

Date: 24th December 2023

Our Ref: BD/PR17.205

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Dear Sir, Madam,

Town and County Planning Act 1990 (As Amended)
Full Planning Application
Proposed construction of a replacement dwelling and associated works
Bryn Melys, Llanafan Fawr, Builth Wells, LD2 3PG
Planning Portal Reference: PP-12698988

Please find enclosed a full planning application for a replacement dwelling on the above site.

Submission

The planning application is supporting the following plans and supporting documents.

Document/drawing (reference where applicable)	Prepared by
Application Form	Asbri Planning Ltd
Cover Letter including Green Infrastructure Statement	Asbri Planning Ltd
Site Location Plan – Rev. A	Asbri Planning Ltd
Site Plan with Landscaping	Designcell Architecture Ltd
Proposed Floor Plans	Designcell Architecture Ltd
Proposed Elevations with External Lighting and Bat and Bird Boxes	Designcell Architecture Ltd
Proposed Section and Garage Elevations	Designcell Architecture Ltd
Landscape Planting and Management Specification	Asbri Planning Ltd
Proposed 3D Images	Designcell Architecture Ltd

A planning application fee payment of £460 has been made over the telephone (payment [REDACTED] to Powys County Council, which is the applicable fee for a development of this scale, i.e. 1 dwellinghouse.

Site Location

The application site is located at grid reference SN 94483 55464, in open countryside located approximately 3km west of the village of Llanafan Fawr. The site lies 6.5km to the north-east of Beulah and 8.7km to the south-west of Newbridge-on-Wye. The site directly abuts the southern side of the unclassified road U0014 which runs from its junction with the B4358 Beulah-Newbridge road to a cross-road junction known as Capel Rhos located some 200m west of the site.

The site lies within Llanafan-fawr Community Council area and within the Powys County Council Llanafan Fawr ward boundary. The site location is indicated at Figures 1 and 2 below;

Fig. 1: General Site Location (site circled red)

