this would be the case frequently thus leading to a highway safety concern that would warrant a refusal of the application.

It is considered reasonable for the Authority to impose an informative of any planning permission to advise the developer to ensure that funeral parking is to be fully contained within the application site. In any event, both the Welsh Government Transport Directorate and Merthyr Tydfil County Borough Council Highways have raised no concerns about the car parking provision on the site.

Therefore, whilst it is recognised that the site is close proximity to an existing junction with the A470 trunk road and that concerns were originally raised in relation to the

potential conflict between funeral corteges and other users of the highway, these concerns have now been adequately addressed by reason of the proposed new access point and sufficient parking provision within the application site as such the proposal complies with Policy 59 of the LDP, relevant guidance set out in PPW and TAN18.

Impact on Notifiable Installations (National Grid Pipeline)

The application site is dissected by the National Grid Gas Pipeline which runs diagonally across the centre of the field from east to west. The applicant is entirely aware of its location and the submitted proposals indicate a 12m wayleave (6m either side of the centre of the pipeline) where no burials will be able to take place. The Health and safety Executive have been notified of the proposal and in conjunction with National Grid have confirmed the pipeline's presence and provided a suite of information regarding development within the vicinity of the pipeline. Whilst National Grid initially objected to the proposal, following discussions, this objection has been withdrawn subject to the imposition of conditions to ensure that due regard is given to the presence of the pipeline.

On grounds that the applicant is aware of the pipeline's location and the need for a 12m wayleave and the limited development that will take place, it is not considered that the proposal poses a significant risk to the existing pipeline. A condition specifying that no works or burials shall take place either side of 6m of the centreline of the pipeline is recommended to be imposed and the information received from National Grid concerning the pipeline will be sent to the applicant in the event that planning permission is granted.

CONCLUSION

It is considered that the proposal for a natural burial ground at the above location would be considered acceptable in principle and by reason of the overall ethos to minimise environmental harm would not have a detrimental impact upon the character and appearance of the area. Furthermore, the development would not have a detrimental impact upon biodiversity and water quality will not be affected. Following extensive negotiations and discussions with the Welsh Government Transport Directorate the proposal provides an acceptable access solution that would require extensive ground works which can be adequately mitigated against through landscaping and re-grading. As such, the proposal is considered to comply with policies CYDL LPI, SP3, 1, 2, 6, 7, 8, 10, 12, 51 and 59 of the LDP, as well as relevant guidance in PPW and relevant TANs.

RECOMMENDATION: Permit

Conditions and/or Reasons:

- I The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v2, NP3v1, NP4v1, NP5v2, NP6v1, NP7v1 and NP8v1), unless otherwise agreed in writing by the Local Planning Authority.
- 3 No burials shall take place 6m either side of the centreline of the mains gas pipeline which traverses the site.
- 4 All burials in the burial ground hereby approved shall be:
 - a minimum of 250m from a potable groundwater supply source;
 - a minimum of 30 m from a water course or spring;
 - a minimum of 10 m distance from field drains;
 - no burial into standing water and the base of the grave must be above the local water table.
- 5 All graves shall have a minimum depth of 1.3m and covered in soil and topped with grass.
- 6 No permanent headstones, memorials or any other similar structures shall be erected on the site unless otherwise agreed in writing by the Local Planning Authority.
- 7 No lighting shall be installed or erected on the site.
- 8 The development hereby permitted shall not be brought into use until the parking and turning areas have been completed strictly in accordance with the approved plans.
- 9 Prior to the beneficial use of the burial ground hereby approved, the existing agricultural access shall be permanently stopped up in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 10 Prior to the beneficial use of the burial ground hereby approved, access visibility splays of 2.4m by 43m shall be provided in accordance with the approved details. The visibility splay shall be kept free of any obstruction above 0.9m in height.
- 11 Prior to the commencement of the development, a landscape and ecological protection, enhancement and creation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the submitted landscaping scheme (drawings NP5v2 and NP8v1) and shall incorporate the recommendations in the ecological report dated June 2014. It shall include reference to Local Biodiversity Action Plan Priority Habitats and Species and also make provision for the long-term management of the site. The content of the plan shall include the following:
 - a) Details of areas of existing habitats/features that are to be retained and how they will be protected during and post-development.
 - b) A description of features to be created and/or enhanced.
 - c) Full details of seed mixes and planting specifications.
 - d) The aims and objectives of the management proposals.
 - e) Appropriate management options for achieving the aims and objectives.
 - f) Preparation of a work schedule.
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Provision for ongoing monitoring and remedial measures (how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the

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originally approved scheme).

