



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 16/13351/FUL **Case Officer:** Miss Lisa Hughes
Site Notice Posted: 29th Mar 2016 **Consultation Date:** 24th Mar 2016
Date Valid: 24th Mar 2016 **8 Week Target:** 19th May 2016
Decision Type: Delegated Decision
Proposal: Demolition of existing single storey extension and construction of new single storey extension required in order to enhance existing utility area. Works will also include the demolition of existing chimney stack.
Address: Pen y Bryn , Common Road, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
NP Planning Ecologist	22 May 2016	<p>Thank you for consulting me on the additional information that has been submitted for the above application:</p> <p>Bat Surveys At Pen Y Bryn, Common Road, Gilwern, Monmouthshire (Brecon Beacons National Park) by Ava Ecological Surveys and Contracting dated 25/04/2016</p> <p>A full visual inspection of the building was undertaken and no evidence of bat roosting was found; it is therefore deemed unlikely that bats will be affected by these development proposals, but in the unlikely event that bats are discovered during the development, works must cease and advice sought from Natural Resources Wales; to continue working may constitute an offence under the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended).</p> <p>There will be opportunities to accommodate biodiversity enhancement measures such as a bat brick or gaps for bat roosting behind weatherboarding; further guidance on this is provided by the Bat Conservation Trust at: http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html</p> <p>I recommend that at least two features for bats or nesting birds are specified (type and location) by the applicants.</p>

Recommendations

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

1. Development works shall be carried out in accordance with the recommendations in section 6.1 of the ecological report dated 25th April 2016.

2. Prior to the commencement of development works, a biodiversity enhancement scheme, to include provision of at least two features for bat roosting or bird nesting, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.

Informative notes:

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:

1. To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP
2. 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

Llanelly Community
Council

No response

NP Planning Ecologist 15th Apr 2016

- A. Planning Policy & Guidance
- o To comply with Planning Policy Wales (2016), 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 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. These development proposals are for the demolition of an existing single-storey extension and the construction of a new extension to the south-west corner of the building. The proposed extension is relatively small in size, but the proposals include extensive works to the roof and the removal of the chimney.

2. The site is in the settlement of Gilwern and lies approximately 50 metres to the east of a woodland corridor along the River Clydach. The Biodiversity Information Service for Powys and the Brecon Beacons National Park does not hold records for bats at the site although there are records nearby.

3. The development proposals will affect the roof structure of the existing house and there is therefore potential for impacts on features that may support roosting bats. In the first instance I recommend that a visual inspection is undertaken to assess whether there is any evidence of or potential for bats; if evidence or

potential is found, further surveys at an appropriate time of year will need to be undertaken.

4. There will be opportunities to accommodate biodiversity enhancement measures such as a bat brick or gaps for bat roosting behind weatherboarding; further guidance on this is provided by the Bat Conservation Trust at:

http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html

I recommend that at least two features for bats or nesting birds are specified (type and location) by the applicants.

D. Recommendations

The applicant will need to commission a preliminary ecological survey to establish whether the proposed development will have impacts on protected species. If no evidence of or potential for presence or impacts is found, a report detailing these findings should be submitted, along with any suitable biodiversity enhancement measures.

If evidence of or potential for protected species is found, further ecological surveys must be undertaken to establish species present, populations and details such as exact roosting sites and flight lines for bats. The methodology of the surveys should follow the latest best practice guidelines for the species concerned. A final report must detail mitigation, compensation and enhancement measures (including landscape design or retention).

As protected species are a 'material consideration', Brecon Beacons National Park Authority cannot determine this application until all the necessary survey, mitigation, compensation and enhancement information are received.

In summary, the applicant will need to submit a report to the BBNPA detailing the following:

- o A full visual assessment of the site for the presence of protected species (bats, nesting birds etc.)
- o If necessary, further surveys to establish species present and population sizes
- o Mitigation and compensation strategies for any species found to be present - these will also need to be shown on architectural drawings
- o Biodiversity enhancement measures that can be incorporated

The biological records provided in the ecological report will be forwarded to the Biodiversity Information Service for Powys and Brecon Beacons.

This application cannot be approved in the absence of this information and should either be withdrawn or refused.

Reasons:

To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the Brecon Beacons National Park

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

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application was advertised through the erection of a site notice and letters to neighbouring properties. No representations or objections have been received.

RELEVANT POLICIES

Brecon Beacons National Park Local Development Plan

Policy 1: "Appropriate Development in the National Park" (Local Development Plan 2013)

Policy SP3: Environmental Protection – Strategic Policy

Policy 6: "Biodiversity and Development" (Local Development Plan 2013)

Policy 7: "Protected and Important Wild Species" (Local Development Plan 2013)

Policy 27: "House Extensions and Ancillary Buildings" (Local Development Plan 2013)

National Policies

Planning Policy Wales 8th Edition (January 2016)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

PLANNING HISTORY

App Ref	Description	Decision	Date
M16466	Replacement porch	WDN	1999

OFFICER'S REPORT

Site Description

The application site is located within the settlement of Gilwern within the community of Llanelly and comprises of a detached hip-roofed bungalow with existing flat roofed porch extension. The property is rough rendered with a tile roof and white uPVC windows and doors and the extension is in brick with white uPVC windows and doors. The application site fronts onto Common Road, which lies to the west of the site and is inclined sloping from south to north.

