



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 15/12382/CON **Case Officer:** Mr Matthew Griffiths
Site Notice Posted: 7th Jul 2015 **Consultation Date:** 24th Jul 2015
Date Valid: 29th Jun 2015 **8 Week Target:** 24th Aug 2015
Decision Type: Delegated
Proposal: Variation of condition 2 of approvals 10/04640/FUL to allow amendments to approved design.
Address: The Long Barn, Ty Mawr Road, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	20th Jul 2015	Thank you for consulting Llanelly Community Council regarding the above proposal. Llanelly Community Council wish to offer No Objections as long as the application conforms to the NPA policies.
NP Senior Heritage Officer (Building Conservation)	30th Jul 2015	I have no comments regarding the discharge of this condition.
NP Planning Ecologist	22nd Jul 2015	I understand that you have requested additional information from the applicant for the above applications to clarify the bat mitigation measures on the architectural drawings. I can provide full comments when this information has been received, but please let me know if you require interim comments formally requesting the additional information at this stage
Natural Resources Wales/Cyfoeth Naturiol Cymru	22nd Jul 2015	Thank you for consulting Natural Resources Wales (NRW) on the above application, which we received on 03 July 2015.

We object to the variation of Condition 2, as the plans submitted do not reflect the mitigation proposed in sections E and J.5 of Smith Ecology's "The Long Barn, Ty Mawr Farm, Gilwern: Bats - Method Statement Issue 1" dated 27 May 2015.

Section A of the submitted Method Statement states that the proposed works may damage or destroy bat roosts, and that the proposed mitigation is required in order to ensure that there is no detriment to the maintenance of the Favourable Conservation Status for the affected bats.

As you are aware, bats are European Protected species protected by the Conservation of Habitats and Species Regulations 2010 (as amended). Regulation 9 requires public bodies in exercise of their functions to have regard to and, in respect of enactments relating to nature conservation, to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

These requirements are translated into planning policy through sections 5.5.11 and 5.5.12 of Planning Policy Wales (PPW) (July 2014), and Technical Advice Note 5 (TAN 5) Nature Conservation and Planning (September 2009).

Where a European Protected species is present and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by NRW, having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

The plans for the proposed development do not confirm how and where the mitigation recommended by Smith Ecology will be provided. We advise you that they should be amended before your Authority determines the variation of planning condition application.

Advice to the Applicant

The applicant should apply to NRW for a European Protected Species licence under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010

before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

NP Planning Ecologist 4th Aug 2015

A. Planning Policy & Guidance

o To comply with Planning Policy Wales (2014), section 5.5 and also Technical Advice Note (TAN) 5, biodiversity considerations must be taken into account in determining planning applications. Planning permission should be refused if the proposals will result in adverse harm to wildlife that cannot be overcome by adequate mitigation and compensation measures.

o The adopted Local Development Plan for the Brecon Beacons National Park includes the following policies regarding ecological issues and safeguarding biodiversity:

o SP3 Environmental Protection - Strategic Policy

o Policy 3 Sites of European Importance

o Policy 4 Sites of National Importance

o Policy 5 Sites of Importance for Nature

Conservation

o Policy 6 Biodiversity and Development

o Policy 7 Protected and Important Wild Species

o Policy 8 Trees and Development

o Policy 9 Ancient Woodland and Veteran Trees

B. Legislation

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

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

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

The three tests that must be satisfied are:

i. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a

social or economic nature and beneficial consequences of primary importance for the environment".

ii. That there is "no satisfactory alternative"

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

C. Comments

1. Thank you for consulting me on the above application. The development proposals are for the variation of condition 2 i.e. the approved plans for the previously approved scheme.

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

o The Long Barn, Ty Mawr Farm, Gilwern: Bats - Method Statement, Issue 2 by Smith Ecology dated 8th July 2015

3. I welcome the submission of the ecological report and Method Statement with the application. I note that bat surveys have been undertaken on a number of occasions at the site in 2007, 2010 and 2015; lesser horseshoe, Daubenton's, Brown long-eared and common and soprano pipistrelle bats have been found to be present at the site and the mitigation measures include the provision of features for crevice dwelling species such as the pipistrelles as well as a night-roost structure as part of the coal store.

4. It will be important to ensure that the vegetation to the east of the coal store is retained and that there is no light-spill towards the entrance during the hours of darkness. The previously approved landscaping scheme should be implemented in full to provide cover and foraging habitats for bats as well as nesting birds.

5. There will be opportunities to accommodate biodiversity enhancement measures and the number of crevice roosting features that are to be installed provides mitigation as well as enhancement at the site.

D. Recommendations

The previously approved landscaping and lighting schemes should be implemented as approved.

If this application is to be approved, I recommend the inclusion of planning conditions as previously imposed as well as the following:

I. The development and construction works shall

be carried out strictly in accordance with Method Statement, Issue 2, dated 8th July 2015 and drawing NP5v1 as submitted to the Local Planning Authority.

