



**BRECON BEACONS NATIONAL PARK AUTHORITY**

**DELEGATED DECISION REPORT**

<b>Application No:</b>	12/07918/FUL	<b>Case Officer:</b>	Mrs Kate Edwards
<b>Site Notice Posted:</b>	20th Apr 2012	<b>Consultation Date:</b>	18th Jul 2012
<b>Date Valid:</b>	30th Mar 2012	<b>8 Week Target:</b>	25th May 2012
<b>Decision Type:</b>	Delegated Decision		
<b>Proposal:</b>	Change of use of land to activities and camping associated with the education residential study centre for the use by Moseley School for the purposes of field study. Also the retention of associated engineering works and land profiling		
<b>Address:</b>	Grouse Cottage, Cymro Road, Llanelly		

**CONSULTATIONS/COMMENTS**

<b>Consultee</b>	<b>Received</b>	<b>Comments</b>
Llanelly Community Council		No comments received.
Llanelly Community Council		No comments received.
Monmouthshire County Council Highways		No comments received.
NP Head Of Strategy Policy And Heritage		No comments received.
NP Ecologist	12th Jun 2012	No comments.
Monmouthshire County Council Environmental Health	7th Jun 2012	<p>Further to my recent contact with Kate Edwards of BBNP I can advise that I have now considered this application (for change of use of land to activities and camping associated with the education residential study centre) from my Environmental Health perspective. I have no objection in principle.</p> <p>I can advise that whilst there will be the potential for some noise from the persons camping in the grounds of the premises to be audible on occasions at the nearest dwellings in the vicinity , I am not in a position to substantiate a level of disturbance which would merit an objection from this section .</p> <p>I can advise that if the grounds are used for camping for more than 42 consecutive days or more than 60 days in</p>

any consecutive 12 months then a camping site licence will be required from this section. A site licence would be accompanied with conditions concerning matters such as the number of tents, spacing between the tents and provisions relating to washing, sanitary provisions etc. Finally it is not clear from the application what provisions there are for the drainage of foul / waste water on site and I suggest that BBNP clarifies that satisfactory provisions have been made.

Monmouthshire County 26th Jul 2012  
Council Environmental  
Health

The clarification [regarding drainage foul / waste water] are noted. The previous comments remain: no objection in principle.

## **CONTRIBUTORS**

Dr Rachel Casperd, Pen Yr Heol Farm Cymro Road, Llanelly  
David Noon, TY'r-ywen Farm,  
Mr MARTIN CASPERD, Pen Yr Heol Farm Cymro Road, Llanelly  
Howard Giles, GilesHoward@monmouthshire.gov.uk,  
Julie Turner, Penyrheol Cottage, Cymro Road

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

Supports the replacement of the fence with a stock fence, the removal of the concrete slabs and proposed grass mesh.

The new extension is much better than the previous extension.

The retaining wall system and engineering works are overbearing and unnecessary. They give an overbearing feel to the site.

Noise from the site is a problem, when the accommodation was restricted to the cottage there had been no complaints from neighbours.

There is no information regarding the education activities.

There is no mains water at the site. There is a private water supply and too much water is being taken by education centre.

There are only two combined small wet rooms available for 30 youngsters and 4 adults. These are insufficient facilities for the numbers using the site.

There is only a non-mains sewerage system. One application form acknowledges this and the other suggests that the development will be connected to the existing system.

The form states that no trees or hedges will be affected by the development. This is not the case and a tree survey is warranted.

The site is next to a SSSI and SAC, the development proposals are not sympathetic to the environment.

The applicants have not consulted with neighbours. The camping proposals are particularly unwelcome and there is a question regarding the appropriateness of the activity. The form notes that there will be 30 annual trips involving durations of up to 2 nights. It is not worth travelling to South Wales for such short trips and this aspect of the application requires clarification.

The children are not adequately supervised as they are very noisy, often late at night and they enter private land.

Following the receipt of further information regarding the activities on site the additional comments and objections were received from third parties. A number of the comments and objections have already been submitted to this Local Planning Authority, therefore only the additional comments are summarised below.

