

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

**Application Number:** 19/1955/FUL      **Grid Ref:** E: 306331  
N: 260821  
**Community Council:** Llandrindod Wells Community      **Valid Date:** 18.12.2019

**Applicant:** Welsh Government

**Location:** County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

**Proposal:** Erection of a single storey front extension to create a new reception hall and all associated works

**Application Type:** Full Application

### The reason for Committee determination

This application site is owned by Powys County Council, therefore the application is required to be determined by planning committee.

### Site Location and Description

This site is accessed via the existing car park and pedestrian pathways off the C1339 classified highway. The site is situated directly adjacent to the existing Powys County Council County Hall building and is currently a grassed area with some shrub planting bound by paved pathways to the south and west with grassed area to the north.

This full application seeks consent for the erection of a single storey extension to create a new reception hall and entrance and all associated works.

### Consultee Responses

#### Consultee

#### Received

PCC- (S) Land Drainage

15th Jan 2020

Having assessed the Planning Application Ref 19/1955/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite. Having discussed this site previously and through correspondence with Shear design there appears to also be plans for a parking area for this development which will take it over the 100m<sup>2</sup> area.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

PCC-(M) Highways

8th Jan 2020

Does not wish to comment on this application

Welsh Water

2nd Jan 2020

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

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

Environmental Protection

7th Jan 2020

Environmental Protection have no adverse comments to make

Community Council

22nd Jan 2020

No objections were made.

PCC-Building Control

3rd Jan 2020

Planning application 19/1955/FUL will require building regulations, should you require any further information please do not hesitate to contact me.

Cadw - Planning

No comments received at the time of writing this report.

PCC – Ecologist

29/01/2020

Thank you for consulting me with regards to planning application 19/1955/FUL which concerns a full planning application for erection of a single storey front extension to create a new reception hall and all associated works at County Hall, Spa Road East, Llandrindod Wells, Powys.

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

The data search identified 447 records of protected and priority species within 500m of the proposed development.

There is one statutory designated site within 500m of the proposed developments;

- Lake Wood - SSSI

There is one non-statutory designated sites within 500m of the proposed developments;

- Local Nature Reserve – Lake Park

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 or their associated features.

It appears that areas impacted by the proposed development include hardstanding, shrub hedge and amenity grassland, which area habitats considered be to of low ecological

value.

Given the proposed development involves extension of an existing building, consideration has been given to the potential for the existing building and areas impacted by the proposed developments to support roosting bats – bats being a European protected species.

Visiting the site area of the existing building which will be impacted by the proposed development – it is considered that there are no suitable access points or roosting features will be impacted by the proposed development.

Therefore, it is considered that works proposed would not result in the loss of features for roosting bats and unlikely to impact roosting bats. Therefore no further surveys regarding bat are considered necessary.

Consideration has been given to the potential for the proposed development 'site' to support Great Crested Newts given the close proximity of the proposed works to the pond – Great Crested Newts being a European Protected Species.

The habitats impacted by the proposed development are considered to offer unfavourable habitat for Great Crested Newt terrestrial habitat – if present.

Assessment of the habitat impacted by the proposed development it is considered that the proposed development would be unlikely to result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

From knowledge of the pond and recent surveys conducted – the pond in close proximity to the proposed development does not support great crested newts.

With regards to other protected and priority species identified as present in the local area by the data search given the habitat identified on site, it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary at this time.

### **External Lighting**

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland.

Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. It is therefore recommended that a External Lighting Plan is secured through an appropriately worded condition.

## **Biological Enhancement**

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development.

The applicant/agent has indicated that the proposed development will include the incorporation of a green roof on the proposed new extension.

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan including the details of the construction, planting scheme and aftercare of the green roof.

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

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

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

*Prior to the commencement of development, a detailed Biodiversity Enhancement Plan regarding the green roof; including a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

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

In addition, I recommend inclusion of the following informative:

### **Birds - Wildlife and Countryside Act 1981 (as amended)**

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### **Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

### **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 the site on the 09/01/2020. No third party representations have been received by Development Management at the time of writing this report.

