



BRECCON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 13/10000/CON **Case Officer:** Mrs Helen Rice
Site Notice Posted: 2nd Oct 2013 **Consultation Date:** 1st Nov 2013
Date Valid: 20th Sep 2013 **8 Week Target:** 15th Nov 2013
Decision Type: Delegated Decision
Proposal: Variation of Condition 1 of Planning Permission 07/01276/FUL to extend the planning permission for a further five years
Address: St. Maelog , Forge Row, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
NP Planning Ecologist	25th Oct 2013	<p>The access points for pipistrelle bats as shown seem to be broadly acceptable, however the access points on the gable ends away from the stairs/doors will not be possible on the "semi-detached" garages.</p> <p>There are no bat lofts included as recommended in the earlier bat report and as such I suggest that the provision of bat lofts that takes say 1.5m from each of the proposed "studies" in the garages to create a 3m wide loft.</p>
Natural Resources Wales/Cyfoeth Naturiol Cymru		No comments received
Llanelly Community Council	15th Oct 2013	The Llanelly Community Council wish to make No Objections as long as the Application conforms to the NPA policies.
NP Planning Ecologist	18th Oct 2013	<p>Comments</p> <p>1. Planning Policy & Guidance To comply with Planning Policy Wales (2012), section 5.5 and also TAN 5, biodiversity considerations must be taken into account in determining planning applications. Planning permission should be refused if the proposals will result in adverse harm to wildlife that cannot be overcome by adequate mitigation and compensation measures.</p>

The UDP for the Brecon Beacons National Park includes Policies Q1 - Q5 safeguarding biodiversity, including designated sites and protected species.

2. Legislation

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

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

- o Conservation of Habitats & Species Regulations 2010 (as amended) - Regulation 9 requires local authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

- i. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

- ii. That there is "no satisfactory alternative"

- iii. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

3. Development proposals

These development proposals are to extend a previous planning permission for a further five years. The proposals include the demolition of an existing bungalow at the site and the construction of three new houses and associated garages.

4. Ecological issues

- a) I welcome the submission of the ecological report with the application. I note that no physical evidence of bats was found to be present within the bungalow. A bat activity survey was undertaken on the 11th/12th September 2013 to supplement the previous surveys undertaken at the site. This is late in the season and it is unsurprising that pipistrelle bats were not recorded emerging from or entering the property. Nevertheless, the mitigation measures previously proposed are still to be adhered to; unfortunately, these are not clearly shown on the architectural drawings and the bat lofts proposed in the garages are in conflict with the office spaces shown on the drawings. It needs to be clarified where the bats lofts are to be accommodated at the site, as well as access points and specific mitigation for the pipistrelle roost that will be destroyed. It will also be important to ensure that external lighting does not conflict with any bat mitigation and enhancement measures and that light spill into the adjacent woodland

and riparian habitats is avoided.

b) I am concerned about the proximity of the river to the site and recommend that a Sustainable Drainage System (SuDS) be incorporated to manage surface water flow on and from the site; a planning condition could be used to secure the submission and implementation of this.

c) The adjacent trees are part of an Ancient Woodland; tree protection measures should be adopted to safeguard this habitat.

d) There are opportunities for habitat enhancement through the use of native species in the landscaping scheme.

Recommendations

Further clarification is required regarding the specific mitigation measures to be incorporated so that it can be demonstrated that the favourable conservation status of the species can be maintained.