The questions asked by the case officer have not been answered clearly. Of crucial importance there is no information given regarding the frequency of visits to the site. The further information is

couched with the term mainly this and mainly that. No specific details of the number of visits per year, duration or frequency are given. The local planning authority is obliged to give accurate details regarding the number of visits of both the school and older studies. Details of what activities will be permitted at the site are needed.

Information is given about the activities that the children will be doing. No information is given as to what the children will not be doing. The objector has been informed by Mr Giles Howard, Community Councillor for Llanelly that the proposals are for 30 trips a year of 30 students. This will represent a very significant intrusion in terms of noise.

Until 2012 visits to grouse cottage occurred once a year if that with a small number of students housed inside the building. Trustees of the school kept good contact with neighbours and made every effort to maintain relationships with the local community.

Since 2010 indiscriminate building work without planning permission or adherence to Building Regulations has taken place.

Two minibuses will be required for this many visitors. There is not adequate parking on the site. The road is single track and used by farmers who need to move large farm machinery along the road. The students frequently walk along the road, which is increasingly used as a quick run for traffic. The safety aspect of this is questioned.

Two full grit bins were used to get the minibuses up the road one evening in 2011 and used up the whole supply that would normally be used throughout the winter and are essential to life in this area.

The majority of the comments above relate to the planning application for the retention of the engineering works and change of use of land to camping area. The application regarding the retaining wall was decided prior to the receipt of any of the letters of objection. The comments regarding the extension to the property were considered as part of the determination of the planning permission.

Comments regarding noise, activities, trees, non-mains sewage disposal and the nearby Site of Special Scientific Interest/Special Area of Conservation will be considered below.

Issues regarding the water supply are private matters between the parties involved and will not be considered as part of this planning application.

There are no existing hedges and trees affected by this planning application. Whilst there may have been trees affected by the engineering works, no trees around the site which are the subject of a tree preservation order. However, as there are significant numbers of old trees with holes in the trunks and such holes may be used by bats for roosting and hibernating it is considered prudent to contact Countryside Council for Wales. Countryside Council for Wales is the Authority with powers to enforce the protection of bats and it is considered important to ensure that an investigation regarding the possibility that bats could utilise the trees is taken into consideration before further works which may not require the benefit of planning permission are carried out.

It is not considered appropriate to question the applicant's rationale regarding the objection to the distance between the school and the site and duration of visits against the time taken to travel to the site. The application form clearly states that the duration of any visit will be 2 days and if planning permission is granted this can be controlled by condition.

## **RELEVANT POLICIES**

**G3:** "Development in the National Park" (Unitary Development Plan 2007)

**G4:** "Development Affecting Trees" (Unitary Development Plan 2007)

**G6:** "Design" (Unitary Development Plan 2007)

**Q1:** "Sites of European Importance" (Unitary Development Plan 2007)

**Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)

**Q21:** "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)

**Q25:** "Residential Education, Training and Outd" (Unitary Development Plan 2007)

**LPG3:** "Development in the National Park." (Local Plan 1999)

**LPG4:** "Development in the National Park." (Local Plan 1999)

**LPG7:** "Design and energy conservation." (Local Plan 1999)

**LPCL3:** "Wildlife and landforms." (Local Plan 1999)

**LPCL4:** "Wildlife and landforms." (Local Plan 1999)

**LPCL6:** "Wildlife and landforms." (Local Plan 1999)

**LPT1:** "Tourist, recreation and education." (Local Plan 1999)

**LPT14:** "Recreational paths." (Local Plan 1999)

## **PLANNING HISTORY**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
11/06753/CPE	Educational residential study centre for use by Moseley School for the purposes of field study	Application Permitted	16th Nov 2011
12/07919/FUL	Retention of single storey side extension and external lighting. Demolition of existing porch and replacement with a canopy porch. Removal of slabs, replace with grass mesh, replace fence with wire	Application Permitted	25th May 2012
12/07799/FUL	Retrospective Planning Approval for a system of retaining walls and the proposed cladding of the walls	Application Permitted	3rd May 2012

## **OFFICER'S REPORT**

### **Site Description**

Grouse Cottage is a residential study centre located on land allocated as open countryside. The centre is a former cottage.