The approved plan shall be implemented 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 In the interests of public safety.
- 4 To protect the quality of controlled waters in the local area.
- 5 To minimise visual impact whilst ensuring adherence with Natural Resource Wales guidance.
- 6 In the interests of visual amenity.
- 7 In the interests of visual amenity.
- 8 In the interests of highway safety.
- 9 In the interests of highway safety.
- 10 In the interests of highway safety.
- 11 To protect and enhance the biodiversity of the application site.

Informative Notes:

- 1 The developer's attention is drawn to the attached information provided by Western Power Distribution and National Grid in relation to the electricity lines and the gas pipeline that traverses the site. The developer is advised to contact both organisations prior to the commencement of works.
- 2 The developer is advised to ensure that all funeral vehicles park within the application site, and if greater numbers of vehicles are anticipated beyond that which can be accommodated within the application site, that contact is made with Merthyr Tydfil County Borough Council Highways to ensure suitable arrangements are in place to avoid any highway obstructions.

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ITEM NUMBER: 4

APPLICATION NUMBER: 14/10712/FUL

APPLICANTS NAME(S): Mr Stephen Rayner

SITE ADDRESS: Car Park At Brecon Sports Association Playing Field
Canal Bank
The Watton
Brecon
Powys

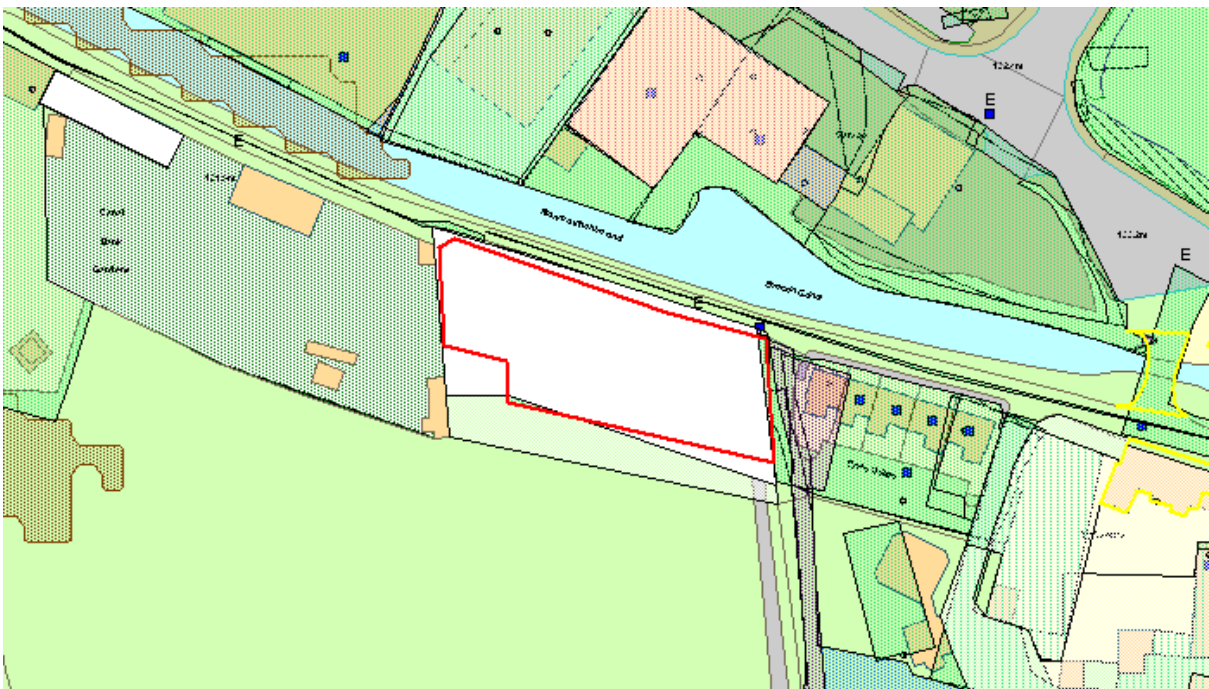
GRID REF: E: 305083 N:228008

COMMUNITY: Brecon

DATE VALIDATED: 16 April 2014

DECISION DUE DATE: 11 June 2014

CASE OFFICER: Mrs Kate Edwards



PROPOSAL Proposed temporary (2 years) siting of two shipping containers for storage purposes in association with canoe club

