



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

REFER TO CADW

Application No: 14/10371/LBC **Case Officer:** Ms Rosie Burton
Site Notice Posted: 19th Feb 2014 **Consultation Date:** 22nd Jan 2014
Date Valid: 21st Jan 2014 **8 Week Target:** 18th Mar 2014
Decision Type: Delegated Decision
Proposal: Works to enhance the existing access to, and suitability of the roof space for roosting bats.
Address: Clydach House , Saleyard, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Natural Resources Wales/Cyfoeth Naturiol Cymru	5th Mar 2014	Following previous discussions with regard to the above application between Stuart Reid, the Team Leader of the Natural Resources Wales BBNP Team, and Rosie Burton, your authority's Senior Heritage Officer, we would like to confirm our position on the case. Natural Resources Wales have advised the applicant with regard to the design of the bat entrance and the hot box. Having inspected the details provided with the application, we can confirm these are suitable for the bat interest on site.
Heritage Officer (Archaeology)	18th Feb 2014	Consultation of the regional Historic Environment Record and sources held by the Brecon Beacons National Park Authority indicates that although this application affects a Listed Building no known archaeological features will be affected by this development, and this application is unlikely to have any archaeological impact. No archaeological mitigations required.
Llanelly Community Council		
NP Senior Heritage Officer (Building Conservation)	19th Feb 2014	Planning Policy Wales (Edition 5: 2013): Paragraph 6.5.9 recognises the importance of protecting the historic environment and states that: "Where a development proposal affects a Listed Building or its setting, the primary material consideration is the statutory requirement to have special regard to the

desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses"

The adopted LDP states that:

Policy 15

Listed Buildings

All listed building consent application will be determined in accordance with National Policy as set out in Circular 61/96.

Proposals for planning permission which impact on a listed building or its curtilage including the alteration, extension or change of use, whether internally or externally, will only be supported where it can be shown that there will be no significant harm to the special historic or architectural character and setting of the building or historic features.

I. Conversion / Alteration / Extension / Change of Use of a listed building

The conversion, alteration, extension or change of use of a listed building will only be permitted where the following criteria are satisfied:

- a) The proposal conserves the contribution made by the building to the character of the National Park.
- b) The materials and finishes used in the building works are compatible in all respects with those of the existing structure.
- c) The proposal conforms with all other relevant policies of this plan and national guidance
- d) The development would not have a detrimental effect on the setting of a listed or traditional building.

Considerations

This is an important grade II* building from both a historical and architectural perspective.

The works to alter the entrance into the roof space will require a small alteration to the roof structure. This section of roof structure was been altered already, probably in the late 19th century.

The alteration is to remove a small strut and a small lower section of rafter (both late 19th century in date) and to insert a wooden detail to support the slates and rafter in a different way.

The other works proposed i.e the boarding out and the installation of a hot box (for the bats) is completely reversible and will not require listed building consent.

Conclusion

That the works proposed will not have a detrimental impact on the special character of the building and from a built heritage perspective a recommendation of approval is made.

NP Planning Ecologist 14th Feb 2014

- A. Planning Policy & Guidance
- o 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.

- o The adopted Local Development Plan for the BBNP 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 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"

C. Comments

1. Thank you for consulting me on the above application. The development proposals are for works to the house to enhance the existing bat roost and also the bat access to the roof void. The works are required as part of the mitigation measures being proposed as a result of the road improvements to the A465 (Heads of the Valleys Road).

2. I have reviewed the documents and drawings submitted with the application. I have also spoken with

John Messenger of NRW in order to obtain further details regarding the current bat usage of the site. Further information has been provided that clarifies the current status of the roost as well as the reasoning behind the strategy for enhancing it.

3. I welcome the proposed improvements to the existing access for bats. This will reduce the "bottleneck effect" of the existing access, allowing the bats to emerge more quickly and thereby increasing their foraging time.

4. The proposed hot box will increase the temperature and reduce the draughts in part of the roost, which is particularly important for pregnant and lactating bats. Ultimately, this feature should increase the breeding success of the lesser horseshoe bats at the site.