If this issue can be clarified and this application is to be approved, I recommend the inclusion of planning conditions and informative notes to cover the following issues:

1. Prior to commencement of development, a full working method statement shall be submitted to the Local Planning Authority for written approval. Construction measures shall incorporate the recommendations in the Just Mammals ecological report (2008). The mitigation and enhancement measures shall be undertaken and/or installed prior to first use of the development; prior to the dwellings being brought in to use there shall be written confirmation to the LPA that the mitigation and enhancement measures have been fully implemented.
2. A copy of the final monitoring report in order to assess the success of bat mitigation measures shall be submitted to the Local Planning Authority within 3 months of the completion of monitoring surveys.
3. No development shall commence until an external lighting plan is submitted to and approved in writing with the Local Planning Authority. The scheme shall avoid conflict with bat mitigation and enhancement measures and shall be implemented in full.
4. No development shall commence until a tree protection scheme in accordance with BS:5837 (2012) is submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved.
5. Prior to commencement of the development, a landscaping plan that shall include use of native species, shall be agreed with the Local Planning Authority and

shall be implemented in the first planning season following implementation of the development.

Informative note:

1. Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 01873 737000

Reasons:

To comply with Section 5 of Planning Policy Wales (2012), Technical Advice Note 5 and the Brecon Beacons National Park Unitary Development Plan policies Q4 and Q5

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

NP Rights Of Way
Officer

No comments received

NP Head Of Strategy
Policy And Heritage

14th Oct 2013

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 the Local Planning Authority received a direction from the Welsh Assembly Government 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 WAG 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 WAG 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. Planning Policy Wales advises that the weight to be attached to emerging plans will increase as successive stages are reached.

The Brecon Beacons National Park Authority Local Development Plan has been published in draft and progressed to Examination stage. 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.

For the above reasons, the above application should be determined in accordance with the plans and policies of the UDP, and relevant National Planning Policy.

Proposal

The proposal seeks the variation of condition 1 of Planning Permission 07/01276/FUL to renew planning permission for the demolition and replacement of one dwelling and development of 2 additional dwellings, Forge Row, Gilwern.

National Planning Policy

Planning permission was granted in September 2007 for the development of the 3 dwellings.

Since this time National Policy framework has been redrawn. In particular I draw your attention to the revisions centering on the creation of more sustainable and zero carbon buildings in Wales. Section 4.12.4 of PPW5 (Nov 2012) applications for 1 more dwellings received on or after 1st September 2010 [are] to meet code for Sustainable Homes Level 3 and obtain 6 credits under issue Ene1 - Dwelling Emission Rate.

This policy position is supplemented by Technical Advice Note 22 Planning for Sustainable Buildings (WAG June 2012) (TAN22) and Technical Advice Note 12: Design (WAG June 2009)(TAN12).

It is the opinion of the policy and strategy team that these requirements apply to this proposal.

TAN12 sets out that the Design and Access Statement "Provide[s] an opportunity for the applicant, and for developers and designers to demonstrate how they have responded to the need for sustainable buildings, in particular how they have sought to reduce carbon emissions associated with new developments to deliver low and zero carbon buildings (referencing to sustainable building standards such as the Code for Sustainable Homes) (TAN 12 A2.3)"

I am unable to find reference within the DAS as to how the proposal meets these policy requirements, and meets necessary standards for sustainable buildings. It is requested that this issue is addressed with the applicant as a matter of urgency. The proposal must comply with

National Policy requirements to be acceptable to the NPA.

Recommendation:

The proposal does not comply with national policy requirements for sustainable homes. The policy team therefore object to the proposal, and seek amendments accordingly. The policy team request that we are reconsulted once this matter has been addressed by the applicant

Heritage Officer (Archaeology)	11th Oct 2013	No objections subject to the imposition of the same conditions as previous.
Health And Safety Executive	24th Sep 2013	No objections
Natural Resources Wales/Cyfoeth Naturiol Cymru	14th Oct 2013	<p>Natural Resources Wales (NRW) do not object to the above application; however, we wish to make the following comments.</p> <p>Bats</p> <p>We welcome the update bat survey report titled 'St Maelog, Forge Row, Gilwern: Bat survey' by Environgauge, dated 13 September 2013. We note that no evidence of bat presence was found during the daytime inspection, and no bats were seen to emerge from the building.</p> <p>We agree with the conclusion of the survey report, which states that Condition 5 (relating to bat mitigation measures) of the existing planning permission should be retained in any renewed permission.</p> <p>Flood risk</p> <p>As you are aware, the application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Clydach.</p> <p>The flood model for this area was updated in 2009 and now demonstrates that the development site may partially be affected by a 0.1% flood event. We recognise that the development has existing permission and that this application is for the variation of condition 1 of that permission, to extend the time for another five years. However, we recommend that the developer undertakes a Flood Consequence Assessment (FCA) to establish the nature of the flood risk to this site, including whether there would be a risk in the 1% plus climate change event. This FCA should be used to inform the occupiers of the flood risk and to inform the construction and design of the development.</p>

