

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** P/2018/0713

**Grid Ref:** E: 327675  
N: 304186

**Community Council:** Forden with Leighton & Trelystan

**Valid Date:** 11.07.2018

**Applicant:** Mr & Mrs Richard Dearing

**Location:** Rock House, Trelystan, Leighton, SY21 8HZ

**Proposal:** Full: Change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the dwelling

**Application Type:** Full Application

### The reason for Committee determination

The application has been submitted by an employee of Powys County Council who has regular contact with Development Management.

### Site Location and Description

This site is located off the U2480 unclassified highway approximately 5.5 miles south east of Welshpool. The site is currently bound by the existing residential dwelling to the north, private access track to a neighbouring property to the west and south with an area of overgrown land and garden area to the south east.

This application seeks consent for the change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the existing dwelling.

### Consultee Responses

#### Community Council

*Correspondence received 27<sup>th</sup> July 2018*

At the meeting of Forden Community Council on Thursday 26th July 2018 the above planning application P/2018/0713 was supported.

#### Building Control

*Correspondence received 27<sup>th</sup> July 2018*

Building Regulations application required.

Severn Trent - Hafren Dyfrdwy

*Correspondence received 30<sup>th</sup> July 2018*

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:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

If you would like a copy of this in Welsh, please let us know.

Highway Authority

*Correspondence received 11<sup>th</sup> September 2018*

The County Council as Highway Authority for the County Unclassified Highway, U2480

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC9 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

Environmental Health – Contaminated Land

*Correspondence received 31<sup>st</sup> July 2018*

In relation to planning application P/2018/0713, the following advice is provided for Development Control.

Advice

1. The application proposal involves the change of use of agricultural land to residential curtilage, the demolition of existing barns and erection of an extension. Former agricultural buildings and land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.
2. Paragraph 13.5.1, of Chapter 13 ‘Minimising and Managing Environmental Risks and Pollution’, of the Welsh Government document ‘Planning Policy Wales’ (2016) states: *“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 respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular ‘The Use of Planning Conditions for Development Management’ (ref: WGC 016/2014), states that: *“Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment”*.

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is states: *“The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course”*.

3. *Based on the available information and current planning guidance, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for planning application P/2018/0713:*

#### Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_\_ of the adopted Local Plan (date)].

#### Note to Applicant

#### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

#### Powys Ecologist

*Correspondence received 11<sup>th</sup> September 2018*

Thank you for consulting me with regards to planning application P/2018/0713 which concerns a full planning application for change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the dwelling at Rock House, Trelystan, Leighton, Welshpool.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 1km of the proposed development.

The data search identified 7 records of protected and priority species within 1km of the proposed development, no records were for the site itself.

There are no statutory or non-statutory designated sites are within 500m of the proposed development.

As the proposed development involves demolition of an outbuilding and erection of an extension building, an ecological survey has been undertaken to assess the potential of the development to impact bats— bats being European Protected Species. I have reviewed the Ecological Report produced by Gerald Longley Ecological Consultants dated July 2017 (mitigation plan amended 30 August 2018), I consider that the survey effort employed was in accordance with National Guidelines.

The development proposals includes converting the existing barn, which is attached to Rock House (main dwelling), into residential accommodation - In that the existing barn is to be demolished and an extension proposed to Rock house for the residential accommodation. The barn is attached to the south west wall of Rock house and is currently being used for storage purposes. The majority of the barn was extensively repaired in 1980s.

The building proposed to be impacted is a stone barn, timber framed with wood cladding present on elevations and slate roof. The building/barn is in two sections. One being two storey sections and the other being single storey.

The surveys undertaken included internal and external inspections of the outbuilding to identify any potential features where bats could access the existing buildings for roosting purposes – as features and access points were identified bat activity surveys were undertaken – Which was carried out on the 3 July 2017.