## Principal Planning Constraints

Historic Parks and Gardens

## 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
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		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
SPGBIO	Biodiversity and Geodiversity SPG (2018)		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**

### Principle of Development

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.

This site relates to an extension to the existing Powys County Council County Hall building to create a new reception area and separate entrance for a potential tenant to occupy some of the existing office space within the building. The site is currently a grassed area, to front the existing building, with some shrub planting. The proposed extension is to measure 5.3 metres in width, 7.5 metres in length and 3.7 metres in height. The proposed extension is to have a flat roof (Green roof as biodiversity enhancement), brick walls (Edenhall Killin Buff Multi), with windows (Polyester powder coated aluminium framed) to the south west and north east elevations with the new entrance doorway being accessed from the north east.

Officers consider that the proposed development is of an acceptable scale, design and appearance and will not have any adverse impact upon amenities enjoyed by the occupants of any neighbouring properties. The proposed development is considered to be of a scale, height, mass and design that complement and enhance the character and appearance of the existing building and of the surrounding area.

In light of the above observations, officers consider that the proposed extension is in accordance with policy DM13 of the Powys Local Development Plan.

### Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.



As part of this application process the Highway Authority has been consulted, and they did not wish to comment on the proposal. Officers consider that the proposed development would not result in the loss of any parking/turning area associated with the existing building, and therefore complies with policies DM13 and T1 of the Powys LDP.

In light of the above, Officers consider that the proposed development is in accordance with planning policy, particularly policy DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

### Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

As part of this application process the ecologist has been consulted who has raised no objection to the proposal subject to a condition regarding external lighting and a condition to secure further details of the proposed biodiversity enhancement in the form of a planted green roof. Officers consider that given the nature of the proposal and the age and condition of the existing building, no further information in respect of protected species is required and that the site is of low ecological value.

A biodiversity enhancement has been sought from the applicant to be implemented alongside the proposal. The applicant has provided additional information regarding the proposed materials for the extension which includes a green roof to the extension. The proposed green roof is considered to be a suitable ecological biodiversity enhancement with our ecologist raising no objection to the proposal. However, our ecologist has recommended a condition be attached to require a detailed specification for the green roof to be secured via condition upon any grant of consent. Officers consider that the biodiversity enhancement is acceptable and is proportionate to the proposed development.

In light of the above, subject to the recommended conditions, Officers consider that the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

### Historic Park and Garden

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as scheduled ancient monuments, listed buildings and historic parks and gardens. This

policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

The proposed application site is located within the designated Llandrindod Wells Public Parks Historic Park and Garden. As part of this application process CADW have been consulted, however no comments have been received in response at the time of writing this committee report. Any comments received will be reported via an update report to members.

Officers consider that the proposed development would be visible from the wider area west and north of the site in the backdrop of the existing County Hall building and would not be visible from the south or east due to screening from the existing building. Given that the proposal forms an extension to the existing building which is relatively modest in scale, officers consider that the proposed development will not have a significant adverse impact upon the registered historic park and garden and the amenity value given to it. Officers consider the proposed design and materials will complement the character and appearance of the existing building.

In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan together with Technical Advice Note 24.

### Conclusion

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the recommendation is therefore one of Conditional Consent.

### **RECOMMENDATION**

The recommendation is one of consent subject to the conditions set out below.

### **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 (Location Plan, EX-AL01, Email regarding materials from Avison Young dated 28/01/20, Email regarding green roof spec from Avison Young dated 29/01/2020).
3. The biodiversity enhancement features detailed within email regarding green roof dated 28/01/20 from Avison Young and Email regarding green roof spec from Avison Young dated 29/01/2020 shall be fully implemented prior to the first use of the extension hereby approved and retained as such thereafter.

4. No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of development, a detailed Biodiversity Enhancement Plan regarding the green roof; including a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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

### **Informatives**

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

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