



Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

#### Canal & Rivers Trust

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have no comment to make.

#### PCC Ecology

Thank you for consulting me with regards to planning application P/2018/0370 which concerns an application for Erection of an extension, alterations and all associated works at Carreghofa Primary School, Llanymynech, Powys.

I have reviewed the proposed plans, site photographs, aerial images and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 182 records of protected and priority species within 500m of the proposed development - no records were for the site itself. Species recorded within 500m of the proposed development floating water plantain, grass snake, common lizard, otter and a number of Schedule 1 Wildlife and Countryside Act 1981 (as amended) and Environment (Wales) Act Section 7 List bird species.

The site of the proposed development is not subject to any statutory or non-statutory designated sites.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC – Approximately 16m north of the proposed development
- Montgomery Canal SSSI – Approximately 16m north of the proposed development

The site of the proposed development is separated from the Montgomery Canal SAC/SSSI by the B4398. Having considered the locations and nature of the identified designated sites and taking into account the nature and distance of the proposed development from these sites as well as barriers between the proposed development and the designated sites is considered that there would be no likely direct or indirect impacts from the proposed development to these sites.

The proposed development will impact an existing building and areas of amenity planting and hardstanding. Consideration has been given to the potential for the building and the areas of the roof affected by the proposed development to support roosting bats. Having reviewed aerial photographs of the surrounding habitats as well as photographs of the areas of the building affected by the proposed extension taken during site visits it is considered that whilst habitats surrounding the site have potential to support foraging and commuting the bats, the area of the existing building impacted by the proposed extension has limited potential to provide opportunities for roosting bats, the roof and soffits in the areas of the proposed works appear to be in reasonable condition and appear to lack suitable features that would enable bats to gain access to the structure. Therefore it is considered unlikely that bats would be present or impacted by the proposed development and no further information is considered necessary with regards to protected species – including bats - to inform the application.

The amenity shrub planting and hardstanding areas affected by the proposed development are considered to be of low/negligible ecological value, habitats of moderate-high ecological value are present around the site however it has been identified that these features will not be impacted by the proposed development.

Therefore it is considered that the proposed development would not result in the loss of or negative impacts to features of biodiversity value and no further information is considered necessary with regards to biodiversity prior to determination of the application.

Whilst it is considered that the proposed development would not be likely to result in impacts to roosting bats in this instance I consider that it would be appropriate to include an informative advising the applicants of the legal status of bats and what actions to take in the

unlikely event a bat is encountered during the development works. Suitable wording for an informative covering these details is as follows:

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

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 2017 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](mailto:enquiries@bats.org.uk)

## **Representations**

A site notice was erected on the school fence adjacent to the site of the proposed extension. The site notice was erected on the 27/04/2018 for the period of 21 days.

No third party responses were received at the time of writing this report.

## **Planning History**

04/56 - Siting of a mobile classroom – Conditional Consent

00/227 – Siting of a mobile classroom - Conditional Consent

97/2901 – Erection of an extension to provide hall, kitchen, offices and store - Conditional Consent

1088 – Alterations & extension - Conditional Consent

5652 – Alterations to school - Conditional Consent

## **Principal Planning Policies**

National planning policy

Planning Policy Wales (9<sup>th</sup> edition, November 2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 16 – Sport Recreation and Open Space (2009)  
Technical Advice Note 18 - Transport (2007)

#### Local planning policies

SP5 – Settlement Hierarchy  
SP6 – Distribution of Growth across the Settlement Hierarchy  
DM1 – Planning Obligations  
DM2 – The Natural Environment  
DM11 – Protection of Existing Community Facilities and Services  
DM13 – Design and Resources  
T1 – Travel, Traffic and Transport Infrastructure  
TD3 – Montgomery Canal and Associated Development  
C1 – Community Facilities and Indoor Recreation Facilities

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

#### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

#### **Officer Appraisal**

##### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

The existing school is located within the settlement boundary of Llanymynech. Policy C1 confirms that development proposals for community or indoor recreation facilities will be permitted where;

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and

3. The appropriateness and feasibility of multi-use has been considered.

Policy SP5 sets out the hierarchy and the LDP Inset Maps confirm Llanymynech Large Village and therefore complies with the first criterion above. The extension would accommodate a staffroom, head teachers office, office, lobby and access ramp. The extension to the school is required to accommodate staff members. It is considered that these facilities would be required on site and that it would not be appropriate to have these facilities on another site as suggested in the second criterion. It is considered that the third criterion mentioned above would not be relevant in this instance.

The policy context is noted, however it is considered that the provision of these facilities are required to be on the existing site and is considered to be acceptable.

#### Highway Safety and Movement

LDP policy DM13 part 11 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The access will remain the same and no alterations are proposed to the parking provision. The Highways Authority have been consulted and have raised no objection in relation to the proposal.

In light of the comments received it is considered that the proposal is in accordance with planning policy, particularly LDP policy DM13 part 11 and TAN 18: Transport.

#### Impact upon neighbour amenities

LDP Policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

It is considered that the proposed extension will not impact the neighbouring dwelling known as The Maes located to the east of the site as the extension will be screened by the existing school building.

To the north beyond the canal is the dwelling known as no.9 Gwelfryn. The property is located approximately 38 metres to the north of the site. The proposal will not extend any further north than the existing dwelling. It is therefore considered that the proposed extension will not impact upon the amenities afforded to this property.

The nearest dwelling to the west of the site is known as Carreghofa Halt located approximately 102 metres away from the proposed extension. Due to the natural screening in the form of mature trees and the distance between the two it is considered that the proposal would not impact upon the amenities afforded to Carreghofa Halt.

It is considered that the proposed extension would not unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties in accordance with LDP Policy DM13 and the Council's Residential Design Guide.

## The Natural Environment

Policy DM2 seeks to protect, positively manage and enhance biodiversity and geodiversity interests. Development proposals which would impact on natural environment assets will only be permitted where they do not adversely affect these biodiversity interests. Policy DM13 seek to protect biodiversity and protected species and habitats from harmful development.

Following consultation with the Powys Ecologist no objection has been received to the proposed development as it is considered unlikely that bats would be present or impacted by the proposed development. They confirmed that no further information with regards to protected species would be required.

The application site is located within 500 metres of the Montgomery Canal SAC and SSSI. The Powys Ecologist has confirmed that considering the nature of the proposed development as well as barriers between the proposed development and the SSSI and SAC that there would be no likely direct or indirect impacts from the proposed development to these sites.

As such in light of the above comments it is considered that the proposed development would be in accordance with policies DM2, DM13 and SP7 of the Powys Local Development Plan and Technical Advice Note 5: Nature Conservation and Planning.

## Montgomery Canal

In considering the impact of the proposed development on the nearby canal reference is given to DM2. Policy TD3 – Montgomery Canal and Associated Development states that proposals for development that would adversely affect the canal's scientific and conservation designations or prejudice its sensitive restoration will be opposed.

The application site is within 12 metres of Montgomery Canal and, as such, the Canal & River Trust has been consulted.

The Canal & River Trust consider that they have no comments to make in principle of the proposed development.

The Powys Ecologist also confirms that there would be no negative effects from the development and as such would not adversely affect the canal's scientific or conservation designations.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

## **RECOMMENDATION**

Based on the information submitted with the application, consultation response and existing policy context, it is considered that the proposals complies with planning policy. The recommendation is 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 (drawing no's: P6015/26/1, P6015/26/2, P6015/26/5, P6015/26/6).

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

## **Informative Notes**

### Building Control

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

### Biodiversity

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](mailto:enquiries@bats.org.uk).

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