

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1241/FUL

Grid Ref: E: 310393
N: 235107

Community Council: Felin-Fach Community

Valid Date: 02.08.2019

Applicant: Mr Freer Spreckley

Location: The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0UN

Proposal: Change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works

Application Type: Full Application

The reason for Committee determination

The local member has requested this application be considered by Committee because of the history of the site.

Consultee Responses

Consultee	Received
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Welsh Water	14th Aug 2019
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We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

PCC-(S) Highways	22nd Aug 2019
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The current building, the subject of this change of use application, already benefits from an extant planning use as a stables. It is a large building offering six stalls/loose boxes and a tack room, together with a large first floor storage area. It is understood that the stables can be used for commercial purposes as there were no restrictions limiting the uses of the building attached to consent 05/0297. Each stall/loose box could therefore be let on an individual basis. Such use would likely generate significant levels of vehicular movements to and from the site on a daily basis, a certain element of which, would likely include larger agricultural type vehicles associated with the transportation of horses and delivery of feed etc.

In light of the above, the Highway Authority is satisfied that the level and type of traffic movements associated with the proposed change of use, is likely to be considerably lower and smaller in scale, than those that could be generated through the extant planning use. As such the Highway Authority has no objection to the proposal subject to the inclusion of the following conditions.

- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- o Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- o Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- o Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 5 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- o Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- o Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- o No storm water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Health

28th Aug 2019

Having looked at the above proposed planning application and additional information, I confirm Environmental Health would not have any objections.

Environmental Protection

16th Aug 2019

Thank you for sending the additional information through, unfortunately this is just the discharge consent from Natural Resources Wales, which confirms the current septic tank can discharge to ground via a drainage field.

Environmental Health still require the details relating to the foul drainage arrangements for the development.

I require further detailed information relating to the septic tank with confirmation that it is of suitable size to accommodate the foul effluent from the proposed new development.

The information should demonstrate the size of the existing septic tank and include calculations of its current loading (number of persons who currently use the system) and

the proposed additional loading (No of persons who will use the system if the proposed planning goes ahead).

Environmental Protection

28th Aug 2019

Having looked at the above proposed planning application and additional information, I confirm Environmental Health would not have any objections.

PCC-Ecologist

17th Sep 2019

Thank you for consulting me with regards to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

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

The data search identified 75 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; brown long-eared, pipistrelle, lesser horseshoe and Natterere's, hazel dormice, barn owl and slow-worm.

No statutory designated sites were identified within 500m of the proposed development.

One non-statutory designated site was identified within 500m of the proposed development;

- o Site of Importance for Nature Conservation (SINC) - Pont-y-Bat Woods approximately 277m from the proposed development

Having taken into account the location of the SINC in relation to the proposed development and the nature of the works proposed it is considered that there would be no likely negative impacts directly or indirectly to the SINC and/or its associated features.

Bats - European Protected Species

The proposed development impacts an existing building, consideration has therefore been given to the potential for the property to support roosting bats - bats being a European protected species - and for the proposed development to impact bats.

I have reviewed the Bat Assessment Report produced by Ecology Planning dated July 2019 - I consider that the survey effort employed is in accordance with recognised current guidelines.

The survey undertaken included internal and external inspections of the building affected by the proposed development to identify any potential features suitable to provide access into the structure and/or to support roosting bats.

The preliminary survey which was undertaken on 23rd April 2019 identified evidence of bats in the form of droppings in the loft. Potential access points were also identified in the form of gaps in the blockwork wall cavity and gaps in the eaves.

Three activity surveys were undertaken in April 2019 (dusk emergence), May 2019 (dawn re-entry) and June 2019 (dusk emergence). These surveys confirmed that the building affected by the proposed development is being utilised by common pipistrelle and brown long-eared bats for roosting purposes. Lesser horseshoe bats were also recorded on the proposed development site.

Following the finding of the bat roost assessment - the report identifies that the proposed development will result in the disturbance, loss of roost locations and destruction of resting places, as such a European Protected Species Development Licence will be required.