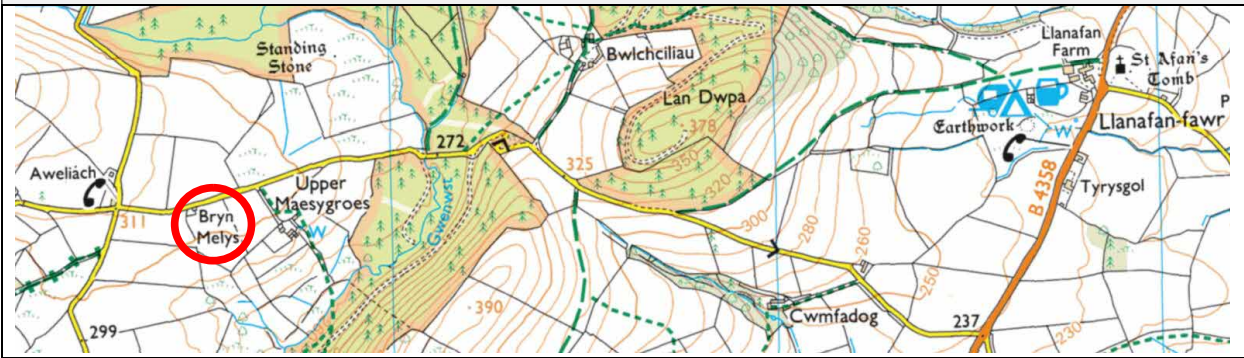
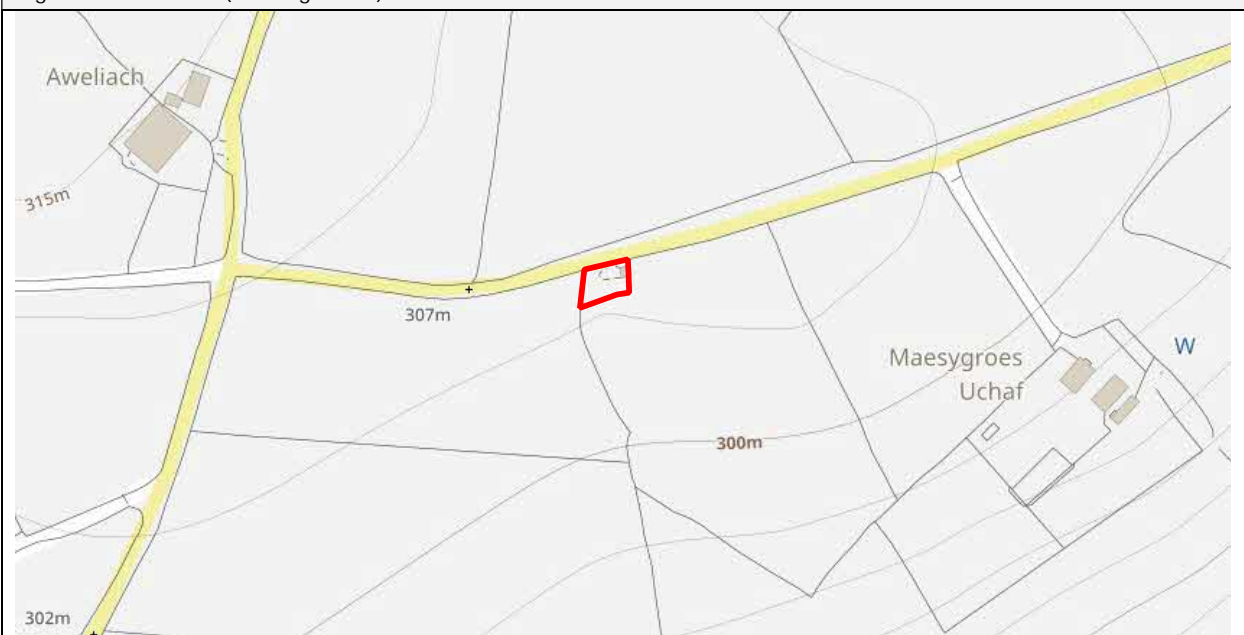


Fig. 2: Site Location (site edged red)



Site Description

The application site comprises of a vacant residential plot that previously accommodated a dwelling named 'Bryn Melys' along with a stable block and storage container all of which were demolished on 26th April 2019. Site photographs at Appendix 1, shows the original dwelling being demolished and the site as existing.

Vehicular and pedestrian access to the plot is via a gated driveway set within the roadside hedgerow off the unclassified adopted highway U0014. This leads to a tarmac parking/ turning area which still remains.

The northern boundary to the roadside comprises a cropped native hedgerow. The western boundary also features a cropped native hedgerow abutting a field to the west. The southern and eastern site boundaries are both marked by post and wire agricultural fencing which separate the plot from the wider field within which it sits.

The site is flat and currently comprises a combination of tarmac driveway and turning area, the remains of the foundations of the former dwelling and stable block and a small area of grassed former lawn.

The site does not lie within a conservation area, or any other area subject to a specific landscape designation.

The nearest residential dwellings to the application site are Measygroes Uchaf, located 230m to the south-east and the applicants farm at Awel Iach, which is located 230m to the west.

The site is not crossed by any public rights of way. The nearest right of way is footpath no. 025/56/6 which is located 170m east, running north-south from the unclassified road U0014 along the driveway to Maesygroes Uchaf. This is illustrated on the submitted Site Location Plan.

There are no listed buildings within proximity of the site within the nearest at Rhysgog lying over 1km to the south and within no intervening line of site.

The nearest Scheduled Monument comprises a standing stone (Cadw ref. BR090) which is situated around 529m to the north-east of the application site, but again, there is no intervening line of site.

Background

On 8th February 2019, full planning permission was granted under ref. 19/0017/FUL for a "Proposed replacement dwelling". The permission was subject to six conditions, although none of these required any action prior to the commencement of development. Condition 1 of the permission required that development was to be begun no later than the expiration of five years from the date of this permission, i.e. 8th February 2024.