The property is located in an elevated position with long distance views across the Usk valley towards Abergavenny and across the Clydach Gorge.

### **Proposal Description & Appraisal**

This application seeks consent to retain four plateaus that have been created by unauthorised engineering works. This [planning application also seeks consent to continue use the plateaus for camping.

Recently a number of developments have taken place on site without the benefit of planning permission and the site history is provided above.

Further information submitted with the application

- A Design and Access Statement has been submitted with the planning application.
- Further information regarding non-mains sewage disposal on site has been received.
- Additional information regarding the activities of the school has been received. Due to the hilly location very few activities can take place. Health and Safety also restricts such activities as camp fires, and therefore any noise is restricted to that produced by children visiting the site, which has occurred for the last 40 years. In summary there will be no singing around camp fires, ball games or other organised activities outside. The visits are likely to be mainly of two night's duration, mainly in the week during school term time, it is a significant logistic

exercise and as this reduces the numbers of teachers in the school the trips have to be of short duration. Field trips occur with smaller numbers of students for up to a week but this is predominantly with A Level students (aged 16-18) who are focused on studies rather than on a "school trip" break.

- Grouse Cottage has been used by the school for the last 40 years. The school are keen to work to improve the relationship with the local community and will ensure that noise levels are kept within reasonable limits.
- Grouse Cottage as a building will be continued, as approved, to accommodate pupils daily needs including classroom, bathroom and cooking facilities. The inclement weather restricts the amount of time outside and as such should alleviate concerns regarding noise.

## **Officers Appraisal**

Following statutory adoption of the Brecon Beacons National Park Local Plan 1999 (hereinafter called 'the Local Plan'), work on the Brecon Beacons National Park Unitary Development Plan (hereinafter called 'the UDP') commenced in 2000. The UDP was subject to all the statutory consultations and procedures associated with the preparation of development plans, including a local inquiry and an Inspector's report.

The Brecon Beacons National Park as Local Planning Authority (hereinafter called 'the Authority') received a direction from the Welsh Government (hereinafter called 'WG') under Section 17(1) of the Town and Country Planning Act 1990 (as amended) in relation to the safeguarding of sand and gravel in the National Park. The Authority resolved not to comply with the WG direction to modify the UDP as it was not considered that the quality of the resource had been adequately established or that the environmental constraints relating to the sites had been sufficiently considered.

The UDP was subsequently approved by the Authority for development control purposes in March 2007 and sets out the policies and proposals to guide development in this area from 2001 to 2016 and beyond. As a point of clarification, the direction from the WG relates solely to sand and gravel issues and does not relate to any matters raised in this application.

Whilst the adopted Local Plan and its associated Structure Plans remain the formal statutory policy framework for the area, the UDP provides a more up-to-date and relevant planning framework in line with current National Planning Policy.

The Brecon Beacons National Park Authority Local Development Plan (LDP) has been published in draft and progressed to public deposit state. Legal Advice is that whilst the emerging LDP is now material, little weight can be given to it in planning decision making at this stage.

This application is, therefore, considered against policies G3, G4, G6, Q1, Q2, Q4, Q21 and Q25 of the UDP and policies G3, G4, G7, CL3, CL4, CL6, T14 and T1 of the Local Plan.

Constraints highlight that the site is within the consultation buffer zone of a Public Footpath (Policies Q21 and T14). The footpath is also the adopted public highway which runs near the site boundary. The existing walls or cladding does not represent any encroachment on to the road nor is there a need to use the road during the application of natural stone to the existing walls. There will be no detriment to the Right of Way and no further consideration will be given to Policies Q21 and T14.

A number of objections, supportive comments and comments which are not material planning consideration have been submitted. A summary of the comments that have been received is provided above. Issues regarding the water supply are a private matter between the parties involved.

