

Brecon Beacons National Park Authority



Town and Country Planning Act 1990

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

NOTICE OF DECISION



This permission does NOT
include approval under
Building Regulations

Applicant/Agent:

Mr Lewis Morgan
Morgan and Horowskyj
The School Room
Castle Street
Abergavenny
NP7 5EE

Application Reference:

17/15371/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:

“First Floor Extension above existing single storey extension, removal of 2no. chimney stacks, alteration to opening on front elevation, and Detached Garage.” (Full Application) at Tir Gunter Farm, Llanelly Church, Gilwern, NP7 0HG

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 no's. Site Location Plan, 1660-04, 1660-05A, 1660-06 and 1660-07A) unless otherwise agreed in writing 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 license 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 license is not required.
- 4 The development shall be carried out strictly in accordance with the recommendations in Section 6 of the ecological report dated November 2017 and as shown on drawing no. 1660 - 05a 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 the 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 described in section 6.7 of the ecological report and as shown on drawing numbers 1660 - 05A and 1660 - 07A 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 No external lighting shall be installed until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid conflict with bat mitigation/enhancement measures and wildlife corridors and shall be implemented as approved.

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, 7 and 12 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 Environment (Wales) Act 2016
- 5 To further the research and information on bats.
- 6 To ensure the biodiversity enhancements are undertaken in accordance with the approved plans.
- 7 To ensure that future external lighting does not conflict with the biodiversity enhancements at the site.

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
2. We also recommend that an advisory note is included with any planning permission granted for this proposal making the applicant aware that the installation of breathable roofing membrane in bat roosts pose a significant and avoidable risk to bats and, furthermore, that using such membranes in bat roosts runs the risk of impairing the ability of the membrane to function properly. The use of this membrane in bat roosts is therefore unlikely to be granted a licence by NRW. A product that has a long and proven track record of suitability in bat roosts is bitumastic felt to BS747, and NRW recommends the use of this material in bat roosts. Bitumastic felt should not be placed over the top of breathable membranes, as this may also impair the ability of the breathable membrane to function properly.
3. Please note that the granting of planning consent does not negate the need to obtain a licence. Any changes to plans between planning consent and the licence application may affect the outcome of a licence application. Whilst we may wish to discuss aspects of the scheme with the applicant at the time of the licence application, NRW does not intend to comment further at this stage.
4. The applicant should be made aware that there are some aspects of the working methodology which we will wish to clarify at the time of the licence application. These do not affect our ability to comment upon the current planning application.

Policies considered relevant to this decision:

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

Planning Policy Wales: 9th Edition (November 2016)

Technical Advice Note 12: Design (2016)

CYD LPI: "Enabling Appropriate Development in the Countryside" (Local Development Plan 2013)

Signed: 

National Park Authorised Officer

Date: 21st 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).