The previous dwelling known as Bryn Melys and the stable block and storage unit was demolished on 26th April 2019. Photographs at Appendix 1 show the demolition in progress.

The commencement of development is defined under S56 of the Town and Country Planning Act 1990. By virtue of sec.56(1) development of land is taken to be initiated:

- a) if the development consists of the carrying out of operations, at the time when those operations are begun;*
- b) if the development consists of a change in use, at the time when the new use is instituted;*
- c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs a) and b).*

Sec.56(2) provides that development shall be taken to be begun on the earliest date on which any material operation "comprised in the development" begins to be carried out. The effect of sec.56 is that permissions may be kept alive indefinitely, and remain legally extant and capable of full implementation despite expiry conditions if works or actions to implement them have commenced. These so-called "material operations" are listed at sec.56(4) as:

- a) any work of construction in the course of erection of a building;*
 - aa) any work of demolition of the building;*
- b) the digging of a trench which is to contain the foundations, or part of the foundations of any building;*
- c) the laying of any underground main pipe to the foundations or part of the foundations of a building, or to any such trench mentioned in para.(b).*
- d) any operation in the course of laying out or constructing a road or part of a road;*
- e) any change in the use of the land which constitutes material development.*

Under sec.56(4)(aa), any work in demolition of a building is considered to be a material operation which is therefore a commencement of development.

Given that the former dwelling was demolished on 8th February 2019, development has commenced and the 19/0017/FUL permission is therefore legally extant and could be fully implemented at any time, subject to compliance with the remaining planning conditions. The fact that a replacement dwelling can be completed on the site at any time comprises a fallback position which represents a material consideration in the assessment of any new planning application.

The Proposed Development

Whilst the site benefits from an extant planning permission which could be fully implemented at any time, the applicants wish to modify the design of the approved dwelling and thus, it is necessary to make a fresh application to secure permission for a revised design for the replacement dwelling.

The plans approved under the 19/0017/FUL permission were for a single storey 3-bedroom property and a detached garage. The dwelling and garage was to be constructed in a combination of render and stone with a reconstituted slate roof.

However, the approved plans did not take full advantage of the setting of the site, which has prevailing views to the south, whereas the principal windows from the approved dwelling were orientated to the west facing the existing hedgerow.

Within building regulations and planning policy and guidance, there is an increased emphasis on the need for new development to be designed to account for solar gain, to incorporate renewable technologies and embrace placemaking principles.

The alternative design for the replacement dwelling incorporates these features of good design and placemaking. The new proposed dwelling is now 1.5-storey with bedroom accommodation incorporated within the roof space. At ground floor, the new proposed dwelling comprises an open plan kitchen/diner, living room and lounge, all of which benefit from a southerly aspect towards the prevailing views. In order to futureproof the property for future-living, the ground floor also includes an ensuite bedroom.

The first floor of the property is contained within the roof of the new dwelling and incorporates two further bedrooms. The new dwelling therefore remains as a 3-bedroom dwelling as per the extant permitted dwelling.

The revised scheme also incorporates a double garage, with the only change being the incorporation of a home office within the roof space above which reflects the increased need to accommodate space for home working.

In terms of finishing materials, the proposed new dwelling uses a similar materials palette to the extant permission, namely natural stone and render with a slate effect roof. Door and windows will be finished in a combination of uPVC and timber/aluminium composite whilst rainwater goods will be powder coated-aluminium.

Energy

It is proposed that the new dwelling will be heated through an air-source heat pump whilst solar PV to the southern roof slope with accompanying battery storage will power the dwelling.

Access

Vehicular and pedestrian access will remain the same as the current access arrangements.

Parking

The Highways Authority have adopted the CSS Wales Parking Standards which requires one space per bedroom up to a maximum of 3 spaces per dwelling. As this is for a 3 bedroom dwelling, parking for at least 3 cars is available in the driveway, forecourt and double garage in accordance with the guidelines.

