

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0633/FUL

Grid Ref: E: 303467
N: 266183

Community Council: Nantmel Community

Valid Date: 16.04.2019

Applicant: Mrs L Pearson

Location: Nantmel C In W School, Nantmel, Llandrindod Wells, LD1 6EL,

Proposal: Conversion of school to form a single dwelling, to include alterations to existing access and associated works

Application Type: Full Application

The reason for Committee determination

The application has been called in by the local member.

Consultee Responses

Consultee	Received
C P A T	1st May 2019

Thank you for the consultation on this application.

The original stone school building is 19th century in date and appears on the OS first and second edition mapping.

We have no record of the structure on the Historic Environment Record other than the mapping evidence.

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

Suggested planning condition to facilitate a photographic survey prior to development:

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.otg.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

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

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

PCC-(M) Highways

1st May 2019

The proposed development shall be constructed in accordance with the details on drawing number Ki 5402 4 dated April 2019.

Welsh Water

7th May 2019

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

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

PCC-Rights Of Way Senior Manager

8th May 2019

The proposed development directly effects the above bridleway, which runs along the south eastern edge of the site to the road. In the applicants plans it is proposed to plant a hedge along the southern boundary, and this would further obstruct the bridleway. Countryside Services therefore wishes to submit a holding objection, and advises the landowner to amend their plans to accommodate the bridleway through the development area.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Environmental Protection

9th May 2019

Clarification is sought with regards to foul drainage.

The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions.

Natural Resources Wales (North) DPAS

17th Jun 2019

Thank you for consulting Natural Resources Wales (letter dated 29/05/2019) regarding the above.

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

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions

Requirement 1 - Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1- bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

Protected Species

We note that the bat report submitted in support of the above application (Ecological Survey report dated August 2018 by Jon Sloan Ecological Consultants) has identified that multiple species of bats are present at the application site.

In this case, the bat report concludes that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii There is no satisfactory alternative and

iii The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

We note that mitigation measures, as described in section 12, have been suggested within the bat report and they have been included on the proposed plan, however it is not clear if the ground works will result in the removal of existing vegetation/trees on the eastern side of the school. Vegetation plays an important role in bat behaviour as it provides shelter and direction for emerging bats. It will therefore be important to consider any landscape proposals to make sure these will not adversely affect the way bats use this building.

All trees to be retained must be clearly incorporated into the block plan prior to determining the proposal.

Requirement 1 - Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We also note that the report refers to the requirement for a bat license to re-roof the building, however it is not clear from the planning application what is the proposed extent of works affecting the roof. If re-roofing is indeed required, then the recommendations of the report must be implemented and an NRW derogation license will be required.

We would be able to provide more specific advice on this matter if clarification on this matter is provided. More information on the type of material and roof design to be used will be required at licensing stage.

Condition 1- bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

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

We are currently unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We advise that additional details on the proposed landscape plan are submitted to your authority.

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=131819256840000000>). 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:

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.

Foul Drainage

It is not known at this stage what is the proposed method of foul water discharge for this proposal. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and discharge of effluent to ground or surface water is required, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is 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. 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 Pollution Prevention Guideline 4 which provides further information.

Ordinary Watercourse Consent

Our records indicate that a culverted stream runs underneath this property. Any excavation works have therefore the potential to affect an ordinary watercourse.

Works in or near an ordinary watercourse may require a Flood Defence Consent from Powys County Council, as the Lead Local Flood Authority in this area. Please see

<https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Appling-for-consent-for-works> for more information or contact land.drainage@Powys.gov.uk for more details.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Environmental Management

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.

PCC-Ecologist

26th Jun 2019

Thank you for consulting me with regards to planning application 19/0633/FUL which concerns an application for the conversion of school to form a single dwelling, to include alterations to existing access and associated works at Nantmel C In W School , Nantmel, Llandrindod Wells.

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 71 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; pipistrelle and noctule, house sparrow and otter.

Two statutory designated sites were identified within 500m of the proposed development;

- o SAC - River Wye approximately 163m from the proposed development
- o SSSI - River Ithon approximately 163m from the proposed development

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

Having reviewed the location and nature of the proposed development in relation to the designated sites it is considered that the proposed development would not result in a negative impact to the designated sites and/or their associated features.

