



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1870/HH

Grid Ref: E: 322914
N: 308207

Community Council: Welshpool Community

Valid Date: 17.11.2020

Case Officer: Gwyn Humphreys

Applicant: Mr & Mrs Seddon

Location: Annegra, Borfa Green, Welshpool, SY21 7QE

Proposal: Demolition of existing porch, extension to existing roof covering new porch, to cover replacement structure

Application Type: Householder

The reason for Committee determination

As the Applicant is an Officer working within the Council.

Consultee Responses

Consultee

Received

Town Council

No comments have been received at the time of writing this report.

PCC-Building Control

26th Nov 2020

Building Regulations application required.

PCC-(N) Highways

4th Dec 2020

Based on the information provided, the Highway Authority does not wish to comment on this application.

Hafren Dyfrdwy

30th Nov 2020

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.

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

PCC-Ecologist

No comments received at the time of writing this report.

Natural Resources Wales (North) DPAS

14th Dec 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) on the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed in our 'Consultation Topics' document (September 2018) 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.

Protected Species

We have reviewed the Book-a-Bat Survey report submitted in support of the above application dated 11 November 2020 by Environment Systems and we concur with its conclusions and recommendations.

No European Protected Species (EPS) were found present within the area affected by the proposal and the potential for bat roosting was considered to be negligible.

We welcome the recommendations for reasonable avoidance measures and ecological enhancements made in the bat report and we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

If bats are found or seen during works, all work must stop immediately and advice sought from NRW before works can restart.

Representations

Following the display of a site notice on 29/11/2020, no public representations have been received at the time of writing this report.

Planning History

From an examination of the Council's records, the application site appears to have no relevant planning history.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN12	Design	National Policy
TAN18	Transport	National Policy
SP5	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
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	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

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location & Description of Development

The application site is located within the Town Council area of Welshpool, and is also located within the settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site relates to Annegra; an existing detached, two storey, split-level dwelling house located amongst a street scene comprised largely of dwellings similar in terms of their scale and external finish. The site is accessed via a private road off the U4413 County Highway, and is surrounded by neighbouring residential properties to the north, west and south; with an area of open space/woodland located to the east.

This application seeks planning permission for the demolition of an existing conservatory porch, and the construction of a new larger single storey extension in its place. The proposal also includes the re-roofing of the whole dwelling, to include the replacement of an existing 'stepped' section on the northern roof plane with a pitched roof. The proposed extension would measure approximately 6.5 metres in width and approximately 2.7 metres in depth. It would have a lean-to roof with a height to the eaves of approximately 2.6 metres and a height to the ridge of approximately 3.7 metres, to match that of the host dwelling house. The new roof would be finished with roof tiles, whilst the extension would be finished externally with materials to match those of the host dwelling; namely red brick and white uPVC fenestration.

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

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

Principle of Development

Policy H7 (Householder Development) of the adopted Powys Local Development Plan (2011-2026) is of relevance in the assessment of this application, and sets-out the principle of development for proposals of this nature;

"Proposals for ancillary development, including residential annexes, shall be provided as an extension to a dwelling. Where this is not practical, the following considerations will apply:

- 1. Ancillary buildings used for all purposes shall be designed to be subservient to and grouped with the main dwelling.*

2. *Ancillary buildings providing residential accommodation shall not be self-contained or have the facilities necessary for occupation independent of the main dwelling. Proposals should form a subordinate addition to the property, sharing access and amenity space with the main dwelling.”*

The application proposes the demolition of an existing conservatory porch and the construction of a new extension in its place. The existing conservatory is not considered to be of any particular architectural merit, and as such there would be no objection to its demolition in-principle. Given that the proposed extension would be attached to the host dwelling house, in-place of an existing structure, in this instance the proposal is considered to be compliant with the above policy.

As such, officers consider the proposed development to be acceptable in-principle. This is however subject to an assessment of the broader planning criteria addressed in turn below.

Design, Scale & Visual Impact

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. It states that, in terms of design, proposals will only be permitted where the following criteria are satisfied;

1. *“Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
2. *The development contributes towards the preservation of local distinctiveness and sense of place.”*

Further design-specific guidance is set-out within the adopted Residential Design SPG.

As previously noted, the existing conservatory porch, located on the western elevation of the dwelling house, is not considered to be of any particular architectural merit. As such, there is no objection to its demolition in design-terms.

With regard to the proposed extension, whilst it is acknowledged this would be larger in scale than the existing conservatory, officers nevertheless consider the overall scale of the extension would be proportionate and subservient to the scale of the host dwelling house in its current form. Indeed, whilst the extension would not be set-down from the ridge of the host dwelling house, it would nevertheless be viewed as clearly subservient within the surrounding street scene, and it would not dominate the western elevation of the existing dwelling, nor adversely impact upon the character of the host dwelling

house.

The proposed re-roofing of the dwelling house and the reconfiguration of the northern roof plane is considered to be acceptable in design-terms and would positively enhance the external appearance of the dwelling. The roof of the dwelling would be finished with new roof tiles, which noting the site's context and design of the existing dwelling, is considered to be appropriate in this instance.