## **Principle of Development**

Policy Q25 requires that proposals to create a new residential education, training or outdoor pursuits centre (use class C2) or hostel or to extend an existing one will only be permitted if i) it is within a settlement, or if not it utilises an existing building, or in the case of an extension is within the curtilage of the building being extended; and ii) activities can be regulated by a legal agreement so that no harm will be caused to the Park's special qualities or its natural beauty, wildlife and cultural heritage.

The property is an existing education centre. This planning application to provide camping facilities at the property are considered to be ancillary to the use of the education centre and not a separate application for a campsite which could be used by persons other than teachers or pupils of the Moseley School. The area on which the unauthorised works and activities has taken place is considered to be within the curtilage and also close to Grouse Cottage which results in the tents being seen in the context of the house and not in an isolated location. Given the comments of the National Park Ecologist and scale of the development does not warrant a requirement for a legal agreement.

It is considered that the proposed development meets with the requirements of the above Policy.

### **Neighbour Amenity**

Policy G3 (v) of the UDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area, adjacent properties or the general public.

The nearest properties to Grouse Cottage are 111 m and 185 m distant from the site. The comments regarding noise pollution have to be balanced against the response of the Environmental Protection Department of Monmouthshire County Council and any investigations regarding noise pollution. The comments of Monmouthshire County Council are provided above and no investigations regarding noise pollution are referred to.

The comments regarding the terminology used in the additional information regarding the number and duration of visits to the site is noted. However officers must consider that the proposed camping area can be used as part of the education centre and utilised at any time and for any period. However it is considered important to ensure the camping area is used only for the education activities of pupils.

In addition to the above considerations in accordance with the Town & Country Planning (General Permitted Development) Order 1995 the land could be used for camping activities for 28 days in any consecutive 365 days without the benefit of planning permission. Whilst no objections have been received from Monmouthshire County Council Environmental Protection and given the benefits provided by the Town & Country Planning (General Permitted Development) Order 1995 it is considered reasonable to impose conditions relating to the timing of activities on site to control noise pollution as a result of the activities. If the public are concerned about the noise emissions from the education centre the Environmental Protection Department at Monmouthshire County Council need to be contacted.

It is considered the proposed use as a campsite to support the educational activities at Grouse Cottage and the engineering works to be retained will not create any detriment to the amenities of the public or neighbours to warrant a recommendation of refusal in this instance as the requirement of the Policy is met.

### **Visual Amenity**

Policies G3 (iii) aim to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Park's landscape and built environment. Policy G6 refers to design and states that development will be expected to meet the WAGs key design objectives and respond to the local context.

The position and size of the site in the landscape is noted. It is considered that, due to the distances between the site and other mountains in the area, there will be no detriment to visual impact by virtue of the distances involved.

The DAS also refers to there being no need for lighting in the camping area. It is considered important that the camping area remains dark during the night to protect the visual amenities of the area. As an education centre the property does not benefit from permitted development rights to provide facilities such as lights. A condition cannot be imposed to restrict the provision of lighting as such a condition would not be necessary. However, a note can be added to any consent drawing attention to the need for planning permission for proposed lighting.

The site can be seen from areas of public open access near to the site. It is considered that due to the size of the camping area (223 m<sup>2</sup>) and the provision of additional landscaping there would not be detriment to the visual qualities of this part of the national park that would warrant a recommendation of refusal in this instance.

### **Protected Species, Site of Special Scientific Interest, Special Area of Conservation and Trees**

Constraints have not highlighted the Site of Special Scientific Interest or Special Area of Conservation in the area as the site is too far from these designated areas. However it was considered prudent to consult with the National Park Ecologist.

Policies Q1, Q2 and Q4 require that development proposals do not detrimentally impact on Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or protected species. The SAC which is some 350 m from the development site is designated as such due to the use of the area by bats.

Policy G4 requires that where planning applications are submitted on sites containing trees that are considered valuable to the amenity of the area the NPA will seek to ensure that: i) the trees and their root systems will be retained and adequately protected prior to, during and after, development takes place; and ii) where it is agreed that trees are to be removed, replacements will be required, where appropriate. A scheme for replacement shall be agreed with the NPA prior to the commencement of development.

