



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 17/14451/FUL      **Case Officer:** Miss Kate Davies  
**Site Notice Posted:** 17th Feb 2017      **Consultation Date:** 16th Mar 2017  
**Date Valid:** 8th Feb 2017      **8 Week Target:** 5th Apr 2017  
**Decision Type:** Delegated Decision  
**Proposal:** Erection of two storey rear extension to existing dwelling.  
**Address:** 4 Mount Pleasant, Llanelly Hill, NP7 0NT

### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
NP Planning Ecologist	28th Feb 2017	<p>I visited the site yesterday but unfortunately wasn't able to gain access to the rear of the property. It may be possible for the applicants to provide photographic evidence of the roof and eaves that will be affected by the proposed development that can demonstrate that there are no suitable features for bats to roost under or gain access to the roof void.</p> <p>I am also happy to revisit the site if access can be arranged, but understand that you are on leave next week so this may cause an unacceptable delay to resolving the issues. The applicants can send further information to me directly next week if they wish.</p>
NP Planning Ecologist	29th Mar 2017	<p>C. Comments</p> <ol style="list-style-type: none"><li>1. These development proposals are for the construction of a two-storey extension to the rear (south-west) elevation of the existing, mid-terraced house.</li><li>2. The site is in the open countryside although is part of a group of houses. The Cwm Clydach Site of Special Scientific Interest (SSSI) lies immediately to the north of the road and the Cwm Clydach Special Area of</li></ol>

Conservation (SAC) is 140 metres to the north of the site. These protected sites are designated for their woodland habitats and populations of lesser horseshoe bats. The terraced cottage that is the subject of these development proposals does not offer features suitable for lesser horseshoe bats to roost and No Likely Significant Effects on the SAC are anticipated as a result of these development proposals.

3. I provided comments on this application in a Memorandum dated 24th February 2017 and recommended that an ecological assessment of the building be undertaken. The following ecological report has now been submitted:

- o Bat Scoping Survey - 4 Mount Pleasant, Llanelly Hill, Abergavenny, Monmouthshire, NP7 0NT by Dusk to Dawn Ecology dated March 2017

4. A full visual inspection of the building was undertaken on 12th March 2017 and no evidence of bat roosting was identified at the site. The proposed enhancement measures identified in paragraph 10.4 of the report is welcomed. If this application is to be approved, a planning condition should be imposed to secure the implementation of the recommendations in Section 10 of the report.

#### D. Recommendations

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

1. The development shall be carried out strictly in accordance with the recommendations in Section 10 of the ecological report dated March 2017 unless otherwise agreed in writing with the Local Planning Authority. The biodiversity enhancement measures shall be undertaken and/or installed prior to first use of the development. Following the installation of the mitigation, a report confirming their adequate installation shall be submitted to the Local Planning Authority.

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:

- o To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 3, 4, 6 and 7 of the adopted Local Development Plan for the Brecon Beacons National Park
- o To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Environment (Wales) Act 2016

Llanelly Community  
Council

14th Mar 2017

Comments:

Thank you for consulting Llanelly Community Council regarding the above planning application. The response is based on the latest information available on the date of the response. The comments made are based on the information provided by the Local Planning Authority and published on the LPA website. Therefore Llanelly Community Council has no concern with the proposed planning application submitted. The views and conclusions contained in this response may be subject to review and amendment by Llanelly Community Council if additional or new information is provided by the Applicant or their agent and or the Local Planning Authority for consultation purposes.  
Can you please acknowledge receipt of this document

Monmouthshire County Council Highways 27th Feb 2017

No objection

**OBSERVATIONS / COMMENTS**

There are no dedicated off road parking provisions indicated for the existing property. This extension will exacerbate the parking for the location, however parking would appear to take place adhoc in the vicinity and as such one further vehicle at this location associated with the increased bedroom facility would not cause the authority concern enough to sustain a refusal. The increase must however be a maximum allowed at this site without dedicated car parking provision.

**NOTES TO APPLICANT**

1. 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 MCC Highways.