Drainage

There are no proposed changes to the existing drainage arrangements. Current surface water drains to on-site soakaways and it is proposed that the same soakaways are utilised for the replacement dwelling. Further details on surface water drainage will be secured through the SAB application required under separate legislation.

Foul drainage currently drains to a septic tank and drainage field within the adjacent field parcel some 85m to the south on land within the applicant's ownership. It is proposed to retain the existing septic tank and connect the foul drainage from the replacement dwelling to the existing system.

Green Infrastructure Statement / Landscaping

It is now a requirement that all planning applications should be accompanied by a green infrastructure statement which is proportionate to the scale and nature of the proposed development.

The current site features a modest amount of green infrastructure, comprising native cropped hedges to the north and western site boundaries and some rough grass within the site itself.

The proposed development will not result on the loss of any existing trees or hedges.

Rather, it is proposed to plant around 47 linear metres of new native hedgerow to the current southern and eastern boundaries which currently only comprise post and wire fences. This new planting will soften the edge of the curtilage to the open countryside, to limit views of the proposed dwelling from south and east and to provide ecological enhancement.

The application is supported by a site plan which shows this new hedgerow planting and by a Landscape Planting and Management Specification (Ref. Fig. 3) which details the species mix of the new hedge and how it shall be maintained until well established.

Abbreviation	Species	Density	Height/ Girth (cm)	Root Cond
Ca	<i>Corylus avellana</i> (Common Hazel)	5 lin/m	60-80 (h)	Bare Root
Cm	<i>Crataegus monogyna</i> (Common Hawthorn)		60-80 (h)	Bare Root
la	<i>Ilex aquifolium</i> (Common Holly)		60-80 (h)	CON-P9
Ps	<i>Prinus spinose</i> (Blackthorn)		60-80 (h)	Bare Root
Cs	<i>Cornus sanguinea</i> (Common Dogwood)		60-80 (h)	Bare Root
Planting Methodology		Native whips to be planted at 5 plants per linear metre in double staggered rows 500mm apart.		
Maintenance 0-3 years		Maintain a 1m wide weed-free strip in line with the hedgerow (50cm either side of hedge) or until plants are successfully established. Prune hedge within the first 2-3 years of growth		

	to encourage dense bushy growth
Maintenance 3-5+ years	Once established, the proposed hedgerows will be maintained at a height of approximately 2m using an appropriate pruning tool. An annual trim undertaken between November to February (when birds are not nesting) to be carried out in accordance with good horticultural practice. All arisings to be removed as appropriate.

The development will therefore increase current green infrastructure by around 47 linear metres.

Planning Policy

Powys Local Development Plan

Powys have recently (April 2018) adopted their Local Development Plan which sets out a clear and strong strategy for meeting the future needs of the county's communities over the next decade.

The most relevant policy is Policy H9 of the LDP which specifically concerns replacement dwellings. This states;

“Policy H9 - Replacement Dwellings

Development proposals to replace existing habitable dwellings will be permitted where they comply with the following criteria:

1. *The existing dwelling shall not have been abandoned and remains clearly recognisable as a permanent dwelling under Class C3 of the Use Class Order 1987 (as amended).*
2. *The proposal shall not result in the loss of a building of special architectural or historic interest or local vernacular character. Where this is the case, proposals will only be permitted where the building is proven to be beyond realistic repair.*
3. *The replacement dwelling shall:*
 - i. *be located within or adjacent to the footprint of the former habitable dwelling and reflect the form, size and scale of the former habitable dwelling unless there are demonstrable planning advantages to be gained from deviating from the former dwelling's orientation, position or size.*
 - ii. *respect or enhance the design of the original dwelling and those of surrounding properties and the locality.”*

The supporting text to the policy states:

“4.6.26 Policy H9 supports the replacement of existing habitable dwellings providing they respect the character of the area and do not result in development which is out of scale with the locality. Where the dwelling to be replaced is considered to be of architectural, historic or local vernacular interest, there is a presumption against the replacement of such a dwelling, unless it is demonstrated, through the submission of structural and financial evidence that the building is beyond realistic repair.”