*There were many possible access points identified for bats into the barn. The access points include through gaps around closed doors and windows, under ridge tiles on the concrete tiled section of roof, through gaps in wooden cladding, particularly on the southwest most wall, under eaves and through gaps in verge mortar, particularly on the southwest facing gable of the two storey section.*

*No evidence of bats were found on the outside of the barn. However, bat droppings were found scattered over items in the first floor room of the two storey section of the barn and several swallow nest in the roof of the single storey section of the barn.*

The surrounding habitat was noted to be suitable for bat commuting and foraging within the area the presence of good habitat connectivity to the wider countryside with hedgerows, tree line and woodland with streams.

Therefore following the results of the day time preliminary assessment it is concluded that the barn offers roosting habitat for bats inside the building and also between felt and roof tiles and under ridge tiles on the two-storey section, and beneath wooden cladding.

As evidence of bats were noted within the building – evidence being bat droppings. It is considered necessary that further presence/absence activity surveys were undertaken.

Therefore, bat activity surveys were undertaken on the 3 July 2017 (dusk emergence), 14 July 2017 (dawn re-entry) and 25 July 2017 (dusk emergence).

During the dusk survey undertaken on the 3 July 2017 approximately five common pipistrelle emerged from the southeast elevation of the barn. Numerous bat activity was recorded in close proximity to the barn, including myotis species, soprano pipistrelle and lesser horseshoe bats.

On the 14 July during the dawn survey no bats were recorded entering the building, but again bat activity was recorded in close proximity to the barn.

During the second evening survey on the 25<sup>th</sup> July 2017 approximately four common pipistrelles were observed emerging from above the window on the southeast side of the first floor of the two-storey section of the barn. A single lesser horseshoe bat was recorded along the hedge on the southeast side of the barn.

Therefore the surveys have identified that the proposed development will result in the damage/destruction of a bat roost, as such a European Protected Species Development Licence will be required.

It was also noted during the day time preliminary survey that a swallows nest was observed within the barn is an ecological constraint/consideration for these proposals.

Section 4 recommends a bat mitigation plan to be implemented and provisions to bird nesting boxes to installed as part of the proposed development.

The mitigation plan includes; timing of works regarding bats and nesting birds, tool box talk to given prior to works commencing, provision of bird nesting boxes, provisions of bat boxes, protection of existing/creation of new bat roosts and entry/exit point and post construction monitoring.

The location of the bat boxes proposed are illustrated on the architectural plans drawing number 7B dated Feb 18.

Given the identified working mitigation measures detailed in section 6 of the Bat survey and mitigation plan report - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation and adherence to the mitigation measures are secured through an appropriately worded condition.

#### External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute – which was also noted in the survey report. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

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

*The Mitigation Plan regarding bats and nesting birds detailed in section 6 of the Bat Survey and Mitigation Plan produced by Gerald Longley Ecological Consultants dated 25 July 2017 (Mitigation Plan amended 30 August 2018 Report is Ver. 02) shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.*

Reason: *To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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.*

*No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.*

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

In addition I recommend inclusion of the following informative:

Warning: An European protected species (EPS) Licence is required for this development

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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)

#### 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.

#### Natural Resources Wales (North) DPAS

*Correspondence received 9<sup>th</sup> August 2018*

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 26/07/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1 EPS - All avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

We note that the ecology report submitted in support of the above application (reference: Longley, G. (2018). Barn (attached) at Rock House, Trelystan, Leighton, Welshpool: SY21 8HZ, Bat Survey and Mitigation Plan. Gerald Longley Ecological Consultants. Unpublished) has identified that the common pipistrelle bat is present at the application site. From the information contained in the bat report, we consider that

the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely cause harm or disturbance to the bats or cause damage or destruction to their breeding sites and resting places at this site and will, therefore, require a licence. However, we consider that the development proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats.

Therefore, we do not object to the proposal, subject to:

Condition 1 EPS - All avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site

#### Other Matters

Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website. 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.*

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our website for further details.