NP Planning Ecologist      24th Feb 2017

- 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
    - o      Policy 12                Light pollution
  - o      The Brecon Beacons NPA has produced the following Supplementary Planning Guidance (SPG) documents regarding biodiversity issues and development (available on the BBNPA website):
    - o      Biodiversity and Development SPG (September 2016)
    - o      Biodiversity in the Towns of the Brecon Beacons National Park SPG (March 2014)
- 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      The Environment (Wales) Act came into effect in March 2016 - from 21st May 2016, Section 6 requires public authorities to seek to maintain and enhance biodiversity. A list of species and habitats of principal importance in Wales is published under Section 7.

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 construction of a two-storey extension to the rear (south-west) elevation of the existing, mid-terraced house.

2. The site is in the open countryside although is part of a group of houses. The Cwm Clydach Site of Special Scientific Interest (SSSI) lies immediately to the north of the road and the Cwm Clydach Special Area of Conservation (SAC) is 140 metres to the north of the site. These protected sites are designated for their woodland habitats and populations of lesser horseshoe bats. The terraced cottage that is the subject of these development proposals does not offer features suitable for lesser horseshoe bats to roost and No Likely Significant Effects on the SAC are anticipated as a result of these development proposals.

3. The Biodiversity Information Service for Powys and the Brecon Beacons National Park holds records for bats nearby, including lesser horseshoe bats. The nearby woodlands offer good foraging habitat for all bat species. The development proposals include works to the roof of the cottage which may offer bat roosting features. It will therefore be necessary to establish whether bats are present or not and the extent to which they may be affected by the proposals. In the first instance, a bat scoping survey can be undertaken; if this identifies the presence of bats or potential for presence, the results of further bat activity surveys at an appropriate time of year will be required to support this application.

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](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:

- o 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
- o To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Environment (Wales) Act 2016

NP Rights Of Way  
Officer

No comments recieved

Natural Resources  
Wales/Cyfoeth Naturiol  
Cymru

20th Feb 2017

No Objections

Health And Safety  
Executive

27th Feb 2017

standard comments re unidentified pipeline, HSE have no interest in this development

## CONTRIBUTORS

Mr F Cowe, 5-6 Mount Pleasant, Llanelly Hill

## NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application was advertised through the erection of a site notice and through direct neighbour notification. One response has been received from the neighbouring property. Below is a summary of the representations and concerns which have been raised in relation to the proposal:

- The proposed extension does not interfere with the solid stone walls between the property, chimney and stone staircase;
- The roof line of the property should not be compromised by the extension, remaining below the ridge height;
- The alterations to the roof structure should not impact the integrity of the roof at number 5;
- Any proposed drains should not add to the water flow at No 5;
- The boundary wall and hedgerow should not be damaged or altered by the proposed works;
- The proposed window would overlook the garden of No 5 which is currently private.

## RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlights below:

**Policy 1:** *“Appropriate Development in the National Park”* (Local Development Plan 2013)

**Policy SP3:** *“Environmental Protection”* (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 27:** "House Extensions and Ancillary Buildings" (Local Development Plan 2013)

**SPI 1:** "Sustainable Design" (Local Development Plan 2013)

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy's which are not duplication in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

**Planning Policy Wales** 9<sup>th</sup> Edition (2016)

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

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

## PLANNING HISTORY

App Ref	Description	Decision	Date
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## OFFICER'S REPORT

This application was 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** 9<sup>th</sup> Edition (Nov 2016)
- **Technical Advice Note 5:** *Nature Conservation and Planning* (2009)
- **Technical Advice Note 12:** *Design* (2016)

## Local Context

The application is for the construction of a two storey rear extension at 4 Mount Pleasant, Llanelly Hill. The property is situated within the level 4 settlement of Llanelly Hill and within the community of Llanelly as defined by the Brecon Beacons National Park Authority Local Development Plan (2013).

The property is a middle of terrace, two storey dwelling and is finished in rubble pointed stonework and painted render external walls, fibre cement slates on the roof and brown upvc windows and doors. The property has a garden to the front and rear, however the amenity space to the rear is small. The property benefits from a garage however, does not have a driveway for the private parking of vehicles.

## Design Considerations

The proposed extension would be a two storey pitched roof extension and would protrude from the rear elevation of the dwelling. The proposal would be finished in painted render external walls, fibre cement slated roof with PPC aluminium double glazed windows and doors.