The remaining LDP planning policies which are relevant to this application are:

- ♣ Policy DM4 –Landscape
- ♣ Policy DM5 –Development and Flood Risk
- ♣ Policy DM7 –Dark Skies and External Lighting
- ♣ Policy DM13 –Design and Resources

Appraisal

Principle of development

To assess the principle of development, it is necessary to review the proposed development against the specific criteria contained within Policy H9 of the LDP. These are addressed in turn as follows:

- 1. *The existing dwelling shall not have been abandoned and remains clearly recognisable as a permanent dwelling under Class C3 of the Use Class Order 1987 (as amended).***

Comment –The existing dwelling has been demolished under a previous, extant permission (ref. 19/0017/FUL) and as explained above, this could be implemented in full at any time, given that the demolition of the dwelling comprised a material operation and a lawful commencement of development. Whilst the property has been demolished, this is in readiness for the construction of a new dwelling and the residential use of the site clearly not been abandoned.

- 2. *The proposal shall not result in the loss of a building of special architectural or historic interest or local vernacular character. Where this is the case, proposals will only be permitted where the building is proven to be beyond realistic repair.***

Comment –The previous dwelling was chalet style property, which was not listed either by Cadw, or locally listed by the LPA. It has no special architectural or historic interest or local vernacular character. The existing dwelling was in a declining state of repair, and because of its form of construction, it was not economically viable to repair the building. Regardless, the general principle of a replacement dwelling on the site has already been established beyond doubt through the grant of planning permission ref. 19/0017/FUL.

- 3. *The replacement dwelling shall:***
 - i. be located within or adjacent to the footprint of the former habitable dwelling and reflect the form, size and scale of the former habitable dwelling unless there are demonstrable planning advantages to be gained from deviating from the former dwelling's orientation, position or size.***

Comment –The proposed replacement dwelling is proposed to be sited broadly on same the footprint as the former dwelling. The dwelling will increase to 1.5 storey in height, reflecting a more traditional scale of dwelling in the countryside. The former storage container and stables are replaced by a double garage and office space above, which will be designed in keeping with the proposed dwelling. The orientation of the new dwelling has been revised in order to better account for prevailing views and solar gain from the south. Windows and doors to the northern elevation have been minimised in order to reduce heat loss, and the south facing roof-slope is now ideal for solar PV panels.

- ii. respect or enhance the design of the original dwelling and those of surrounding properties and the locality."***

Comment –The former dwelling on the site was not reflective of rural vernacular design, being a single storey chalet whereas the new dwelling will be of a height and be constructed using materials which are more appropriate to the local area. The increase in height of the ridge will also be closer to a traditional pitch. The dwelling is located at least 230m from the nearest dwellings at Maesygroes Uchaf and Awel Iach, the latter of which is the applicant's current property. Due to topography and vegetation, there are no intervening views between the proposed dwelling and Maesygroes Uchaf. Roadside hedgerows act to restrict views between Awel Iach and the proposed dwelling. The current southern and eastern boundaries to the property are marked by a post and wire fence. It is proposed to plant a new native hedgerow to these boundaries for a total length of 47m

so as to soften the edge of the curtilage to the open countryside, to limit views of the proposed dwelling from south and east and to provide biodiversity enhancement.

Access

The existing access benefits from good visibility in both directions, and is considered to be suitable to serve the proposed replacement dwelling. Given that the access to the proposed dwelling will remain exactly the same as the former dwelling, there will be no impact on the local highway network and no impact on highway safety. On this basis, it is considered that the development complies with Policies DM13 (Part 10) and T1 of the LDP.

Foul Drainage & Phosphates

It is acknowledged that since permission 19/0017/FUL was approved, that the impacts of phosphate pollution need to be considered as part of any planning application where there is any potential for impact on the River Special Areas of Conservation (SAC). The application site lies within the River Wye catchment and is located approximately 421m from the Afon Gwenwst, a stream which is a tributary of the Afon Dulas, which in turn flows into the River Irfon and ultimately the River Wye. This part of the Afon Gwenwst forms part of the River Wye SAC.

