

Wales and West Utilities

No response received at the time of writing this report.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

PCC Built Heritage

Thank you for consulting me on the above application. I note the previous application was refused on drainage grounds. As there have been no changes to the design, I would have no further comments other than those made on the previous application P/2016/0349.

I would therefore not object to the current application. I am attaching my previous comments as an appendix for ease of reference.

Thank you for consulting me on the above applications.

I note that the buildings are outbuildings to a large Victorian Property within the Built Wells Conservation area. The property is in a prominent location overlooking the playing fields and Groe car park.

Conservation Area Consent is required for the demolition of the garage and stores.

Paragraph 33 of Welsh Office Circular advises that, “ The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

Section 34 of WO61/96 advises that “ it will be appropriate to impose on the grant of consent for demolition a condition under Section 17(3) of the Act - as applied by Section 74(3), that demolition shall not take place until a contract for carrying out development work has been made and planning permission granted.”

The proposal should be considered against the following criteria; (paragraph 92 of WO Circular 61/96 as advised by paragraph 33 of same circular)

(i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Less favourable levels of rents and yields cannot automatically be assumed. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In those cases where it is clear that a building has been deliberately neglected, less weight should be given to the costs of repair;

(ii) the adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition (the offer of a lease would normally reduce the chances of finding a new use for the building); and

(iii) the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. Even where it is thought that the proposed works would bring substantial

benefits for the community, it will often be feasible to incorporate listed buildings within the new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.

1. The condition of the building.

The buildings to be demolished are of a relatively modern construction, flat roofed and of materials mis matched to the main property. Whilst noting that no details have been submitted in support of the conservation area consent application, in this instance I would not consider that they are required to ascertain the age, quality and contribution that the building makes to the character and appearance of the conservation area.

2. The adequacy of efforts made to retain the building in use.

Whilst the building to be demolished could not be described as in perfect condition requiring a little maintenance, it could also not be described at a stage of neglect that suggests demolition, and as such it is considered that adequate efforts have been made to retain the building.

3. The merits of alternative proposals for the site.

The proposal is for a two storey extension which is subservient to the main three storey building in height and scale, and the materials are yellow bricks and stone to match the main property, and slate roof.

The windows are nicely proportioned within the extension, not reflecting the size of the main house which is reflective of its age and maintaining the subservient element of the extension. I would consider that the proposed replacement building is well matched to the main building. I would however raise the question of roof materials, the plans refer to grey/blue Spanish slates and page 1 of the Design and Access statement refer to grey/blue slates and page 2 of the Design and Access statement refers to Redland Cambrian roof slates. The roof would be the most visible element of this extension and the use of a natural slate is welcomed, and I would request that the roof materials be clarified or conditioned.

I note that paragraph 8 of Welsh Office Circular 61/96 reminds us of our duties in that "Authorities are also required by Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

Local Plan policies reflect national legislation and I am mindful of the policies relating to general development within the Powys UDP namely: UDP SP3 b which states that "Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest". Policy ENV13 refers to demolition on Conservation Areas,

Policy ENV13 Planning permission will only be granted for development involving demolition of an unlisted building in a Conservation Area where neither the character nor appearance of the area

will be harmed. Where necessary a planning condition will be imposed to ensure that a contract has been let for replacement development before any demolition is permitted to take place.

Where the structure makes a positive contribution to the character or appearance of the conservation area, account will be taken of:

1. Whether it is capable of retention or repair for a beneficial use;

2. Whether the proposed replacement, if any, would make a similar or greater positive contribution to the preservation or enhancement of the character or appearance of the area;
And
3. Whether it is necessary for reasons of over-riding public interest, including safety.

I would not consider that the buildings to be demolished make a positive contribution towards the character or appearance of the conservation area, and would not consider that the demolition of the buildings would adversely affect the architectural character or historical understanding of the conservation area, and as such I would not object to the application for conservation area consent.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and local plan policies SP3b and ENV11 reflect national advice. The proposed extension by virtue of its size and materials would preserve the character and appearance of the conservation area, and as such I would have no objections to the proposal, subject to the materials being clarified or conditioned.

Contaminated Land

In relation to Planning Application P/2017/0277 the following advice is provided for the consideration of Development Control.