The proposed development is located on the site of an existing school and is likely to impact areas of amenity planting and hard standing, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

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

I have reviewed the Full Ecological Report produced by Jon Sloan Ecological Consultants dated August 2018 - 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 4th July 2018 identified a number of potential bat access and roosting points including gaps in the stonework, gaps beneath ridge tiles at both gable ends and gaps beneath the bargeboard on the western gable. Evidence of bats in the form of droppings was also identified within the roof voids of the school building.

Three activity surveys were undertaken on 4th July 2018 (dusk emergence), 23rd July 2018 (dusk emergence) and 7th August 2018 (dawn re-entry). Survey's confirmed that the building affected by the proposed development was being utilised for the roosting purposes of common pipistrelle and myotis bat species.

Following the findings of the activity surveys - 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.

Necessary mitigation measures have been suggested in section 12 of the Ecological Survey Report. Measures include;

- o Retention of all three roof voids
- o Bat access into the roof voids is to be created by the means of dormer style slots and lead bat flashing and a bat slate positioned on the northern elevation
- o Erection of four double crevice bat boxes prior to commencement of works
- o Creation of four bat slits in all gable ends
- o All gable end ridge tiles are to be mortar free
- o Timing of works - any roofing works are to take place between mid-September and April

- o Removal of roof coverings are to be supervised by a suitably qualified ecologist

The identified mitigation measures have been detailed on the submitted plans. 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 adherence to the identified mitigation measures to minimise impacts to bats is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the building. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

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 mitigation measures and recommendations identified in the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2018 and illustrated on drawing number Ki5402 2 produced by McCartney's Planning & Survey dated January 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial

Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

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 the 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:

- o Intentionally kill, injure or take any bats.

- o 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:

- o 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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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-Countryside Services Manager

30th May 2019

Following the submission of additional information to the planning application, Countryside Services wishes to amend its comments.

The provision of a gap in the proposed hedge to allow access for the bridleway through is welcome, and the applicant should be aware that it will be their responsibility to ensure that this gap is maintained in the future, by keeping the hedge trimmed back. In order to allow full access for the bridleway the current fence will also need to be removed.

On the plan's there is reference to changing an area from the existing tarmac to a garden, this would be acceptable, provided that the surface of the bridleway remains firm and no plants are planted in the surface of the full width of the bridleway, or in positions where they may encroach and obstruct the bridleway.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

Subject to the comments made above Countryside Services would not object to the revised plans for the proposed development. However we would advise that applicant speak to Countryside Services before any development begins.

Community Council

23rd May 2019

The Community Council wish to strongly object to this application on the following grounds:

1. The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions. There has been a long standing issue with sewage which has not been resolved over many years. The Council concur with the comments of the Environmental Health Officer
2. There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal. The Council concurs with the Welsh Water comments.
3. The loss of the only local community amenity
4. There is a question with regard to the ownership of the land and building which is ongoing.
5. The Council supports the request from Cty Cllr David Evans in calling this application in for decision by the Full Planning Committee.

The Council would request that its comments are forwarded to all members of the Planning Committee.

Wales & West Utilities - Plant Protection
Team

3rd May 2019

Wales & West Utilities acknowledge receipt of your notice received on 30.04.2019, advising us of the proposals for: Nantmel, Llandrindod Wells, Powys, LD1 6EL

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Ward Councillor

14th May 2019

Thank you for your notification of the above application relating to the former Nantmel School.

In view of the very considerable interest which this application has already attracted I wish, as the local County Councillor, to call the application in for it to be decided upon by the Powys County Planning Committee

Natural Resources Wales (North) DPAS

16th Jul 2019

Thank you for consulting Natural Resources Wales (letter dated 03/07/2019) regarding additional information on the above.

In our previous response letter of 17/06/2019 (CAS-88852-V3T0), we had significant concerns with the proposed development as submitted. We recommended that you should only grant planning permission if the scheme can meet Requirement 1 – Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We have reviewed the amended landscape plan and information submitted by the agent and we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1– bats: All avoidance and mitigation measures described in section 12 of the bat report/plans are secured through planning conditions and/or a Section 106 agreement.