We strongly recommend that flood resistance/ resilience measures are incorporated 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. This should be undertaken as a minimum, even if the developer decides not to undertake an FCA.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

CADW Ancient
Monuments

No comments received

Monmouthshire County Council Highways 6th Nov 2013

I require confirmation of access details 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.

British Horse Society

No comments received

Ramblers Association
Carmarthenshire And
District

No comments received

CONTRIBUTORS

KRF And DC Lloyd, Forge House, Forge Row

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by the erection of a site notice and by letter to neighbouring properties and one letter has been received raising concerns that the previous planning permission was not implemented and as such a reduced timeframe for implementing the planning permission should be considered as the uncertainty over the site's development is adversely affecting the value and saleability of their property.

Whilst it is within the Authority's gift to consider a reduced timeframe for implementing planning permission, a reduction needs to be justified on sound planning grounds. The impact of development on the saleability of a nearby property is not considered to be a planning justification for reducing the timeframe.

RELEVANT POLICIES

- G3:** "Development in the National Park" (Unitary Development Plan 2007)
- G6:** "Design" (Unitary Development Plan 2007)
- Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)
- Q5:** "Biodiversity and Development" (Unitary Development Plan 2007)
- Q11:** "Sites of Archaeological Importance" (Unitary Development Plan 2007)
- Q12:** "Archaeological Evaluation" (Unitary Development Plan 2007)
- ES26:** "Demolition and Replacement of Dwellings" (Unitary Development Plan 2007)
- H2:** "Development and the Risk of Flooding" (Unitary Development Plan 2007)
- LPG3:** "Development in the National Park." (Local Plan 1999)
- LPG7:** "Design and energy conservation." (Local Plan 1999)
- LPCL5:** "Wildlife and landforms." (Local Plan 1999)
- LPCL7:** "Wildlife and landforms." (Local Plan 1999)
- LPCL9:** "Archaeology and cultural features." (Local Plan 1999)
- LPCL10:** "Archaeology and cultural features." (Local Plan 1999)
- LPH2:** "New housing in larger settlements." (Local Plan 1999)
- LPH12:** "Demolition and replacement of dwellings." (Local Plan 1999)

PLANNING HISTORY

App Ref	Description	Decision	Date
07/01276/FUL	One replacement dwelling and two proposed additional dwellings (total: 3 No dwellings)	Application Permitted	23rd Sep 2008

OFFICER'S REPORT

INTRODUCTION

This variation of condition application relates to the renewal of planning permission 07/01276/FUL which granted full planning permission for one replacement dwelling and two proposed additional dwellings (total : 3 dwellings) on 22 September 2008 at St Maelog and adjacent paddock, Forge Row, Maesygartha, Gilwern.

SITE DESCRIPTION

The application site lies to the north of the A465 Heads of the Valleys road within the established residential area of Maesygartha with this particular area known locally as Saleyard. The application site comprises an existing single storey bungalow, with a mature and overgrown garden area with a large paddock area to its side. Access to the site is gained from a narrow single track shared residential drive to the west of the site. The southern boundary of the site is defined by the River Clydach with other residential properties beyond. A public footpath is located between the application site and the bank of the river. The site's northern boundary marked by Clydach wood which steeply rises from the application site with thick vegetation and mature trees. The site itself is generally level albeit surrounding land, especially to the north rises steeply.