The proposed extension would incorporate existing floor space at ground floor level and would measure at a depth of 1.5 metres at ground floor level and 4.2 metres at first floor level due to the existing rear cat slide roof. The extension would be 4.2 metres in length with a maximum height of 5.4 metres falling to 4 metres at eaves height.

Policy 1(i) requires that the scale, form, design, layout, density, intensity of use of materials will be appropriate to the surroundings and will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment.

Policy 27 (a) requires that the proposal is appropriate to the scale and design and setting of the original dwelling.

It is considered that as the proposed extension is set down from the ridge height and is set in from the boundary of the dwelling, the proposed extension would be appropriate in terms of size and scale and use of materials of the existing dwelling and would not have a detrimental impact on the character and appearance of the host property or surrounding area.

The proposals are therefore compliant with Policies 1 and 27 of the Local Development Plan (2013).

### **Neighbour Amenity**

The property is a middle of terrace dwelling, with the residential amenity space of both neighbours extending around to the rear of 4 Mount Pleasant. Number 3 Mount Pleasant is set above the host property, with number 5 following the same roof line as the application site.

The rear garden is small in size and due to the topography of the land there is a stepped retaining feature and hedge between the outdoor amenity spaces of the three dwellings. Concerns have been raised in relation to the provision of the proposed window at first floor level which may cause a level of overlooking into the rear gardens of the neighbouring properties. It is considered that the impact on privacy is not so detrimental to warrant refusal of the application due to the traditional relationship of terraced properties.

Representation has also been made in relation to the protection of the existing boundary walls, roof, chimneys and structures between the neighbouring properties. These comments are noted, however are covered by building regulations legislation or are civil issues, so therefore can't be considered as part of this planning application.

The application is therefore compliant with Policy 27 of the Local Development Plan (2013) and Planning Policy Wales.

### **Protected Species**

The Local Development Plan includes the following policies regarding ecological issues and safeguarding biodiversity are as follows:

- **Policy SP3:** "*Environmental Protection*" (Local Development Plan 2013)
- **Policy 6:** "*Biodiversity and Development*" (Local Development Plan 2013)

- **Policy 7: “Protected and Important Wild Species”** (Local Development Plan 2013)

To comply with Planning Policy Wales (2016), 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.

The National Park Planning Ecologist was consulted as part of the planning application and it was considered that an initial scoping survey was required to establish whether the proposed works would have an impact on protected species. A full visual inspection of the building was undertaken on 12<sup>th</sup> March 2017 and no evidence of bat roosting was identified at the site. A condition would be attached to the decision to ensure the implementation of the biodiversity enhancement measures identified in paragraph 10.4 of the report.

Given the above, the application is considered compliant with Policies 6 and 7 of the Local Development Plan (2013).

### **Highways Safety**

Further to consultation with Monmouthshire County Council Highways Department no objections were received. There are therefore no concerns in relation to highway safety.

### **Conclusion**

The proposed extension is considered acceptable in that it would not have an unacceptable impact upon the character and appearance of the host dwelling or surrounding area nor would it have such a detrimental impact on neighbour amenity or highway safety to warrant refusal of the application. As such the proposal conforms with Policy 1, Policy 27, Policy 6 and Policy 7 of the Local Development Plan and Planning Policy Wales (Edition 9) 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 shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 16/635/00 PI Site Location Plan dated 3<sup>rd</sup> February 2017 (NP1v1) and 16/635-02 PI Proposed Plans dated 3<sup>rd</sup> February 2017 (NP2v1)), unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development shall be carried out strictly in accordance with the recommendations in Section 10 of the ecological report dated March 2017 unless otherwise agreed in writing with the Local Planning Authority. The biodiversity enhancement measures shall be undertaken and/or installed prior to first use of the development. Following the installation of the mitigation, a report confirming their 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 in the interests of a satisfactory form of development.
- 3 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 3, 4, 6 and 7 of the adopted Local Development Plan for the Brecon Beacons National Park

**Informative Notes:**

- I 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 Kate Davies  
Planning Officer (DC)



Date: 30/03/2017

**Checked (Principal Planner):**



Date: 30/03/17

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



Date: 30/03/2017