Protected Species We have reviewed the additional information received which states there will be no re-roofing work as part of the proposal, however the extent of works affecting the roof is not clear. We advise the applicant to liaise with the appointed ecologist and contact NRW to establish the requirement for a derogation license. Prior to contact NRW the ecologist must be fully aware of the extent of works affecting the roof of the school.

We are satisfied that the proposed landscape plan (drawing Ki 5402 5B) illustrates the retention of existing trees, which will continue to provide shelter and foraging opportunities for the bats using the property. On the basis of the report and amended block plan, 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

provided all the recommendations made in the bat report are implemented and secured via appropriately worded condition.

Condition 1– bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

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-topicsaugust-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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: 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. Please refer to our previous letter for advice on foul drainage, waste, pollution prevention, environmental management and ordinary watercourse consent.

Representations

Following the display of a site notice for the period of 21 days three public representations of objection were received at the time of writing this report. The reasons for objection are as follows;

- The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions. There has been a long standing issue with sewage which has not been resolved over many years. The Council concur with the comments of the Environmental Health Officer
- The loss of the only local community amenity
- There is a question with regard to the ownership of the land and building which is ongoing.
- Rights of way is incorrect and will be obstructed
- General dislike for the proposal
- Information missing from plans and application

Planning History

App Ref	Description	Decision	Date
RAD/2002/023 1	Erection of replacement of existing storage shed SO 06 NW	Conditional Consent	26th Jun 2002
RAD/2001/021 0	Erection of an extension to nursery classroom SO 06 NW	Conditional Consent	27th Jul 2001
RAD/1998/035 9	Erection of extension to headmasters office SO 06 NW	Conditional Consent	21st Oct 1998

Principal Planning Constraints

Rights of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
PPW	Planning Policy Wales		National Policy
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

DM11	Protection of Existing Community Facilities and Services	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	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 site is located within Nantmel which is identified as a small village within the Powys Local Development Plan (2018).

The site is located off the U1272 unclassified highway to the south and west. To the north east is woodland whilst to the north west are neighbouring residential dwellings. To the east is agricultural land used for the purposes of grazing.

This application seeks consent for the conversion of school to form a single dwelling, to include alterations to existing access and associated works.

Principle of Development

The site is located within the small village of Nantmel as identified within the LDP, the development has been considered in line with policy H1. Policy H1 seeks for residential development to be located between existing buildings in an otherwise built up frontage which are capable of accommodating no more than 2 open market dwellings; or on sites located between existing buildings in an otherwise built up frontage or which form logical extension to the settlement, and which are capable of accommodating no more than 5 dwellings for affordable housing in accordance with Policy H6. It would be considered that the development would appear contrary to policy H1, however as the proposal is for a conversion of a rural building, consideration is also given to Technical Advice Note 6 and 23. TAN 6 and 23 allow for the conversion rural buildings for residential use and therefore is considered to comply subject to consideration to the following policies;

Policy DM11 of the Powys LDP states the loss of the following existing Community Facilities and Services will only be permitted in respect of:

1. *An existing community or indoor recreation facility where it can be demonstrated that:*
 - i. *Appropriate alternative provision is to be made available or the potential for continued use is no longer viable; and*
 - ii. *Alternative solutions to support the long term use of the facility for the community have been adequately explored.*

2. *An existing neighbourhood shop, village shop, public house or service where it can be demonstrated that:*
 - i. *The premises have been for sale and/or vacant for a minimum of 6 months and attempts at actively marketing the existing use during that time have been unsuccessful.*
 - ii. *Alternative solutions to support the long-term economic viability of the business have been demonstrated to be adequately explored.*

The feasibility of the school was assessed by the Council. The school was closed because there were too many surplus spaces within the school. Analysis was undertaken in 2015 to understand the impact on pupil travel if Nantmel C in W School was closed. It was found that of the 32 pupils attending, Nantmel School was the closest school for only 19 of the pupils. As an appropriate alternative provision, the Council's report recommended that Rhayader Church in Wales School could be used as an alternative. This is approximately 5 miles to the north east of Nantmel along the A44. There is another primary school option in Crossgates, Crossgates Primary School, which is 3.7 miles away. There are also two primary school within Llandrindod Wells including Llandrindod Wells County Primary School and Ysgol Trefonnen.