Proposal

The proposed extension is to infill an area on the south elevation of the property which is currently occupied by an existing flat roofed enclosed porch area approximately 2.1 metres by 2.2 metres and is due to be demolished. The proposed extension is to measure 2.9 metres by 3.8 metres. The height to the eaves will match the existing at 2.8 metres and at its apex the roof will be 6.6 metres from the adjoining ground level. The proposed extension does not extend beyond the existing building lines of the host dwelling and is recessed at the front by approximately 0.4 metres. The roof of the existing wing at the rear of the south elevation will be raised in height by approximately 2 metres to accommodate the extension. Where the roof to the extension replaces the existing roof

the chimney will be demolished. The proposed extension is to be finished in materials to match the existing dwelling, using rough render, tiles and white uPVC windows and doors to minimise the potential impact on the character and appearance of the host dwelling.

Officer Appraisal

This application has been considered against the adopted policies of the Brecon Beacons National Park Authority Local Development Plan (2013). 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:

Planning Policy Wales (PPW, 2016)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

This application is considered against Policies 1, SP3, 6, 7, and 27 of the Local Development Plan 2013 (LDP).

Principle of development

Policy 27 states that extensions to dwellings will be permitted where a) the proposal is appropriate to the scale and setting of the original dwelling; b) no loss of on-site parking will result, and adequate on-site parking provisions can be provided for the extended dwelling; c) an area of private amenity space is retained; and d) there is no significant loss of privacy to an adjoining property.

Character and appearance on the host building and surrounding area

The design ensures the appropriate integration of the extension with the host dwelling and surrounding area. The proposed extension will be finished in acceptable materials in order to ensure the extension will blend in with the original dwelling. The development remains in keeping with the host dwelling, remains a subordinate part of the overall finished structure and is appropriate to the scale and design of the existing dwelling. Sufficient private amenity space is retained and the proposal is therefore considered to be of a scale which is considered appropriate to the form and design of the existing dwelling. The proposal is therefore considered to be compliant with Policy 27 (a), (b) and (c).

Neighbour Amenity

Policy 27 (d) of the LDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area and adjoining properties. The extension features two windows and a door on the south elevation, along with a low level roof light where the chimney previously featured. The neighbouring property to the south is two storey where the site adjoins the application site, with garages at ground storey and a garden at a higher level to the application site. It is considered that the development would not have a detrimental impact on the privacy or amenity of the neighbouring residents by reason of the overall scale and its relationship with the neighbouring property. It is therefore considered that the proposal complies with Policy 27 (a), (d).

Highway Safety

The proposed extension does not extend into land where car parking would naturally occur and it does not limit the existing on-site parking. Furthermore, since it is of limited size and provides additional amenity space only, the proposal will have no impact upon level of occupancy of the host dwelling.

Protected Species

A full visual inspection of the building was undertaken and no evidence of bat roosting was found; it is therefore deemed unlikely that bats will be affected by these development proposals, but in the unlikely event that bats are discovered during the development, works must cease and advice sought from Natural Resources Wales.

There will be opportunities to accommodate biodiversity enhancement measures such as ~~X~~ bat bricks or gaps for bat roosting behind weatherboarding and the application is recommended for approval subject to conditions requiring that the development is carried out in accordance with the

submitted mitigation strategy and that two bat roosting or bird nesting features to enhance biodiversity at the site are included.

Conclusion

The proposed extension is considered acceptable in that it would not have a detrimental impact upon the character and appearance of the host dwelling or surrounding area nor would it have a detrimental impact on neighbour amenity or highway safety. As such the proposal conforms with Policy 1, Strategic Policy 3, Policy 6, Policy 7 and Policy 27 of the Local Development Plan and therefore is recommended for approval.

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 hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. B-01 (NP1v1) and B-02 (NP2v1) received on the 23 March 2016) and the schedule of materials indicated thereon, except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Development works shall be carried out in accordance with the recommendations in section 6.1 of the ecological report dated 25th April 2016.
- 4 Prior to the commencement of development works, a biodiversity enhancement scheme, to include provision of at least two features for bat roosting or bird nesting, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.

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 and to protect the general character and amenities of the area.
- 3 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 6 and 7 of the adopted Local Development Plan for the BBNP
- 4 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

Informative Notes:

- 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

Signed (Case Officer):

Miss Lisa Hughes
Enforcement Officer



Date: 12/05/2016

Checked (Principal Planner):

DMS

Date:

12 May 2016.

Signed (National Park
Authorised Officer):

P. Whelan

Date:

13th May 2016