PROPOSED DEVELOPMENT

The application seeks to renew a previous planning permission that expired on 22 September 2013, comprising the demolition of the existing single storey bungalow and its replacement with a one and a half storey four bedroom detached dwelling and detached garage with a further two, four bedroomed detached dwellings and associated semi-detached garages within the existing paddock area. The three dwellings would be set within their own garden areas with their principal elevations facing onto the internal access drive and the River Clydach beyond. Further driveways would provide vehicular access to the detached garages that are to be located towards the rear of each dwelling's garden with provision of an office space above each. In terms of design, each timber framed dwelling will be identical albeit plot 1 would be a handed version of plots 2 and 3. The proposal also involves additional planting adjacent to the public footpath to provide additional screening for the opposite dwelling known as Forge House. The application as originally submitted remains identical to that previously approved, however some minor amendments have been negotiated through this application process, principally in relation to bat mitigation measures due to a material change in circumstances since the previous application was approved. This is discussed in more detail below.

OFFICER APPRAISAL

Whilst the development plan for the area includes the adopted Local Plan (1999), it has been largely superseded by the more up to date UDP (2007) which stopped short of formal adoption but was adopted for development control purposes. The UDP therefore provides a more up to date and relevant planning framework. This application is considered against policies against policies G3, G6, Q4, Q5, Q11, Q12, Q21, ES26 and H2 of the Beacons National Park Unitary Development Plan (UDP) and policies G3, G7, CL5, CL6, CL7, CL9, CL10, H2 and H12 of the Brecon Beacons National Park Local Plan. Whilst the development proposal will be considered against both the Approved UDP and Adopted Local Plan policies, greater weight shall be given to the more up to date UDP policies unless the Local Plan policies materially differ to warrant a departure from the UDP.

In addition, the Brecon Beacons National Park Authority has received the Inspector's report on the Local Development Plan (LDP) which confirms that the LDP is sound subject to some further changes. Whilst not adopted as yet, as the Inspector's report is binding, it is considered that weight can be attached to the emerging policies of the LDP.

PRINCIPLE OF DEVELOPMENT

The application site is located within the settlement of Maesygartha as defined by the UDP and the principle of developing the site for residential purposes has previously been considered acceptable by virtue of planning permission 07/01276/FUL that was granted on 22 September 2008. Given that this proposal seeks to renew that previous planning permission it is only where there are material changes in circumstances that a different recommendation would be a different decision is issued or amendments made to the application.

The development site at present remains to be included within the defined settlement of Maesygartha as set out in the UDP, however, Maesygartha is designated as a level 4 settlement within the emerging LDP where only limited growth would be considered acceptable. Furthermore as the proposal involves a net increase of 2 dwellings, whilst no affordable housing contribution would be sought under the UDP, under the LDP some provision towards affordable housing would be required. However, it is considered on this occasion given that the application relates to a renewal and is a relatively small development, the proposal would not unduly prejudice the LDP. As such, on this occasion and given the site's history and current position of the LDP, Officers are of the opinion that it would be reasonable to continue to determine the application based on the policies of the UDP and as such the principle of development remains to be considered acceptable.

OTHER MATERIAL CONSIDERATIONS

The main considerations of this case are deemed to be the impact of the proposal on the character and appearance of the area, residential amenity, highway safety, ecological impact, archaeological impacts, flood risk and impacts on the rights of way. Given that the proposal is identical to that previously granted it is not considered that there have been any material changes in circumstance that would warrant a different recommendation in terms of the development's impact upon the character and appearance of the area, residential amenity, archaeological impacts and impacts on the rights of way and as such these matters are not discussed any further and as such are considered acceptable subject to the imposition of the same conditions as previous. However, issues have been raised in relation to the development's highway safety, ecological impacts and flood risk impacts which are discussed in more detail below.