Advice

Ordnance survey (OS) maps identify that the application site is located within 50 metres of a closed landfill site; a potential source of landfill gas.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

In consideration of the application proposal ('Extension to building'), the land use history of the surrounding area and current planning policy guidance it is recommended that the following Informant should be included on any permission granted for Planning Application P/2017/0277:

Potential Contamination Informant

The application site is located within 50 metres of a former landfill site. Due to the potential landfill gas risks associated with the former landfill site the planning applicant is advised to adopt the same specification of gas mitigation measures as may currently be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

NRW

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 16/03/2017. We have no objection to the development as explained below.

Flood Risk

The proposed extension is located within DAM Zone A and site access within Zone C2. We would therefore have no objection to this development however we note the advice in the submitted FCA (Hydro-logic Services, March 2017) and have the following comments:

The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

Occupants should be made aware of the risk and advised to sign up to the NRW flood warning service (<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>)

We therefore would advise that the Planning Authority consults other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans.

This includes assessment of residual risks, including impacts on access. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC Ecologist

Consultation response received 04/04/2017:

The proposals as described do not appear to fall within Schedule 1 or 2 of the Environmental Impact Assessment (Wales) Regulations 2016.

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial imagery, the submitted plans and planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site is located within the curtilage of a residential property, part of which would be demolished to accommodate two new flats. The Design and Access statement confirms that hedgerow to the north-east and south-west and mature trees to the north-west will be retained for this proposal.

There are historic records of otter on the nearby river, but these are considered unlikely to be affected by these proposals.

There are also historic records of six species of bat from within 2km of the proposed application site. Bat roosts are often associated with roofs, both internally using the loft void and externally, particularly utilising suitable roosting opportunities associated with the ridge and edges of the roofs.

No ecological information has been submitted with the application and it is considered that there is a reasonable likelihood of bat roosts being present, given the proximity of trees and hedgerows, the tree-lined watercourse to the north-east of the property, and the age of the property. Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

See previous comments regarding bat species. The building appears to have potential to support nesting Swifts, Barn Swallows, House Martins and House Sparrows. There is a historic record of possible nesting Swifts from nearby. The boundary habitat around the property could also support nesting garden birds including House Sparrow, Dunnock, Bullfinch and Song Thrush, all of which have previously been recorded nearby.

I recommend that vegetation and demolition works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

Please see previous comments regarding bat and bird species.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG,

as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

The Design and Access statement confirms that hedgerow to the north-east and south-west and mature trees to the north-west will be retained for this proposal. These should be protected during the construction period in accordance with BS5837:2012.

As a biodiversity enhancement measure I recommend that suitable bat roosting boxes are incorporated within the new development; the details of these should be considered as part of the preliminary bat survey.

Please see previous comments regarding bat and bird species.

As a biodiversity enhancement measure I recommend that Swift nest bricks and House Martin/Barn Swallow nest cups are incorporated within the proposed new development.

The Afon Gwy SAC is located approximately 100m to the north-east, across a playing field, and is considered unlikely to be affected by this proposal due to its location within an existing residential property, lack of apparent pollution pathways from the application site and the nature of work proposed.

The Afon Irfon and Afon Gwy (Gwy Uchaf) SSSI's are located approximately 625m to the west and 100m to the north-east respectively, and are considered unlikely to be affected by this proposal due to its location within an existing residential property, lack of apparent pollution pathways from the application site and the nature of work proposed.

None within 500m. The Pheasantry Wood SINIC is located approximately 1km to the south-west, but is considered unlikely to be affected by this proposal due to its location within an existing residential property and the nature of work involved.

Bats

It is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application. Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

As a biodiversity enhancement measure I recommend that suitable bat roosting boxes are incorporated within the new development; the details of these should be considered as part of the preliminary bat survey.

Nesting birds

I recommend that vegetation and demolition works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

As a biodiversity enhancement measure I recommend that Swift nest bricks and House Martin/Barn Swallow nest cups are incorporated within the proposed new development.

Hedgerows and Trees

Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following:

Prior to planning permission, a preliminary bat roost assessment by an appropriately experienced and licensed ecologist including a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development, shall be completed and the report submitted to the local planning authority.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of appropriate bat and bird boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Consultation response received 09/07/2017:

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0277.

The additional information provided has been submitted to address the previous consultation response provided by YGC regarding the application dated 4th April 2017 where it was identified that the following information was required prior to determination of the application:

- Preliminary Bat Roost Assessment of areas affected by proposed development

In addition it was recommended that if planning permission were to be granted then conditions should be included regarding biodiversity enhancement opportunities and tree and hedgerow protection plan.

In order to address these comments the following reports have been submitted by the applicant:

- Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017
- Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017
- Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017

I have reviewed the additional information submitted and I consider that the survey effort employed was appropriate and that the recommendations identified are appropriate, achievable and in accordance with National Guidelines. I consider that the additional information submitted is sufficient to enable the LPA to assess potential impacts of the proposed development to Biodiversity.