5. The installation of flooring in the roof void will also reduce disturbance to bats from human activity below.

D. Recommendations

I have no objection to approval of this Listed Building Consent and fully support the stated aims of enhancing the existing roost and bat access. Conditions should be imposed to secure the implementation of the works as submitted.

Reasons:

To comply with Section 5 of Planning Policy Wales (2012), 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

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by the erection of a site notice and by letter to neighbouring properties and has been advertised within a local newspaper as development to a listed building. No objections have been received at the time of writing the report.

PLANNING HISTORY

App Ref	Description	Decision	Date
---------	-------------	----------	------

No planning history

OFFICER'S REPORT

The site is located within the community of Llanelly situated on a sharp bend of by-road between Maesygartha and the A465, opposite the garage at Saleyard, approximately one mile south west of Maesygartha.

Proposal

The application is for works to the existing listed building to enhance access to and sustainability of the roof space for roosting bats.

Appraisal

The Brecon Beacons National Park Authority Local Development Plan (LDP) was adopted on the 17th December 2013 and is now the development plan for the area. In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the following national guidance:

- o Planning Policy Wales (PPW, 2012)
- o Technical Advice Note 12 Design (2009)
- o Circular 61/96
- o Circular 1/98

The main issue of this case is primarily would the proposal have a detrimental impact on the Listed Building.

Planning Policy Wales (Edition 5: 2013) at paragraph 6.5.9 recognises the importance of protecting the historic environment and states that:

"Where a development proposal affects a Listed Building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses"

LDP (2013) Policy 15 Listed Buildings states that all listed building consent applications will be determined in accordance with National Policy as set out in Circular 61/96. The conversion, alteration, extension or change of use of a listed building will only be permitted where the following criteria are satisfied:

- a) The proposal conserves the contribution made by the building to the character of the National Park.
- b) The materials and finishes used in the building works are compatible in all respects with those of the existing structure.
- c) The proposal conforms with all other relevant policies of this plan and national guidance
- d) The development would not have a detrimental effect on the setting of a listed or traditional building.

This is an important grade II* building from both a historical and architectural perspective. The works to alter the entrance into the roof space will require a small alteration to the roof structure. However, this section of roof structure was been altered already, probably in the late 19th century.

Specifically the proposed alterations will remove a small strut and a small lower section of rafter (both late 19th century in date) and insert a wooden detail to support the slates and rafter in a different way, in order to allow better access for bats.

The other works proposed for example the boarding out and the installation of a hot box (for the bats) is completely reversible and does not require listed building consent.

The proposed works fundamentally retain the character of the existing Grade II* Listed Building. The works also enhance the existing structure to the benefit of protected species using the building. It is considered that the proposed works are sympathetic to the historical context and maintain the favourable status of the buildings historic fabric. In considering whether to grant consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works will not have an unacceptable impact upon the character and historic fabric of the listed building.

Conclusion

Comments received from the NPA Ecologist have no objection to approval of this Listed Building Consent and fully support the stated aims of enhancing the existing roost and bat access. Conditions should be imposed to secure the implementation of the works as submitted. It is proposed that consent is granted subject to the works taking place in accordance with the approved plans and such works should be carried out before the expiration of five years.

The application is considered to comply with the national and local policies and the works proposed will not have a detrimental impact on the special character of the building and from a built heritage perspective a recommendation of approval is made subject to conditions.

RECOMMENDATION – REFER TO CADW

Permit

Conditions and/or Reasons:

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans [drawing nos. NP1v1, NP2v1, NP3v1, NP4v1rcvd 21/1/2014] unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

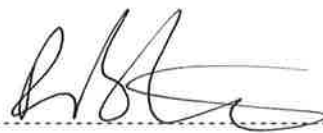
- 1 Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Informative Notes:

- 1 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.

Signed (Case Officer):

Ms Rosie Burton
Senior Heritage Officer (Building
Conservation)



Date:

13/3/14

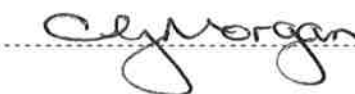
Checked (Principal Planner):



Date:

13/3/14

Signed (National Park Authorised Officer):



Date:

13th March '14