HIGHWAY SAFETY

Policy G3 (vii) sets out that the proposed development should be compatible with the National Road hierarchy in that it is within the capacity of the existing approach roads and does not have an unacceptable impact on traffic circulation or highway safety. Policy Q21 refers specifically to public rights of way.

The proposal does not involve any alterations to the scheme previously granted which did not attract any objections from Monmouthshire County Council and as such was deemed acceptable. However, in response to this application, Monmouthshire County Council's Highways Officer requested additional access details over and above that which was previously submitted and considered acceptable. In this regard, and given that the Highways Officer did not provide justification that a material change in circumstances has occurred in terms of highway safety since the previous planning permission and as such it is not considered reasonable to require the submission of additional information whereby the previous application was considered acceptable. In this regard, it is considered that the proposal would not have a detrimental impact on highway safety in accordance with policy G3 (vii) of the UDP.

ECOLOGICAL IMPACTS

Policy Q4 refers to protected and important wild species and states that proposals on land or buildings that support protected or important species will only be permitted where: i) the need for the development outweighs the nature importance of the site, and in the case of European Protected Species, the criteria for derogation under the Habitats Regulations are met; ii) positive measures are provided to contribute to species and habitat conservation targets; and iii) the developer proves to the satisfaction of the NPA that a) the disturbance of the species and habitat function is kept to a minimum; or b) alternative areas are provided to sustain at least the current levels of populations or size of habitat affected by the proposal.

Since the previous planning permission was considered and issued, case law relating to ecological impacts has developed significantly and as such it is generally accepted that details of mitigation measures should be provided at the outset rather than subject to conditions imposed on any planning permissions. The application was supported by an updated bat survey, albeit somewhat limited in scope, it confirmed that there was no apparent increase in bat activity but, by reason of the site's identification as a bat roost in 2006, recommended that the measures set out in the original bat survey prepared for the previously application be imposed by way of conditions. NRW agreed with the content of the report and offered no objections subject to the imposition of the same conditions as those previously imposed. The NP ecologist identified however that some of the mitigation measures previously imposed could not necessarily have been implemented due to the presence of office spaces within the garages where the loft spaces were to be included. In this regard, amended drawings were requested to illustrate the proposed mitigation measures on the actual plans to ensure that they could be fully implemented. These plans have since been received and as such, it is considered that subject to the imposition of appropriate conditions reflecting the amended plans received, the development would not have a detrimental ecological impact and as

such complies with policy Q4 of the UDP. Finally, due regard has been ^{given} to Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. ^{com 15/11.}

FLOOD RISK

Policy H2 stipulates that development will not be permitted on land at high risk of flooding unless justification can be provided that demonstrates that the potential consequences of flooding have been considered and found to be acceptable. The application site lies adjacent to the River Clydach and whilst no flooding implications were raised when granting the previous planning permission, flood modelling that has taken place since the previous planning permission was granted indicates that part of the site is located within Flood Zone C2 of the River Clydach, particularly the site of proposed Plot 1. In responding to the application, NRW confirmed that the site is partially affected by a 0.1% flood event and, whilst not objecting to the proposal, recommended that a Flood Consequences Assessment be undertaken to be used to inform occupiers of the flood risk as well as informing the construction and design of the development. The applicant has since, in consultation with NRW, prepared and submitted an FCA confirming that various flood mitigation measures are to be incorporated. These measures have been accepted by NRW who confirmed to the applicant that they offer no objections to the proposal in light of the submitted FCA. It is therefore considered that provided that the mitigation measures are implemented the proposal has identified the flood consequences in accordance with policy H2 of the UDP.

In addition to the above, and as set out by the comments received from the NP Head of Strategy and Policy, since the previous planning permission was granted, the Welsh Government have imposed the need for all new residential developments since 1st September 2010 to meet Code for Sustainable Homes Level 3 and obtain 1 credit under issue EneI-Dwelling Emission Rate and as such it is considered reasonable to impose the relevant conditions to comply with current planning policy in place.