ADDRESS Car Park At Brecon Sports Association Playing Field, Canal Bank,
The Watton, Brecon

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CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Brecon Town Council	9th May 2014	The Committee wish to reiterate their previous comments that the containers be green in colour to blend in with the surroundings. No further comments received.
Canal And River Trust		
Canal And River Trust	12th May 2014	No comments to make.
Canal And River Trust	9th Jun 2014	Summary: After due consideration of the application details, including the additional information provided on 20th May and 2nd June, the Canal & River Trust has no objections to the proposed development. This response is however made on the assumption that the use can only continue for a period of two years and that prior to use the containers will be clad in accordance with the details provided by the applicant. This is to ensure that the proposal had minimal impact on the character and visual amenity of the Monmouthshire and Brecon Canal towpath.
Heritage Officer (Archaeology)	12th May 2014	No archaeological mitigation's required.
NP Head Of Strategy Policy And Heritage	14th May 2014	My comments relating to the previous withdrawn application 14/10423/FUL remain valid to this application. I append these for your reference. I must stress, given the location of these containers in close proximity to an area of high amenity value, appropriateness of design must be given due consideration even, in the determination of a temporary permission. I recall some discussions were had in relation to the previous proposal suggesting timber cladding of the container which would be more appropriate than the current plans. For information here follows a summary of the previous response submitted in respect of withdrawn application reference 14/10423/FUL

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The LDP sets out that where proposals for development or change of use of land or buildings directly relate to projects to enhance community sustainability and are of low environmental impact, these may be enabled at edge of settlement sites (LDP Para 4.8.1). This strategic objective is supported by policy E LPI Community Sustainability Edge of Settlement Exceptions. The proposal seeks development of storage facilities to support the continued sustainability of Brecon Canoe club. As such the principle of development is in keeping with that set out in criterion 4 of policy E LPI which enables proposals relating to the provision of community recreation land and necessary related development.

In making your determination I draw your attention to paragraph 4.8.3 of the LDP which sets out that such edge of settlement development must cause no detrimental impact to the settlement or landscape character and should be commensurate with all other relevant Local Development Plan (2007-2022) policies governing appropriate development in the National Park. In this instance I have concerns regarding the appropriateness of the shipping containers to the location, and request whether a more sensitive design solution can be offered to meet the canoe club's needs.

Recommendation:

The principle of the development at this location is acceptable; I request that further consideration is given to the appropriateness of the design solution proposed by the Canoe Club at this location.

summary:

This application falls to be considered under the following LDP Policies:

SPI - National Park Policy

Policy I - Appropriate Development in the National Park

CYD LPI - Appropriate Development (in the Countryside)

Policy 48 - New or Extended Outdoor Activity Centres

The application site is located outside of the Key Settlement Boundary of Brecon and, as a result, is considered to be located in the countryside.

Policy CYD LPI enables recreational development

NP Head Of Strategy 10th Jun 2014
Policy And Heritage

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which by evidenced necessity requires a countryside location as essential to its function. Whilst this application site is located in the countryside, it is located immediately adjacent to the key settlement of Brecon. It is reasonable to suggest that the close proximity of the site to the Primary Key Settlement casts some doubt over a countryside location being "essential to its function", and the applicant has failed to submit any evidence to demonstrate this in line with the requirements of CYD LPI.

It is considered that the storage units would represent an 'un-evidenced' development in the countryside that would therefore have an unnecessary impact upon the visual amenities of the area contrary to the requirements of Policy I and SPI.

Given the temporary nature of the development, together with the amended design (cladding), it is considered on reflection that it would be reasonable to allow a departure from the Development Plan in this case.

NP Senior Heritage
Officer (Building
Conservation)

15th May 2014

Summary:

Conclusion

From a built heritage perspective the principle of a sympathetically designed building that both respects the character of the conservation area and the semi-rural context might be acceptable in this location. Although permission is sought for a temporary period, it is felt that the proposed use of shipping containers as temporary buildings is not appropriate in this location and other forms of temporary buildings should be explored. On this basis it is recommended that the application is refused.