The preliminary bat roost assessment of the building affected by the proposed development was undertaken on the 19th April 2017, inspections were conducted of the external and external features that would be affected by and within the vicinity of the proposed development. No evidence of bat roost was identified in the existing extension that will be demolished to accommodate the proposed extension, two potential bat access points were identified in the fascia boards of the southeast aspect, however these were outside of the area affected by the proposed works. The report concludes that the proposed works are assessed as having no potential to directly impact a bat roost. Mitigation and enhancement measures have been identified as part of the report, the report also recommends that a method statement will need to be submitted to demonstrate how the proposed works will comply with the identified mitigation and enhancement measures. It is recommended that submission and implementation of the Method Statement for these measures is secured through an appropriately worded condition.

The Biodiversity Enhancement Plan identifies that whilst no evidence of nesting birds was found during the survey, a potential nesting site was identified and as such enhancement/compensation measures have been identified to provide compensation nesting opportunities for swifts and house martins/swallows. It is recommended implementation of the compensation nesting features identified in the Biodiversity Enhancement Plan is secured through an appropriately worded condition.

The Tree and Hedgerow protection plan provides an assessment of the potential impacts of the proposed development to the existing trees and hedgerows at the site, the report concludes that no trees or hedgerows will be lost to the proposed development, and there will be no encroachment into the roost protection area of any trees or under the existing canopy spread. The report concludes that to ensure that works are restricted to the hard standing area a hazard-tape cordon located 2m from the existing hedgerow will be erected from start

of demolition and retained in place until construction works are off the ground. It is recommended implementation of the Protection Measures identified in the Tree and Hedgerow Protection Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Representations

Following the display of a site notice and press advertisement 1 letter of objection has been received at the time of writing this report. In summary the concerns raised relate to the following:

- Increase in noise, traffic, dust and disruption caused by building works
- Parking
- Loss of light and privacy
- Located within a Conservation Area and will spoil the vista

Planning History

P/2016/0350 - Conservation Area Consent: Demolition of single garage and stores – Conditional Consent – 26/05/2016

P/2016/0349 - Construction of two storey building to provide two additional self contained flats – Refused – 31/05/2016

Principal Planning Constraints

C2 Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

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

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 23: Economic Development (2014)

Local Policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

ENV11 – Development in Conservation Areas

ENV13 – Demolition in Conservation Areas

HP4 - Settlement Development Boundaries and Capacities

HP5 – Residential Developments

HP16 – House Extensions

DC10 – Mains Sewage Treatment

DC15 – Development on Contaminated or Unstable Land

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

UDP policy HP5 sets out the general requirements applied to all new residential developments such as this proposal. The proposal is for the construction of two self-contained two storey flats. The main planning consideration relating to this type of proposal is whether the buildings are within the settlements development limits. The proposed development is within the settlement development boundary of Builth Wells and therefore complies with the main planning consideration of policy HP5 of the Powys Unitary Development Plan (2010). Other planning considerations relating to new residential developments should consider the following:

Impact on the Character and Appearance of the Conservation Area

UDP policy ENV13 sets out the general requirements applied to all proposals which involve demolition within a conservation area such as this proposal. The main planning consideration relating to this type of proposal is whether the building is unlisted and the works will not affect the character or appearance of the area.

The outbuildings given consent under the reference number P/2016/0350 to be demolished are part of a large Victorian Property within the Builth Wells Conservation area, the building is not listed. The property is in a prominent location overlooking the playing fields and Groe car park. Consent has been granted under planning reference P/2016/0350 for the demolition of the outbuildings, this application is for full planning permission for a replacement structure. The replacement structure is a two storey building to provide two self-contained flats.

Powys County Council's Built Heritage Officer has been consulted on the proposed development and has stated that 'the proposed replacement structure is subservient to the main three storey building in height and scale, and the materials are yellow bricks and stone to match the main property, and slate roof. The windows are nicely proportioned within the extension, not reflecting the size of the main house which is reflective of its age and maintaining the subservient element of the extension. I would consider that the proposed replacement building is well matched to the main building.'

It is therefore considered that the replacement structure is acceptable under policy ENV13 of the Powys Unitary Development Plan (2010) subject to the following:

Design

With respect to design, appearance and location, specific reference is made to UDP policies GP1 and ENV13. The respective policies indicate that development proposals will only be permitted where the design, scale, mass and materials used complement and wherever possible enhance the character and appearance of the surrounding area.