2. The biodiversity mitigation and enhancement measures shall be undertaken and/or installed prior to first use of the development. Following the installation of the mitigation, a report prepared by a suitably qualified bat consultant confirming their adequate installation shall be submitted to the Local Planning Authority.

3. The results of the two monitoring surveys shall be submitted to the Local Planning Authority within 2 months of their being undertaken.

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: 0300 065 3000

Reasons:

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

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

Natural Resources
Wales/Cyfoeth Naturiol
Cymru

Thank you for consulting Natural Resources Wales (NRW) on the above application, which we received on 03 July 2015.

We object to the variation of Condition 2, as the plans submitted do not reflect the mitigation proposed in sections E and J.5 of Smith Ecology's "The Long Barn, Ty Mawr Farm, Gilwern: Bats - Method Statement Issue 1" dated 27 May 2015.

Section A of the submitted Method Statement states that the proposed works may damage or destroy bat roosts, and that the proposed mitigation is required in order to ensure that there is no detriment to the maintenance of

the Favourable Conservation Status for the affected bats.

As you are aware, bats are European Protected species protected by the Conservation of Habitats and Species Regulations 2010 (as amended). Regulation 9 requires public bodies in exercise of their functions to have regard to and, in respect of enactments relating to nature conservation, to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

These requirements are translated into planning policy through sections 5.5.11 and 5.5.12 of Planning Policy Wales (PPW) (July 2014), and Technical Advice Note 5 (TAN 5) Nature Conservation and Planning (September 2009).

Where a European Protected species is present and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by NRW, having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

The plans for the proposed development do not confirm how and where the mitigation recommended by Smith Ecology will be provided. We advise you that they should be amended before your Authority determines the variation of planning condition application.

Advice to the Applicant

The applicant should apply to NRW for a European Protected Species licence under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application was publicised by neighbour notification and by the placing of a site notice at the entrance to the site.

RELEVANT POLICIES

CYD LPI Enabling Appropriate Development in the Countryside (Local Development Plan 2013)
Policy 1 Appropriate Development in the National Park (Local Development Plan 2013)
Policy 6 Biodiversity and Development (Local Development Plan 2013)
Policy 7 Protected and Important Wild Species (Local Development Plan 2013)
Policy 57 Use of Non Mains Sewerage Solutions (Local Development Plan 2013)
Policy 59 Impacts of Traffic (Local Development Plan 2013)
Planning Policy Wales 4th Edition (2014)
Technical Advice Note 6: Planning for sustainable rural communities (2012)
Technical Advice Note 12: Design (2014)

PLANNING HISTORY

App Ref	Description	Decision	Date
10/04640/FUL	Conversion of redundant barn, The Long Barn, into single dwelling	Application Permitted	4th Mar 2011
10/04641/LBC	Conversion of redundant barn, The Long Barn, into a single dwelling	Application Permitted	4th Apr 2011
09/02845/LBC	Conversion of redundant barn into dwelling	Application Refused	5th May 2009
09/02846/FUL	Conversion of redundant barn into dwelling	Application Refused	6th May 2009
15/12458/DISC ON	Discharge Conditions 3,4 and 5 pursuant to Planning Permission 15/12006/LBC	Application Permitted	10th Aug 2015
15/12006/LBC	Amendments to approval 10/04641/LBC to change the internal layout and introduce internal wall insulation throughout the building.	Application Permitted	26th Jun 2015
15/12370/CON	Variation of condition 2 of Listed Building Consent reference 10/04641/LBC to allow minor material amendments to design.	Pending Decision	

OFFICER'S REPORT

INTRODUCTION

This proposal is for minor material amendments to the previously approved planning permission for the conversion of the Long Barn Gilwern, which is a Grade II listed building and adjoins the Grade II listed property known as Beiliau Farm. This application is associated with an application for listed building consent which seeks to make the same amendments to a previously approved listed building consent.

The planning permission is extant and the applicant has discharged conditions precedent on the planning permission.

THE SITE OF DEVELOPMENT AND THE PROPOSED DEVELOPMENT

The site lies within countryside as defined by the Brecon Beacons National Park Local Development Plan. The site is on the edge of the village of Gilwern and is made up of a collection of listed buildings. The original farmhouse named Beiliau dates from the 17th century and may well have 16th century origins. The date of the outbuildings are unknown, however, it is likely that they may be of compatible date or slightly later to the farmhouse. The Long Barn was listed for its interest as a traditional 19th Century Barn of exceptional length.

The site is generally level, although to the rear the land rises. Bounding the site is a mixture of natural stone wall, fence and hedgerow.