NP Senior Heritage
Officer (Building
Conservation)

3rd Jun 2014

Subject to us agreeing the details of the proposed cladding, including a sample, it is felt this could be a satisfactory solution given the temporary nature of the permission.

Powys County
Council Highways

28th Apr 2014

Does not wish to comment.

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

No comments received.

RELEVANT POLICIES

SPI National Park Policy
Policy 1 Appropriate Development in the National Park
CYD LPI Appropriate Development (in the Countryside)
Policy 48 New or Extended Outdoor Activity Centres
Policy 19 Development affecting Conservation Areas
E LPI Community Sustainability Edge of Settlement Exceptions

PLANNING HISTORY

App Ref	Description	Decision	Date
14/10423/FUL	Location of two ex-shipping containers to provide storage for Canoe Club	Application Withdrawn	7th Apr 2014

OFFICER'S REPORT

This planning application is brought before Members of the Planning, Access and Rights of Way Committee as, although officers are recommending approval, the proposed development is considered a departure from the Development Plan.

Introduction

Planning permission is sought for the siting of two shipping containers for a temporary period of two years. During the processing of the planning application the applicant has amended the scheme and it is proposed to clad the containers with wood.

Application Site

The site is part of the land associated with the Brecon Sports Association Playing Field, though it should be noted that the area is not identified as community use land in the Local Development Plan (December 2013-2022).

The application site is a section of the parking area associated with the Brecon Sports Association Playing Field. The land is allocated as countryside but is adjacent to the settlement boundary of Brecon. Within 12 m north of the site is the Brecon and Monmouthshire Canal. A hedge lies between the site and the canal. To the east of the

ENCLOSURE 5

site are dwellings and to the south is the Sports Association field. Within 5 m west of the site is the boundary of the Brecon Conservation Area. The Conservation Area boundary is demarked by a large natural stone wall.

Along this section of the canal there are distinct differences in the character and appearance of the northern and southern sides of the canal. The northern side is more industrial in character and appearance as there are large buildings and yards associated with a variety of activities such as builder's merchants, commercial car repair and car sales. On the southern side of the canal, whilst there is residential development close by, the open spaces provided by the playing fields and playground provides a sense of openness and countryside with medium and long vistas of trees, fields and hills are maintained.

Principle of Development

A summary of the comments of the Strategy and Policy Team are provided above. The development was considered acceptable in respect of an edge of settlement development but should also be considered under policy CYD LPI. As evidence has not been submitted to demonstrate that alternative permanent storage has been sought within Brecon, the development is considered a Departure. The applicant has stated that the equipment is stored in Libanus and it is accepted that the location might be inconvenient in terms of distance and impact on local residential amenities. However there are concerns regarding the lack of evidence submitted by the applicant to demonstrate that a search has been made of existing buildings that may be utilised. For example the results of approaching local estate agents or other sports clubs where facilities can be shared.

It is considered that a temporary consent will provide some interim storage for a local sports club while they seek an appropriate permanent alternative.

Impact on the Character and Appearance on the Conservation Area, Locality and Canal

It is considered essential to protect the countryside character of the area, the views of and around the Canal and the Conservation Area and the provision of storage for the canoe club activities.

In respect of visual impact the comments of the National Park Buildings Conservation Officer, National Park Strategy team and the Canal and River Trust are provided above. Officers agree with the concerns of these consultees. It is considered appropriate to only permit a temporary siting of the proposed containers as the character and appearance, even of a clad container, is poor but officers wish to assist the canoe club and the approach that has been taken is the most appropriate.

Conclusion

Recommendation is one to permit the development for a temporary period of two years.

RECOMMENDATION: Permit

Conditions and/or Reasons:

- 1 The storage containers hereby permitted shall be in situ for no more than 2 years from the date of this decision notice. The containers shall be removed from the site and the land shall be restored to its original condition in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority within three months of the expiry of this consent.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans and details (drawing nos. NP1v1 and NP2v1 received 16/04/14 and e-mail received 30/05/14) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the commencement of development a sample of the wooden cladding (inclusive of any paint to be used on the external surfaces) shall be submitted to and approved in writing by the Local Planning Authority. Prior to the beneficial use of the containers the approved sample shall be used to clad the external elevations and maintained as such for the duration of this consent.

Reasons:

- 1 To protect the special qualities of this area of the National Park and to allow time for the applicants to submit an alternative scheme.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To ensure adherence to the approved plans in the interests of a satisfactory form of development permitted for a temporary period.