

# Brecon Beacons National Park Authority

## Town and Country Planning Act 1990

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

## NOTICE OF DECISION

**Applicant/Agent:**

Mrs Liz Hernon  
Hernon Associates  
The Old Shop  
Kingcoed  
Usk  
NP15 IDS  
United Kingdom

**Application Reference:**

17/15104/FUL

In pursuance of its powers under the above mentioned Act, the Brecon Beacons National Park Authority (hereinafter called 'the Local Planning Authority') hereby grants **PERMISSION** for the following development:

**“Demolition of existing single-storey side extension, construction of replacement two storey side extension, new rear roof extension and excavation of land to west including construction of new retaining wall.” (Full Application) at Fir Tree Cottage , Main Road, Clydach, NP7 0LL**

subject to the following condition(s):

- 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. 3157-04A (NP1v2), 3157-02D (NP2v3), 3157-03D (NP3v4), 3157-05A (NP5v2) and 3157-06A (NP6v2) received on the 24 October 2017 and the schedule of materials stated thereon and in the application form received 11 July 2017 unless otherwise agreed through formal application by the Local Planning Authority.
- 3 Prior to commencement of the development or any demolition works, the Local Planning Authority shall be provided with a copy of the licence for bats that has been issued by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified development to go ahead or written confirmation from Natural Resources Wales that such a licence is not required.
- 4 The development shall be carried out strictly in accordance with the recommendations in Section 7 of the ecological report dated June 2017 unless otherwise agreed in writing with the Local Planning Authority. The biodiversity mitigation 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.
- 5 The results of any bat monitoring surveys shall be submitted to the Local Planning Authority within 2 months of their being undertaken. These results shall also be submitted to the Biodiversity Information Service for Powys and the Brecon Beacons National Park.
- 6 The biodiversity enhancement scheme as shown on Drawing No's: 3157-02D and 3157-06A 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.

- 7 The landscaping scheme as shown and described on drawing No.: 3157-06A shall be implemented in the first planting season following the implementation of the development and maintained thereafter. Any trees or shrubs that fail or die within the first five years shall be replaced on a like-for-like basis in the next available planting season.
- 8 Any external lighting to be installed shall be done so in accordance with the scheme as shown on drawing No. 3157-05A and as described in the External Lighting Assessment dated August 2017.
- 9 The regraded area located immediately to the west of the existing cottage (as shown on Drwg No. 3157-03 Rev D ( NP3v4) shall not be used for the parking of any vehicles unless a separate planning application has been submitted and granted planning permission by 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 the Conservation of Habitats and Species Regulations 2010 (as amended) and Policy 7 of the adopted Local Development Plan for the Brecon Beacons National Park
- 4 To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended), TAN 5 and Policy 7 of the adopted Local Development Plan for the BBNP
- 5 To comply with the Conservation of Habitats and Species Regulations 2010 (as amended) and Policy 7 of the adopted Local Development Plan for the Brecon Beacons National Park
- 6 To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended), TAN 5 and Policy 7 of the adopted Local Development Plan for the BBNP
- 7 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
- 8 To comply with Policies 7 and 12 of the adopted Local Development Plan for the Brecon Beacons National Park
- 9 In the interests of highway safety and the free flow of traffic on the county road and to comply with Policy 59 of the adopted Local Development Plan for the BBNP

#### **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

#### **Policies considered relevant to this decision:**

SPI – National Park Policy Strategic Policy  
SP3 – Environmental Protection Strategic Policy  
Policy 1 – Appropriate Development in the National Park  
Policy 3 – Sites of European Importance  
Policy 4 – Sites of National Importance  
Policy 6 – Biodiversity and Development  
Policy 7 – Protected and Important Wild Species  
Policy 12 – Light Pollution  
Policy 27 – Home Extensions and Ancillary Buildings  
Policy 59 – Impacts of Traffic  
CYD LPI - Enabling Appropriate Development in the Countryside

Enabling Appropriate Development in the Countryside SPG

Technical Advice Note (TAN) 12 – Design


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

Planning Policy Wales (Edition 9, November 2016)

Wildlife & Countryside Act 1981 (as amended)

Conservation of Habitats and Species Regulations 2010 (as amended)

Environment (Wales) Act 2016

Signed: 

**National Park Authorised Officer**

Date: 6<sup>th</sup> November 2017

**Brecon Beacons National Park Authority**

## **NOTES TO APPLICANT**

### **Appeals to the National Assembly for Wales**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the National Assembly for Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

The National Assembly for Wales can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The National Assembly for Wales need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the National Assembly for Wales does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the National Assembly for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the National Assembly for Wales on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

### **Notes**

Failure to adhere to the details of the approved proposals for development contained in this application, or to comply with any conditions or limitations subject to which this permission was granted, will constitute a breach of planning control. This may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990 (as amended).