Recommendations for mitigation measures to provide roosting opportunities for pipistrelle and long-eared bats present within the mill building have been identified in section 5 of the Bat Assessment Report. A lesser horseshoe was also recorded on site utilising the existing porch however it has not been clearly specified whether it was considered that the porch is being utilised as a night roost by this species.

Therefore clarification is required from the ecologist to clearly define use of the porch by lesser horseshoe bats. In the absence of this information it is not possible to determine whether the proposed development will result in negative impacts to the favourable conservation status of the species of bats confirmed as roosting in the building and therefore I am unable to confirm that the development would meet the requirements of the 3 Tests of the Conservation of Habitats and Species Regulations 2017 or comply with the requirements of Powys LDP policy DM2.

As such it is considered that insufficient information has been provided to determine the significance of the proposed development on bats.

The following information is required to be submitted to the LPA prior to determination of the application;

- Clarification regarding the use of the porch by lesser horseshoe bats

- Additional bat mitigation measures to compensate for the impact to a night roost for lesser horseshoe bats

Once this additional information has been provided it will ensure that the mitigation measures are appropriate to ensure no negative impacts to the favourable conservation status of the bat species identified as roosting at the site.

PCC- (S) Land Drainage

No comment received at the time of writing this report.

Natural Resources Wales (North) DPAS

4th Sep 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 14/8/2019

We have no objection to the proposed development as submitted and provide the following advice.

Protected Species

We note that the bat report submitted in support of the above application (Ecology Planning, 3/7/2019) has identified that bats (pipistrelle and brown long-eared) are present at the application site. From the information submitted, 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 and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

The report also notes that lesser horseshoe bats may use the porch area as a night roost, but that roosting was not confirmed. We consider that the favourable conservation status of the lesser horseshoe bat will not be affected by the proposals, however we would recommend that the applicant provides an alternative open-fronted structure (e.g. log store) that may provide alternative night roosting opportunities.

NRW would refer the Local Authority to the Chief Planning Officer's letter 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.

Please consult us again if any further information shows that this is no longer a lower risk case.

Foul drainage

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=13181925684000000>). 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.

Advice for the Developer:

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

Community Council

No comment received at the time of writing this report.

PCC-Building Control

No comment received at the time of writing this report.

Wales & West Utilities - Plant Protection
Team

16th Aug 2019

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Ward Councillor

29th Aug 2019

Hi, As local member I would be very pleased if this application could be considered by the Planning Committee. The reason is "The planning history of the site."

PCC-Ecologist

17th Oct 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

The additional information submitted has been provided in response to a request for further information to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to bats – European protected species – as the proposed development requires alterations to an existing building.

I have reviewed the amended Bat Assessment Produced by Ecology Planning dated 27th September 2019. The report confirms that no bat droppings were identified within the existing porch to indicate significant/regular use by lesser horseshoe or other bat species.

Recommendations for mitigation measures to provide roosting opportunities for pipistrelle and long-eared bats present within the existing building have been identified in section 5 of the Bat Assessment Report. Measures include;

- Workers are to receive a 'Tool Box Talk' prior to commencement of works
- Timing of works
 - Works impacting the cavity walls are not to be undertaken during the winter months (November to March inclusive)
 - New access routes are to be created prior to impacting any existing bat access routes
- Replacement of the existing porch to enable continued use by lesser horseshoe bats
- Retention of cavity wall access by removing the exiting porch
- New cavity wall access to be created below the soffit

Subject to the identified mitigation measures being implemented it is considered that the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. **It is therefore recommended that the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition.**

Wildlife Sensitive Lighting Scheme

I have reviewed the proposed lighting outlined illustrated on drawing number 18/4373/5b. The measures proposed with regards to external lighting at the site are considered to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. **It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.**

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Warning: A 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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.

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

PCC-Ecologist

14th Nov 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

The inclusion of hedgerow and shrub planting is welcomed and likely to provide benefits for biodiversity 'biodiversity enhancements' in accordance with the requirements of the Environment (Wales) Act 2016. I have reviewed proposed landscaping scheme document submitted as part of the application. Whilst the document indicates that native fruit trees are to be planted limited details have been provided as to numbers, planting and aftercare schedules. In addition, limited details have been provided regarding proposed species mixes, planting and aftercare schedules of the proposed new hedgerows. **It is therefore**

recommended that a landscape planting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Warning: A 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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.