The DAS also contains a statement regarding the willingness of the applicant to plant ~~of~~ a hedgerow along the eastern ~~ly~~ boundary of the site.

There are no existing hedges and trees directly ~~affected~~ as a result of the development proposed in this planning application. Whilst there may have been trees ~~affected~~ by the engineering works, no trees around the site are the subject of a tree preservation order. However, there are significant numbers of old trees with holes in the trunks and such holes may be used by bats for roosting and hibernating. It is considered prudent to contact Countryside Council for Wales to make them aware of the possibility that the site could support a protected species, particularly given that the site is in close proximity to a SAC designated as an important habitat/area for bats.

Countryside Council for Wales is the Authority with powers to enforce the protection of bats and it is considered important to ensure that an investigation regarding the possibility that bats could utilise the trees is taken into consideration before any works which may not require the benefit of planning permission are carried out.

It is considered that through the imposition of conditions regarding external lighting and the planting of a hedgerow the proposed developments meets with the requirements of the above policies.

### **Highway Safety**

Policy G3 criterion vii) and ix) require that proposed development is compatible with the National Park road hierarchy in that it is within the capacity of existing approach roads, and does not have an

unacceptable impact on traffic circulation or highway safety and adequate means of access and parking space can be provided to cater for the traffic generated by the proposal.

There is a driveway measuring 16 m long which can be used for parking. The comments regarding the use of the public highway are noted.

In respect of the comments relating to the salt bins, the provision of salt or use by persons is not within the jurisdiction of this Local Planning Authority. The objector needs to contact Monmouthshire County Council as the Highway Authority.

In consideration of the above third party comments and as no comments or objections have been received from the Highway Authority, it is considered that the proposals meet with the requirements of the above policy.

### **Foul and surface water disposal**

Policy G3 xii) requires that proposed development does not have an unacceptable impact on surface waters or groundwater resources in either quality or quantity. Policy G3 viii) requires that adequate services exist, are reasonably accessible or can be provided without unacceptable detriment to existing users or the environment.

In respect of possible land contamination as a result of existing non-main sewage disposal that is broken or unsatisfactory, the Environment Agency Wales would normally need to be involved. The Environment Agency Wales have published guidance regarding non-mains sewerage and do not wish to be consulted on planning applications of the scale proposed.

However Monmouthshire County Council Environmental Protection requested that the details of the non-mains sewerage disposal are provided. Details have been provided and Monmouthshire County Council reconsulted. The comments are provided above.

It is considered therefore that the proposals meet with the requirements of the above Policy.

### **Conclusion**

Recommendation is one of consent subject to conditions.

### **RECOMMENDATION: Permit**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the above Act, shall have been deemed to have been implemented on 12/04/12.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing no. NPIv1) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Any organised activities on the area of land which is the subject of this planning permission shall only take place during the hours between 08:00 to 19:00 Monday to Friday and 10:00 to 18:00 on weekends and bank holidays.
- 4 The area of land which is the subject of this planning permission shall only be used in connection with the educational activities at Grouse Cottage.
- 5 Prior to commencement of any further development, plans and details of a hedge planting scheme, including details of plant spacing, protection and species, which will be located along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the next planting season after the approval of the scheme.
- 6 Any trees or plants which, within a period of 5 years from the date of planting that die are removed or become seriously damaged or diseased they shall be replaced in the next



planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

**Reasons:**

- 1 To comply with Section 73A of the above Act.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 In the interests of the amenities of existing residential properties in the locality.
- 4 In order to ensure the development is used in accordance with the planning permission.
- 5 To achieve sustainable development through biodiversity enhancement and enhance the character and appearance of the site.
- 6 To protect and maintain biodiversity on and around the site and protect and maintain the character and appearance of the site.

(Informatives relating to camping licenses added to system & decision notice)

**Signed (Case Officer):**  
Mrs Kate Edwards  
Senior Planning Officer (DC)

  
Date: 01-08-12

**Checked (Principal Planner):**

  
Date: 2/8/12

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

  
Date: 3<sup>rd</sup> August '12