I trust this advice is clear and assists in your determination of the application but should you have any queries, please contact me.

Clwyd Powys Archaeological Trust (CPAT)

*Correspondence received 6<sup>th</sup> August*

Thank you for the consultation on this application.

Information held within the regional Historic Environment Record indicates that although the development appears to have limited sub-surface archaeological implications the proposals will affect a traditional stone barn of 19th century date which retains an original layout with internal and external features that are of local architectural and historical significance.

It would be unfortunate if this building was now permanently converted for a new use without a record of its current form and layout being retained. I would therefore ask that the applicant is required to carry out a Photographic Survey before development commences, in order to preserve a record of this building. To facilitate this I would ask that an appropriate planning condition is attached to any permission granted, and I include below a suggested condition which you may wish to consider using:

Suggested planning condition to facilitate a photographic survey prior to development

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological

Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: [mark.walters@cpat.org.uk](mailto:mark.walters@cpat.org.uk) Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

Reason: To secure a full photographic record of the original building prior to alteration, conversion or demolition.

I have attached a guidance note on completing photo surveys together with information on sources of archaeological contractors who would be able to complete the survey on behalf of the applicant. These documents should be forwarded to the applicant so that they are fully informed of the process.

## **Representations**

A public site notice was erected at this site on 3<sup>rd</sup> August 2018. No third party representations have been received by Development Management at the time of writing this report.

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (9<sup>th</sup> edition, 2016)  
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)  
Technical Advice Note 6 – Planning for Sustainable Rural Communities  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 23: Economic Development (2014)  
Technical Advice Note (TAN) 24: The Historic Environment (2017)

### Local Policies

#### Powys Local Development Plan

SP7 - Safeguarding of Strategic Resources and Assets  
DM2 – The Natural Environment  
DM4 - Landscape  
DM7 – Dark Skies and External Lighting  
DM10 – Contaminated and Unstable Land  
DM13 – Design and Resources  
H7 – Householder Development  
T1 - Travel, Traffic and Transport Infrastructure

## **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**

### Principle of Development

Policy H7 of the Powys Local Development Plan states that proposals for ancillary development shall be provided as extensions to an existing dwelling, where this is not appropriate or practical then ancillary buildings and other considerations will apply.

This application relates to an extension to the existing dwelling and also the change of use of an area of land from agricultural land to residential curtilage. The proposed extension to the dwelling is to the southwest of the existing dwelling where there is an existing attached outbuilding/barn. The proposed extension would be accommodated within the footprint of the existing buildings attached to the dwelling however the buildings will be part demolished in order to rebuild the proposed extension. The proposed extension is to accommodate a new entrance hall, W/c and shower room, living room and additional bedroom/living space. The extension will also accommodate a domestic storage room.

In light of the above it is considered that the proposed development fundamentally complies with policy H7 of the Powys Local Development Plan.

### Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed extension to the existing dwelling is considered to be of an acceptable scale with the difference between the scale of the existing outbuildings and the proposed extension being minimal. The proposed external materials are to include a mix of rendered walls, retention of existing stone wall to the end of the outbuilding and timber cladding with metal flashing and trims. The roof is proposed to be clad in

corrugated metal sheeting black in colour, windows being metal construction dark grey in colour with doors being of timber construction. It is considered that the proposed materials are acceptable at this location. Officers consider that the proposed extension is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposed extension is considered to be of a scale, height, mass and design that complements and enhances the character and appearance of the existing dwelling and of the surrounding area.

This application also seeks consent for the extension of the existing residential curtilage of the existing dwelling to include an area of agricultural ground to the south east of the existing outbuildings. This area is flat in nature and is of a ground level significantly lower than that of the neighbouring property. The proposed extension to the residential curtilage is considered to be acceptable in its scale.

In light of the above observations, it is considered that the proposed extension is in accordance with planning policy. Officers consider that the proposed extension is in accordance with policies H7 and DM13 of the Powys Local Development Plan.