When considering the scale and size of the proposed development careful consideration must be given to the development surroundings. The approximate height of the proposed development is 7.7 metres and would measure approximately 9.2 metres in length by 7.0 metres in width. The materials and fenestration of the proposed development are seen to all

complement and match that of the adjoining building and surrounding area which consists of random grey stone with yellow brick reveals. It is unclear to what roofing materials are to be used and therefore in order to safeguard the character of the area a suitably worded condition shall be attached to any granting of consent to secure the materials to be used in the construction of the building.

It is therefore considered subject to the attachment of a suitably worded condition that the proposed development fundamentally complies with policy GP1 and ENV13 of the Powys Unitary Development Plan (2010).

Highways

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority have been consulted on the proposed development and did not have any adverse comments to make with regards to the proposed development. It is evident that there is sufficient car parking spaces on site and within the near vicinity. It should also be noted that in line with TAN18 the development is located within close proximity of Builth Wells Town Centre and the main car park and therefore it is considered that there is ample parking opportunities available.

In light of the above the proposed development therefore complies with policy GP4 of the Powys Unitary Development Plan (2010).

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. It is noted that the residential dwellings likely to be affected by the proposed development are the properties to the south and east of the application site. The dwelling to the south known as the vicarage is approximately 12.8 metres in distance away from the proposed development, in line with the Powys Residential Design Guide when putting the 25° rule into practice there is a clearance of 0.3 metres and therefore considered that there would not be a detrimental impact upon the occupier of this property. Furthermore given the size of the adjoining dwelling at approximately 11.5 metres in height it is considered that the proposed building height of approximately 7.7 metres in height is unlikely to have an overbearing impact upon the amenities enjoyed by the occupiers of neighbouring properties.

It is therefore considered that the proposed development fundamentally complies with planning policy GP1 of the Powys Unitary Development Plan (2010).

Ecology

Policy ENV3 and ENV7 of the Powys UDP and TAN 5 seek to ensure that no development has a detrimental impact upon protected species and their natural habitats.

Powys County Council's Ecologist and Natural Resources Wales have been consulted on the proposed development. Powys County Council's Ecologist has confirmed following the submission of additional information that the proposed development would be acceptable subject to the attachment of appropriately worded conditions to ensure that protected species and their habitats are not detrimentally impacted upon.

It is therefore considered that the proposed development fundamentally complies with policy ENV7 and ENV3 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009).

Flood Zone

The proposed development is for the construction of two self-contained flats. All residential premises (including hotels and caravan parks) are considered as highly vulnerable development. Policy SP14 and TAN 15 specifically state that highly vulnerable development will not be permitted in a C2 flood zone.

Following consultation with NRW they have confirmed that they have no objection to the development. NRW have noted that the proposed extension is located within Flood Zone A, however, the access lies within a C2 Flood Zone. A Flood Consequence Assessment has been submitted in support of this application and NRW have utilised the advice contained within it. Therefore NRW have confirmed that the proposed development would be acceptable subject to the attachment of appropriately worded conditions to ensure that the finished floor levels are set at or above 127.23maOD to ensure the building is flood-free. NRW have also confirmed that the flood risk on the site access from North Road is within the limits regarded as tolerable in Table A1.15 of TAN15.

In light of the above it is therefore considered that subject to the attachment of appropriately worded conditions that the proposed development complies with relevant planning policy.

Contaminated Land

Powys County Council's Contaminated Land Officer has been consulted on the proposed development and has stated that the application site is located within 50 metres of a former landfill site. Therefore due to the potential landfill gas risks associated with the former landfill site a Potential Contaminated Land Informant will be attached to any granting of consent to advise the applicant appropriately in how to deal with potential contamination.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Location Plan, Block Plan, JH8, JH10, JH11, JH4, JH5 & JH9).
3. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday
0800 - 1300 hrs Saturday
At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

4. The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

5. Prior to the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

6. The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017 and maintained thereafter.

7. The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 shall be adhered to and implemented in full.

8. Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
4. In order that the Local Planning Authority can be satisfied that impact on neighbours and internal siting and gradients are acceptable in accordance with policies SP14, GP1 and GP4 of the Powys Unitary Development Plan.
5. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

8. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

Informative Notes

Potential Contamination Informant

The application site is located within 50 metres of a former landfill site. Due to the potential landfill gas risks associated with the former landfill site the planning applicant is advised to adopt the same specification of gas mitigation measures as may currently be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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