As noted, the former dwelling was served by an existing septic tank located in the field to the south of the property. It is proposed that foul water from the proposed replacement dwelling will connect to this existing septic tank. Given that there is no increase in dwellings or indeed in bedrooms between the former and proposed dwellings, it is considered that the development will have no additional impact on the water quality of the River Wye SAC.

The latest NRW guidance found at "Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation" states that:

"...new developments can be authorised if it can be demonstrated they will not lead to further deterioration of water quality in the SAC water bodies failing to meet water quality targets and will not undermine the ability for the SAC to meet its conservation objectives."

The guidance further states:

"The following developments can be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs, as there is unlikely to be a source of additional phosphorus or pathway for impacts:

- *any development that does not increase the volume and phosphorus concentration of wastewater"*

It is therefore considered that because this development will not increase the volume and phosphorus concentration of wastewater reaching the River Wye SAC, it can be screened out as being unlikely to have any adverse effect on the integrity of the river SAC.

Ecology & Green Infrastructure

Dusk to Dawn Ecology Ltd were commissioned to undertake bat surveys of the former dwelling and outbuildings. Two evening emergence surveys and one dawn survey was undertaken as well as an internal inspection of the dwelling and outbuildings. No evidence of roosting bats were found and the dwelling was subsequently demolished safe in the knowledge there were no roosting bats using the buildings.

Even so, it is proposed to install 2 no. integrated bat boxes into the new dwelling; one is proposed to the western elevation of the proposed dwelling and another in the eastern elevation of the dwelling.

It is also proposed to install 2 no. bird nesting boxes beneath the eaves of northern elevation of the proposed garage; one will be an integrated swift box and another will be an integrated, double chambered sparrow nest box.

Alongside the provision of 47m of new native boundary hedging, the provision of bat roosting and bird nesting features provide significant ecological betterment. No trees or hedgerows will be lost to facilitate the construction of the new dwelling.

External lighting has been specified on the submitted plans and positioned so as to minimise light spill and impact on bats. The submitted plan indicates:

"External downward facing PIR light from the warm-white colour spectrum only (<2700oK) with a peak wavelength exceeding 550nm."

On this basis, we consider that a condition requiring a scheme of external lighting will not be required.

In regards to green infrastructure, the development will not result on the loss of any existing green infrastructure and will include the provision of 47m of new native hedgerow. It is therefore considered that the requirements to enhance green infrastructure as part of new development is satisfied.


Conclusion

The proposed development comprises the submission of alternative plans for a replacement dwelling following the grant of planning permission 19/0017/FUL. The fact that development has commenced on site means that the 19/0017/FUL permission is now lawfully extant and can be implemented at any time and this therefore constitutes a significant material consideration in the determination of these alternative proposals. The proposed new plans are considered to represent an improvement over the extant plans, incorporating improvements in design which better reflect vernacular scale and massing, improvements in solar gain and orientation and incorporates renewable technologies. It is thus considered that the grant of planning permission would represent planning improvement over the extant situation.

Following a detailed review of local and national planning policy it is clear that the proposed development complies with all relevant policy, specifically LDP Policy H9. In addition, the proposals are considered to sit comfortably within the surrounding area and pay due regard to the character and appearance of the area.

I look forward to hearing details regarding validation of this planning application. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours sincerely,



Barrie Davies - Director

cc client

Appendix 1 –Site Photographs



Photo 1 –Demolition of former dwelling on 26th April 2019



Photo 2 –Existing Site Access and Original Driveway Gates



Photo 3 –View across tarmac driveway / turning area towards south-eastern corner of the site



Photo 4 –View across hardstanding towards south-western corner of the site



Photo 5 –View across hardstanding towards western site boundary



Photo 6 –View towards eastern site boundary