#### Highways Safety and Movement

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

The Highway Authority has been consulted and initially requested further information in respect of parking spaces for the existing dwelling and proposed extension. The applicant has provided an additional plan demonstrating the provision of 3 parking spaces within the curtilage of the dwelling. Highways Officers are satisfied with the information supplied and have recommended that a condition be attached to any grant of consent to secure the proposed parking spaces prior to the first beneficial use of the development. Officers consider that the proposed development would not result in any unacceptable adverse impact upon highway safety as a result of the proposal.

In light of the Highways Officer's comments, Development Management considers that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

#### Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicate that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic

Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The proposed site is located within the Crewgreen to Forden Hill and Scarp aspect area which is characterised as the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. Its scenic quality is defined as high with its rarity being low. Its overall visual and sensory evaluation is moderate.

The area of land proposed to form part of the residential curtilage of the dwelling is currently an overgrown area of land that is currently unused located to the south west of the existing outbuildings. The proposed extension to the residential curtilage is bound to the south east by mature hedgerows boundaries, residential garden area to the north, existing outbuildings to the north west and the neighbouring properties residential garden area to the south west. The area proposed to be residential curtilage is at a significantly lower ground level to that of the neighbouring properties residential garden area to the west and therefore is well screened from neighbouring properties and from the wider landscape due to the topography of the ground. Officers consider that given the proposed scale of the extension to residential curtilage, existing ground levels and boundary treatments, the proposal will not have an unacceptable adverse impact upon the landscape.

In light of the above observations, Officers consider that the proposal is in accordance with policies SP7, DM2, DM4 and DM13 of the Powys Local Development Plan.

### Ecology and Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

This application is accompanied by an ecological appraisal of the site which includes a series of mitigation measures. The proposal will result in damage/destruction of a bat roost and therefore, Natural Resources Wales has confirmed that a European Protected Species license will be required prior to the works commencing. As part of this application process the County Ecologist has been consulted and has raised no objection to the proposed development subject to the conditions recommended within the consultation response above being attached to any grant of consent.

In light of the above and subject to the recommendations, it is considered that the proposed development will not adversely affect Protected Species, in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

### Contaminated Land

Contaminated Land Officers have been consulted and have provided comments on the proposed development. Given the previous land use (outbuilding), Officers have advised that there is a potential risk of contaminants being found on site. Environmental Health Officers have therefore recommended the inclusion of a condition which requires the submission of further information if contamination is found on site during construction works. Officers consider that it is reasonable to include the suggested condition upon any grant of consent as a precautionary approach, safeguarding the interests and safety of future users of the site

In light of the above, Officers consider that the proposed development complies with policy DM10 of the Local Development Plan.

## **RECOMMENDATION**

Officers are satisfied that the proposed development complies with the relevant policies and the recommendation is therefore one of conditional consent.

## **Conditions**

1. The development shall begin not later than five years from the date of this decision
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: 01, 02B, 4A, 5A, 6A, 7B, 8B, 09, 10, 11)
3. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
4. Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.org.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

5. The Mitigation Plan regarding bats and nesting birds detailed in section 6 of the Bat Survey and Mitigation Plan produced by Gerald Longley Ecological Consultants dated 25 July 2017 (Mitigation Plan amended 30 August 2018 Report is Ver. 02) shall be adhered to and implemented in full and maintained thereafter.
6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
7. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

## **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. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1
4. To secure a full photographic record of the original building prior to alteration, conversion or demolition.
5. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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 LDP Policies DM2, DM7 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.

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales.

### **Informative Notes**

#### **Warning: An European protected species (EPS) Licence is required for this development**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

#### **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)

### **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.

### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

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Case Officer: Bryn Pryce, Planning Officer  
Tel: 01597 827126 E-mail: [bryn.pryce@powys.gov.uk](mailto:bryn.pryce@powys.gov.uk)