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

PCC-Ecologist

27th Nov 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

I have reviewed Planting Specifications document submitted as part of the application. The document indicates that six fruit trees are to be planted around the proposed development site in addition to hedgerow and shrub planting. The inclusion of hedgerow and shrub planting is welcomed and likely to provide benefits for biodiversity 'biodiversity enhancements' in accordance with the requirements of the Environment (Wales) Act 2016.

I considered that the broad principles of the proposed landscaping to be acceptable however no scaled drawings of the proposed planting have been submitted and limited details of the proposed hedgerow species have been provided.

It is therefore recommended that notwithstanding the information submitted a landscape planting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Notwithstanding the details submitted prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Warning: A 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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.

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

Representations

A public site notice was displayed at this site on the 28th August 2019. Three public objections have been received at the time of writing this report and can be summarised as follows:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Increase in traffic

- Increase in pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of the area
- Over development
- Residential amenity
- Traffic or highways
- Should remain as a stable
- Conflict with local plan

Planning History

App Ref	Description	Decision	Date
B/04/0290	Erection of stables	Consent	28 th Sept 2004
B/05/0297	Proposed new stables	Consent	10 th Nov 2005
P/2014/1151	Change of use of stables to include residential conversion as part of a scheme for economic re use	Refused	2 nd Sept 2015
P/2015/0966	Change of use of stables to include residential conversion as part of a scheme for economic re-use	Refused	7th Apr 2016
P/2017/0219	Full: Change of use of stables to residential dwelling to include removal of lean to, installation of solar panels and ground source heat pump	Refused	25th Jul 2017
18/0872/FUL	Change of use of stables to one residential three bedroom dwelling and two one bedroom holiday units and all associated works	Withdrawn	28 th Dec 2018

Principal Planning Constraints

Open countryside

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN23	Economic Development	National Policy
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	Residential Design Guide (2004)	Local Development Plan 2011-2026

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

Site Location and Description

The application site is located in open countryside as defined by the Powys LDP 2011 - 2026 (2018). It is located some 550m west of Llandefalle church adjacent to on the south side of the classified C0067 road near it's junction with the unclassified U0185 road. The site adjoins a detached residential property to the south west and there is a further dwelling approximately 40m to the north on the opposite side of the road. To the south and east of the site is open agricultural land whilst to the north-east/west is agricultural land and woodland.

The application site comprises a detached, two storey, vacant, unused building sitting in a large plot. The building was originally given planning consent in 2004 as a stables building and was built sometime after 2005 based on amended plans approved in 2005. The building was never completed internally and has been vacant and unused since its construction.

The application seeks consent for the change of use from stables to one residential three-bedroom dwelling and two one-bedroom holiday units together with associated works.

Principle of Development

Since the building has been constructed three planning applications have been made for a change of use to residential plus economic re-use at the site. These three applications were considered under the Powys Unitary Development Plan and were all refused based on insufficient evidence being provided. Since these historic applications have been considered new and revised policy frameworks have been introduced and/or adopted.

In considering the principle of the proposed development, consideration is given to Planning Policy Wales (ed. 10, 2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and Technical Advice Note 23 - Economic Development (2014) and the Powys LDP (adopted 2018), in particular policies SP6, H1 and TD1.

The revised PPW (ed. 10) places emphasis on the consideration of sustainability in the planning process and this includes re-use, reducing waste and the efficient use of land. Paragraph 5.11.7 promotes the use of existing buildings wherever possible. Paragraph 3.51 says previously developed land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

Section 5.6 states that a strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas. Paragraph 5.6.6 encourages planning authorities to adopt a positive approach to the conversion of rural buildings for business re-use.

TAN 6 and TAN 23 support the re-use and adaptation of existing buildings in the rural area. Section 3.2 of TAN 23 says, "The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation". It further says, "local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use..."