In the Cabinet Executive meeting on 23rd June 2016, it was recommended to close Nantmel C in W School in order to provide a sustainable model of primary school education. Nantmel Church in Wales School was closed because the school was not economically viable. The funding generated by pupil numbers also did not provide

sufficient funding for the school in order for the school to employ the minimum number of teachers and staff.

In light of the above it is considered that the development has complied with part 1 of DM11.

The property previously operated as a school which closed on the 31st of December 2016. The property has been vacant since its closure in 2016 and alternative solutions have been considered. No evidence has been submitted demonstrating that the building was actively marketed in association with the existing use or other community use, however the building has been vacant well in excess of 6 months.

It has been brought to the authority's attention that the Community Council wished to purchase the site for a community facility, however there is no evidence that this was actively pursued. A justification statement has been submitted alongside the application demonstrating that there are a number of alternative community facilities within close proximity of Nantmel.

The application site is located within a residential area of the village with surrounding properties consisting of residential dwellings. The proposed conversion to residential accommodation is seen as a logical change of use given the property's location.

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

Design

With respect to design, specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the 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.

Consent is sought for the conversion of the school to form a single dwelling, to include alterations to existing access and associated works. The Primary School closed in 2016 and has remained vacant ever since. The external appearance of the elevations and roof will remain as existing, the only external alteration to the property includes the blocking up of a number of window openings and doorway on the north elevation and replace with 3 windows, the insertion of patio doors and alteration of window design on the east elevation, change of a window and door on the south elevation and replacement of a window to form a doorway and change to design of window and door to the western elevation. The openings to be blocked up will be bricked up using bricks to match the existing building. The minor amendments to the external appearance of the building are considered to be acceptable.

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

Highways

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

The application does seek some minor alterations to the existing means of access to the site and the proposal seeks to provide 4 parking spaces. The local Highway Authority has been consulted on the development and raised no objection subject to the inclusion a condition ensuring the access is constructed in accordance with drawing no. Ki 5402 dated April 2019. An amended plan has since been submitted (Ki 5402 4B), however this plan demonstrates the same highways details as per the previous plan which was considered acceptable by the highways authority.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered therefore 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) & LDP: DM13 (Part 11).

The nearest neighbouring dwelling are Pont Ffordd which is located approximately 7 metres to the north west of the site, Vale House located approximately 12.1 metres to the north of the application site and Ashbrook located approximately 34.8 metres to the south west.

The proposal does not seek any extensions, in light of this it is considered that the proposed development will not impact the right to light afforded to the neighbouring dwellings.

The building subject to this application is offset to the dwelling known as Pont Ffordd, Vale House and Ashbrook, in light of this it is considered that the proposed development will not impact the privacy afforded to either neighbouring dwelling and suitable privacy will be afforded to the proposed dwelling. It is also proposed to provide landscaping to the north which will assist in providing privacy to the proposed dwelling and Vale House.

The proposed development is not considered to offer any additional impact upon loss of daylight or loss of privacy to any other neighbouring dwellings based on the distances between.

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

Rights of Way

In considering impacts of development upon the rights of way networks consideration is given to policy SP7.

Countryside services have been consulted on the proposed development. Countryside services have raised objection to the proposed development due to the proposal to a hedgerow which would obstruct the rights of way.

Following the concerns raised by Countryside services amended plans have been submitted which provide a gap in the hedgerow to allow free access along the bridal way. Following re-consultation with countryside services they have now withdrawn their objection subject to the applicant being made aware that the right of way should not be obstructed and the applicant may require to apply to the countryside services to temporarily close the bridal way during work.

In light of the above and subject to the inclusion of an informative, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

Policy DM2 of the Powys Local Development Plan seeks to ensure that protected species and their habitats are not impacted upon by development and seeks to improve habitats wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

An Ecological report has been submitted alongside the application and therefore PCC Ecology and NRW have been consulted on the proposed development.

The Ecologist 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. Species recorded within 500m of the proposed development include bat species; pipistrelle and noctule, house sparrow and otter.