The conversion of the building has been previously authorised under planning permission reference 10/04640/FUL (consent granted 4th March 2011). This current application is proposing the relocation of the bat mitigation measures from the roof area of the southern portion of the barn, which was to be used as a car port. The bat mitigation is to be moved to an existing outbuilding to the north of the barn. The removal of the mitigation measures will allow for the conversion of the car port to residential accommodation which will be incorporated into the property. The applicant indicates that the proposal will now incorporate annex accommodation, but this will not form self contained or separate living accommodation.

The alterations are mainly internal with external changes to the number of roof lights and other glazing to the barn when compared to the original approval. The proposal also details the changes to be made to the outbuilding (coal store) to incorporate the required bat mitigation.

PLANNING POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

This application is being considered as and is accepted to be a minor material amendment to the extant planning permission for the conversion of the barn, for which an application under section 73 is appropriate. The fall-back position of the further implementation of the existing planning permission is considered to be of significant weight in decision making and therefore the application is not considered to be contrary to the policy position outlined in the Local Development Plan and in particular policy CYD LPI. It would not be reasonable to apply this policy to an application that is seeking to amend an extant consent.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND ON THE PROPERTY

The impact on the listed building is considered under the associated listed building consent. It is not considered that the changes proposed give rise to additional impact on the wider character of the area and the proposed works comply with policy I.

ANNEX ACCOMMODATION

The application includes annex accommodation within the barn. There is potential for this to be subdivided and for clarity it is considered that a "granny" annex style condition should be imposed to ensure that this section of the barn does not form independent and separate living accommodation.

IMPACT ON PROTECTED SPECIES

The impact on protected species is considered to be acceptable, the relocation and amendment of the bat mitigation from the originally approved scheme has been considered by Natural Resources Wales and the NP Ecologist. They have advised that the survey information supporting this application is

appropriate and up to date and that the proposal will provide effective mitigation equivalent to that which was originally proposed. It is considered that the application will comply with Policy 7 and the Authority's legal duties in relation to protected species.

OTHER MATERIAL CONSIDERATIONS

The conversion is generally similar to the previous consent, the changes although material, are not considered to give rise to additional harm. For example, the impact on residential amenity is considered to be very similar in comparison to the approved scheme. There is considered to remain ample space around the property for the parking of vehicles notwithstanding the loss of the car port and the proposal continues to accord with policy 59.

CONCLUSION

The proposal is considered to accord with the policies of the Local Development Plan when considered in respect to the extant planning permission for the development. The proposed changes to the design and the impact on protected species have been considered and the proposal is acceptable in terms of its impact on protected species.

The proposal is considered to be acceptable and to comply with policies: 1, 6, 7, 57 and 59.

RECOMMENDATION: 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; NP4v1; NP5v1), unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Prior to the installation of the consented internal insulation, full details (including the method for attaching the insulation to the walls of the listed building) shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in complete accordance with the approved specification.
- 5 The development and construction works shall be carried out strictly in accordance with Method Statement, Issue 2, dated 8th July 2015 and drawing NP5v1 as submitted to the Local Planning Authority.
- 6 The biodiversity mitigation and enhancement measures shall be undertaken and/or installed prior to first use of the development. Within three months of the first use of the building, a report prepared by a suitably qualified bat consultant confirming their adequate installation shall be submitted to the Local Planning Authority.
- 7 Annual monitoring surveys shall be undertaken in accordance with the approved Method Statement, Issue 2, dated 8th July 2015 (page 17-18, paragraph F.2). The results of these surveys shall be submitted to the local planning authority within 2 months of their being undertaken.
- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, amending and re-enacting that Order) no development of the types described in Part 1: Classes A, B, C, D, E, F, G and H; Part 2; Class A Schedule 2 and Part 40; Classes A, B, E, F other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

- 9 Full planning permission is given for conversion to a single dwellinghouse only, the annex accommodation shown on approved drawing NP3v1 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse.

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.
- 3 To ensure that the materials harmonise with the surroundings.
- 4 To ensure that impacts on the listed building are minimised.
- 5 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan. 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.
- 6 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan. 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.
- 7 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan. 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.
- 8 In order to safeguard the character and visual amenities of the historic listed building, the character of the building and the locality.
- 9 For clarity as to the nature of the planning permission which includes reference to annex accommodation.

Informative Notes:

- 1 The details submitted under discharge of conditions application reference 15/12458/DISCON are considered sufficient to meet the requirements of conditions 3 and 4 of this decision notice as advised by letter on the 10 August 2015. The purpose of conditions 3 and 4 is to allow for a further submission of details if necessary.
- 2 The applicant should apply to NRW for a European Protected Species licence under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
- 3 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: 0300 065 3000

Signed (Case Officer):
Mr Matthew Griffiths
Principal Planning Officer



Date:

14/8/15

Checked (Principal Planner):

_____ **Date:** _____

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

C. Wetton **Date:** 14/8/2015