The proposed extension would be finished externally with materials to match those of the host dwelling house, namely red brick and white uPVC fenestration. The use of matching materials is considered to be an acceptable design-approach in this instance, and would ensure the extension is not viewed as an out-of-context addition within the host street scene.

Given that the application site is located within the Welshpool settlement, with surrounding built development, it is not considered the proposal would have any impact upon the surrounding landscape, in-line with LDP Policy DM4.

In light of the above, subject to the inclusion of a suitably worded condition to ensure compliance with submitted plans, officers consider the proposals would be acceptable in this regard, and fundamentally compliant with relevant planning policy.

Impact upon Neighbouring Privacy & Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The proposed extension would be located on the western elevation of the existing dwelling house, and would therefore be set away from neighbouring properties. Indeed, the extension would be set-off the northern elevation of the neighbouring dwelling, Penybryn, by approximately 9 metres, which given the extension's single storey scale and its position north of this neighbouring property, is considered to be acceptable. Similarly, the extension would be sited approximately 14 metres north-east of No. 82 Borfa Green. As such, given its limited single storey scale, officers consider there would be no adverse effect upon these neighbours by way of overbearing or overshadowing impacts. Indeed, the proposal is considered to be comply with both the 25 and 45 degree rules, as outlined within the adopted Residential Design SPG.

It is noted the application also proposes the re-roofing of the existing dwelling and the reconfiguration of the northern roof plane. Whilst the proximity of the neighbouring dwelling to the north of the site, Tara Gwyn, is acknowledged, officers consider the minor alterations proposed to the roof would not have the potential to result in any adverse impact upon the amenity of these neighbouring residential occupiers.

With regard to the potential for overlooking as a result of the proposal, it should be

noted that no new windows are proposed within the southern elevation of the extension, facing towards Penybryn. Whilst two new roof lights are proposed within the southern roof plane, due to the pitch of the roof these would not offer any intrusive views towards neighbouring dwellings or gardens. Whilst it is acknowledged that the western elevation would include openings, it is considered these would not offer any greater or additional views than those available from the existing conservatory, and as such there would be no unacceptable level of overlooking in this direction as a result of the proposed development.

In light of the above, the proposal is considered to comply with the relevant planning policy and guidance, and would therefore be acceptable in this regard.

Highway Safety & Parking

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

The proposed development would result in the number of bedrooms within the dwelling increasing from three at present to four. However, noting the dwelling would already have the maximum parking requirement of three spaces, in-line with the CSS Wales Parking Standards, there would be no requirement for additional parking provision to be provided on-site as part of the development. The Local Highway Authority have been consulted on the proposals, and have confirmed they do not wish to comment upon the application.

In light of the above, officers consider the proposed development to be fundamentally acceptable in this regard.

Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 10).

Gungrog Flash SSSI is located approximately 400 metres east of the application site, the Montgomery Canal SSSI and SAC is located approximately 510 metres south-east of the application site, and Bron y Buckley Wood SSSI is located approximately 750 metres west of the site. There are also five separate areas of ancient woodland located within 1km of the application site, with the closest of these being located approximately 300 metres south-west of the site. In light of the minor scale of development proposed, its location wholly within an existing residential curtilage, and the intervening built development lying between the application site and these designated sites identified, it

is considered by officers that the proposed development would not detrimentally affect the sites or their features.

The proposed works would involve the demolition of an existing structure, and would also affect the ridge and eaves of the existing dwelling house. As such, a bat survey report has been submitted as part of the application in order to assess the potential impacts upon protected and priority species at the site. No European Protected Species (EPS) were found present within the area affected by the proposal and the potential for bat roosting was considered to be negligible. NRW have been consulted upon the contents of the report, and have confirmed no objection to the development based upon the information submitted.

The application proposes biodiversity enhancement in the form of the installation of a bat box on an existing Oak tree within the north-eastern corner of the application site, as outlined within the submitted bat report. This measure is considered to be acceptable given the scale of development proposed, and would help to achieve biodiversity enhancement at the application site and within the surrounding area. The enhancement measure will be secured through the inclusion of an appropriately worded condition with any grant of consent.

In light of the above, subject to the recommended condition, officers consider the proposed development to be compliant with relevant planning policy in this regard.

RECOMMENDATION – Conditional Consent

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

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:

Application Form

2034-MA(00)0001 – Location & Site Plan

2034-MA(00)0002 – Existing Floor Plans

2034-MA(00)0003 – Existing Elevations

2034-MA(00)0004 – Proposed Plans

2034-MA(00)0005 – Proposed Elevations

Book-a-Bat Survey Report, Dated: 11/11/2020, By: Environment Systems

3. The biodiversity enhancement as shown on plan no. 2034-MA(00)0001 and page 7 of the Book-a-Bat Survey Report shall be implemented as approved prior to the first beneficial use of the extension hereby permitted, and shall be maintained thereafter for as long as the development remains in existence.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.
3. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

PCC – Ecology

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, 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.