Two statutory designated sites were identified within 500 metres of the proposed development; SAC – River Wye approximately 163m from the proposed development, SSSI – River Ithon approximately 163m from the proposed development from the proposed development.

Having taken into account the location of the designated sites in relation to the proposed development and the nature of the works proposed the Ecologist considered that there would be no likely negative impacts directly or indirectly to the designated sites and/or their associated features.

The Ecologist noted the proposed development is located on the site of an existing dwelling and is likely to impact areas of hard standing and amenity planting which are habitats considered to be of relatively low ecological value.

The Ecologist noted a Full Ecological Report has been undertaken and submitted to support the application and enable the Local Planning Authority to assess the potential impact of the development roosting bats. The Ecologist reviewed the Ecological Survey produced by Jon Sloan Ecology dated July 2018 and considered that the survey methods and effort employed were in accordance with current National Guidelines.

PCC Ecology are satisfied with the proposed development subject to the inclusion of a number of conditions to secure the development to be carried out in line with the mitigation outlined within the ecological report, an external lighting scheme and landscaping scheme.

Natural Resources Wales were also consulted regarding the proposed development, NRW have requested a landscaping scheme and requested a condition to secure the development to be undertaken in accordance with the mitigation within the ecological report. A landscaping plan has been submitted and NRW re-consulted, NRW have stated that they are satisfied with the proposed landscape plan. However, having spoken with the PCC Ecologist they have stated that a landscaping condition will be required in this instance as details are still required in relation to the landscaping.

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

Archaeology

CPAT have provided comments on the proposed development in relation to archaeology, it is stated that the original stone building is 19th century. CPAT have no record of the structure on the Historic Environment Record other than the mapping evidence. In light of this CPAT have requested the inclusion of an appropriately worded condition to secure a photographic survey prior to commencement of development.

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

Environmental Health

Environmental Health have been consulted on the proposed development. Environmental Health have raised concerns as it is proposed for the development to connect to the mains sewerage system, however it has been noted that there are no public sewerage systems within close proximity to the site.

Confirmation has been sought from the agent. The agent has stated that there is an existing septic tank on site which was utilised by the school and it is considered that this

would far exceed the requirement for a dwelling of this size. Comments have not yet been provided by the environmental health officer in relation to the additional information.

RECOMMENDATION - Approval

In light of the above it is therefore considered that the proposed development complies with relevant planning policy and it is recommended for approval subject to the following conditions.

Conditions

- 1 The development shall begin not later than five years from the date of this decision
- 2 The development shall be carried out in accordance with the following approved plans and documents; Ki 5402 2, Ki 5402 3B, Ki 5402 4B, Ki 5402 5B, Ki 5402 6A
- 3 The development shall be carried out strictly in accordance with the mitigation measures and recommendations identified in the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2018 and illustrated on drawing number Ki5402 2 produced by McCartneys Planning & Survey dated January 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
- 4 No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
- 5 No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7 Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting

digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.otg.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 To secure a full photographic record of the original building prior to alteration, conversion or demolition.

Informative Notes

1 Wales & West Utilities

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

2 Rights of Way

On the plan's there is reference to changing an area from the existing tarmac to a garden, this would be acceptable, provided that the surface of the bridleway remains firm and no plants are planted in the surface of the full width of the bridleway, or in position's where they may encroach and obstruct the bridleway.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

It is advise that applicant speak to Countryside Services before any development begins.

3 Natural Resources Wales Guidance

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.

Foul Drainage

It is not known at this stage what is the proposed method of foul water discharge for this proposal. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and discharge of effluent to ground or surface water is required, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is 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. 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 Pollution Prevention Guideline 4 which provides further information.

Ordinary Watercourse Consent

Our records indicate that a culverted stream runs underneath this property. Any excavation works have therefore the potential to affect an ordinary watercourse. Works in or near an ordinary watercourse may require a Flood Defence Consent from Powys County Council, as the Lead Local Flood Authority in this area. Please see <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-forworks> for more information or contact land.drainage@Powys.gov.uk for more details.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

before it is collected, disposed of or recovered to identify the controls that apply to the movement of the waste to complete waste documents and records to identify suitably authorised waste management options to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over Working at construction and demolition sites which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

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.

4 Biodiversity

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/protectedspecies-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