The adopted Powys LDP supports and reflects this national planning policy framework. The LDP identifies in its Key Issues and Considerations at Section 2.4 the importance of tourism to the local economy. Furthermore, in paragraph 3.2.29 it supports the re-use of rural buildings for economic and residential purposes where justified. In addition, paragraph 4.1.5 reiterates the position of the LDP in relation to the national policy framework outlined above saying, "No specific policy is included on the re-use / adaptation of rural buildings, or on agricultural development, because PPW, TAN 6 and TAN 23 provide adequate policy. The Council has not prioritised economic reuses above other uses and supports a flexible approach to re-use and adaptation of rural buildings."

The application under consideration seeks a change of use of an existing building to residential and holiday accommodation - the residential use is intended for the purpose of supporting and managing the holiday use business. TAN 6 in paragraph 3.2.1 says, "the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes". It is not necessary therefore, to consider whether the existing building is needed any more as a stable building and it is considered that the proposed use is compliant with the framework set out in PPW, TAN 6 and TAN 23 and so is acceptable in planning terms.

LDP policy TD1 encourages new tourist development due to its contribution to the economy in terms of visitor spending, supporting local business and employment generation. Criterion 2.ii of the policy specifies that a proposed development in the open countryside will be permitted provided that it re-uses a suitable rural building in accordance with TAN 6. It is established above that the proposal is in accordance with TAN 6.

Previous applications at this site have been for residential purposes and have been refused due to insufficient information being provided. This application combines residential use with holiday accommodation and this is considered to be an acceptable arrangement as holiday accommodation often requires a residential element to manage and support the site.

With regard to consideration of the residential element of the application, LDP policy SP6 - Distribution of Growth across the Settlement Hierarchy states that in open countryside, "Development proposals will need to comply with relevant national policy including PPW and TANs including:

TAN6: Planning for Sustainable Rural Communities

TAN 23: Economic Development

AND with relevant development management and topic based policies contained in the Plan".

Specifically with regard to housing it states, "Only housing development that complies with the national exceptions policies as set out in PPW and TAN 6 will be permitted in the Open Countryside."

This is supported by criterion 4.ii of policy H1 which states that in the open countryside housing development will be supported, "where development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings".

In light of the above therefore, it is considered that the principle of development is compliant with PPW, TAN 6, TAN 23 and the Powys LDP including policy TD1, SP6 and H1.

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 application relates to the change of use of an existing two storey building that is a painted, rendered structure under a slate roof and which already has the appearance of a house. It measures approximately 24m in length and 6.3m wide. It measures approximately 5.3m to the eaves and 8.3m to the ridgeline. The building is T-shaped with the leg of the T at the north-west elevation measuring approximately 4.7m wide and 7.3m long. The existing building has a roofed terrace along the south east elevation and it is proposed to remove this and replace it with a shorter length of roof which is an amendment to the original submitted as bats are seen to use the veranda area. It is also proposed to alter the door and window openings on the south east elevation to replace the original stable doors. It is also proposed to remove the windows at the south west elevation to improve residential amenity. It is proposed to replace the existing uPVC windows with wooden windows to reflect the local vernacular and it is also proposed to timber clad some of the walls to give the building a more rural appearance. A new porch and replacement door is proposed at the south west elevation.

The dwelling part of the proposed change of use will utilise the northern part of the building and be over the two storeys while the holiday units will be self-contained at the southern end - one on the ground floor and one on the first floor.

In terms of siting, scale, height and massing the proposal concerns the change of use of an existing building so the capacity to alter these is limited and therefore, are considered to be acceptable. Objections have been made to the appearance of the existing building as being out of character with the local area. However, there are rendered buildings within the locality and the proposed alterations are intended to further integrate the building into the rural character of the area.

Policy DM13 criterion 13 also requires proposals to demonstrate a sustainable and efficient use of resources. The proposed development will make use solar panels and a ground source heat pump, a ULEV charging point will be installed and a rainwater harvesting system will be included for domestic and garden use.

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

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, criterion 10 and T1).

The Local Highways Authority were consulted on the proposed development and is satisfied that the level and type of traffic movements associated with the proposed change of use, is likely to be considerably lower and smaller in scale, than those that could be generated through the extant planning use. As such the Highway Authority has no objection to the proposal subject to the inclusion of a number of appropriately worded conditions relating to highway standards and safety.