CONCLUSION

The principle of development on this site has previously been considered acceptable by virtue of planning permission 07/01276/FUL that was granted on 22 September 2008 which this application seeks to renew. There are no fundamental changes to the proposal since the previous permission and as such it is not considered that the proposal would have a detrimental impact upon the character and appearance of the area, residential amenity, archaeological impacts, highway safety and impacts on the rights of way subject to the imposition of appropriate conditions. Ecological and flood risk impacts have arisen since the previous planning permission was granted however following the submission of amended plans and a flood consequences assessment these matters have been adequately addressed subject to the imposition of conditions. The proposal is therefore considered to comply with policies G3, G6, Q4, Q5, Q11, Q12, Q21, ES26 and H2 of the Beacons National Park Unitary Development Plan (UDP) and policies G3, G7, CL5, CL6, CL7, CL9, CL10, H2 and H12 of the Brecon Beacons National Park Local Plan.

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. NP1v3, NP3v1, NP4v1, NP5v2, NP6v2, NP7v1, NP8v1, NP9v1, NP10v1, NP11v1, NP12v2 and NP13v1), unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until a detailed scheme showing the scope and arrangement of foundation design and all new groundworks which may have an impact on archaeological remains have been approved in writing by the Local Planning Authority.

- 4 No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 5 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Sections 13, 14 and 15 of the Just Mammals Report (January 2008) entitled "A report following a survey for the presence of bats with scheme of mitigation" and under the guidance of a qualified bat ecologist.
- 6 Prior to the first occupation of the dwellings hereby approved, a report prepared by a qualified bat ecologist confirming that the mitigation and enhancement measures referred to in Condition 5 have been implemented shall be submitted to the Local Planning Authority.
- 7 A monitoring survey to assess the success of the implemented bat mitigation measures shall be undertaken by a qualified bat ecologist five years after the completion of the bat mitigation measures unless otherwise agreed in writing by the Local Planning Authority. A report setting out the assessment findings shall be provided to the Local Planning Authority within 3 months of the completion of the monitoring survey.
- 8 No development shall take place until samples and/or trade descriptions of all materials to be used externally on walls and roofs and on drives and parking spaces are submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 9 No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased 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.
- 11 The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
- 12 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 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 2010.
- 13 Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2010.
- 14 The development hereby approved shall be carried out strictly in accordance with the flood mitigation measures set out in the Flood Risk Assessment prepared by Dexter Design Limited dated 25 October 2013.

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 archaeological remains are not disturbed or damaged by the foundations or other groundworks but are where appropriate preserved in situ.
- 4 To identify and record any features of archaeological interest discovered during the works, in order to minimize the impact of the works on the archaeological resource.
- 5 To minimise impact of the development on protected species.
- 6 To minimise impact of the development on protected species.
- 7 To assess whether the mitigation measures have been successful.
- 8 To ensure that the materials harmonise with the surroundings.
- 9 In order to protect the visual amenities of the area.
- 10 In order to protect the visual amenities of the area.
- 11 To satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010)
- 12 To satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010)
- 13 To satisfy the requirements of Technical Advice Note 22: Planning for Sustainable Buildings (June 2010)
- 14 To ensure that the development and its occupiers are adequately protected from flood risk.

Informative Notes:

- 1 Please refer to Rights of Way standard advice (enclosed).
- 2 Prior to any works commencing on site, including any demolition, works to trees or construction operations a European Protected Species licence needs to be obtained from the Welsh Government. A copy of the licence should be submitted to the Local Planning Authority before works commence for information.
- 3 Prior to the commencement of demolition of the bungalow, it is advised that an inspection of the property is made by a qualified bat ecologist to ensure that there are no roosting bats present.

Signed (Case Officer):
Mrs Helen Rice
Principal Planning Officer (DC)

Rice

Date: 15/11/13

Checked (Principal Planner):

Date:

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

Clymogen

Date: 15th November '13