The site already has adequate parking space within the plot for the proposed use so subject to the highway conditions being implemented it is considered to be acceptable.

In light of the above, and subject to the inclusion of the recommended conditions, it is considered that the proposed development complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) and LDP policy DM13 (Part 11).

The existing building is detached and sits in a large plot screened by mature hedges. The neighbouring property is also detached and sits in a large, well-screened plot. The proposed development is not considered to offer any additional adverse impacts to any neighbouring properties due to its orientation. Window openings are to be removed from the south west elevation that faces the neighbouring property so offers an improvement to the existing. The main elevation is south east facing which is away from the road over agricultural ground so there will be no issues of overlooking.

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

Landscape Impact

Policy DM4 of the Powys Local Development Plan, states that development proposals “must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.”

With regard to Landmap the site lies within the Felinfach Farmlands Aspect Area and is described as:

“This area forms part of the subtle watershed between Usk and Wye valleys. It is gently rolling hills and valleys with well managed pastoral (and some mixed) farmland. The hedges are generally neatly cut and open views are often possible, including to the Black Mountains which the area faces to the south east/east. Mature trees can be found in woodland blocks and some hedges and also associated with settlement. The A470 passes by and through the area and creates noise disturbance in its corridor.”

It is classified as being of being of moderate visual and sensory value. Other evaluations are:

Geological Landscape – Bronllys - moderate
Landscape Habitats – Usk Valley - moderate
Historic Landscape - Llanddew - outstanding
Cultural Landscape – Powys Rural Hinterland- moderate

The proposed development concerns the change of use of an existing building so is already in situ in this location so there will be no additional impact upon the landscape. The proposal includes design alterations to the building that are intended to reduce any adverse impact that the building may already have. A landscaping scheme is also intended that will further reduce any visual impact.

It is considered therefore, that the proposed development in terms of design, scale, integration and location fundamentally accords with relevant planning policy.

Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The Ecologist reviewed the proposed plans and identified 75 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; brown long-eared, pipistrelle, lesser horseshoe and Natterere's, hazel dormice, barn owl and slow-worm. No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development - Site of Importance for Nature Conservation (SINC) – Pont-y-Bat Woods approximately 277m from the proposed development.

A Bat Assessment Report was submitted in support of the application and based on its findings the Ecologist requested additional information relating to the bats' use of the external porch roof. Following submission of this information and the submission of a revised plan that partially retains the external porch roof on the south east elevation the Ecologist is satisfied subject to the identified mitigation measures being implemented the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. It is therefore recommended that the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition. Conditions relating to external lighting and landscaping are also recommended.

In light of the above, and subject to the inclusion of the recommended conditions, it is considered that the proposed development complies with relevant planning policy.

RECOMMENDATION - conditional consent

Having carefully considered the proposed development, officers consider that the proposal complies with relevant planning policy as outlined in PPW, TAN 6, TAN 23 and the Powys LDP including SP6, H1 and TD1. The recommendation is therefore 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 approved on XXXX 2019 (Drawing nos.18/4373/1, 18/4373/3, 18/4373/6 and 18/4373/5b)
3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. 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 5 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the first beneficial use of the development any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
9. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
12. External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.
13. Notwithstanding the details submitted, prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
14. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, alterations, or outbuildings shall be erected other than those expressly authorised by this permission.
15. The two holiday units hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as any person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
4. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
5. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).

6. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
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9. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
10. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
11. To comply with Powys County Council's LDP policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
12. To comply with Powys County Council's LDP policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's LDP policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. In order to control further development which has the potential to impact upon the affordability of the dwelling in accordance with the Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and to minimize the impact of the development upon the landscape in accordance with Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policy DM4 of the Powys Local Development Plan (2018).
15. To prevent the establishment of permanent dwellings in open countryside locations and retention of tourist facilities in accordance with Powys Local Development Plan policy TD1, Technical Advice Note 6 (2010) and Planning Policy Wales (2018).

Informative Notes

1. Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

2. Warning: A 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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.

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

Case Officer: Catherine James, Planning Officer - Planning Policy
Tel: 01597 827228 E-mail: catherine.james1@powys.gov.uk