



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0937/LBC **Grid Ref:** E: 331376
N: 264432
Community Council: Presteigne Community **Valid Date:** 18.05.2021

Applicant: Mr Thomas Perceval

Location: 45A High Street, Presteigne, LD8 2BE

Proposal: Listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall

Application Type: Listed Building Consent

The reason for Committee determination

The application has been 'called-in' by the Local Ward Member, Councillor Beverley Baynham.

Consultee Responses

Consultee

Received

Hafren Dyfrdwy

28th Jul 2021

The above site is out of Hafren Dyfrdwy's waste water area, and therefore we have no comment to make.

PCC-(M) Highways

26th Jul 2021

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

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Additional comments received 3rd November 2021;

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above and the additional information which we received on 14/10/2021.

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

Protected Species

We note the comments of the LPA's ecologist dated 14 July 2021, which state that the Design and Access Statement submitted in support of the development indicates the proposals include relining and insulation of the roof. In addition, the LPA's ecologist points out that the elevation drawings illustrate the installation of a flue within the roof structure, and further states that "In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing roof structure for its bat roost potential and the potential for any impacts is required."

We note the Preliminary Ecological Report by Arbtech dated 14/09/2021, indicates that

the survey effort was limited to an external and partial internal inspection of the building, as health and safety concerns limited access to the loft space. From the information provided within the PEA, it appears unclear whether it is possible to conclusively state that the building proposed for alterations does indeed have negligible bat roosting potential, and that bats are likely absent from the building.

We therefore advise that you consult your in-house ecologist to determine whether further bat survey of the building is required in order to establish presence or likely absence of bats in the building in question. Any such surveys should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (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.

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

PCC-Ecologist

14th Jul 2021

Thank you for the opportunity to comment on planning application 21/0937/LBC which concerns an application for listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall at 45A High Street, Presteigne, LD8 2BE.

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

The data search identified 72 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include pipistrelle bat, water vole, otter, slow-worm, swift, greenfinch, freshwater crayfish, large-leaved lime and bluebell.

One statutory designated site was identified within 500m of the proposed development:

- River Lugg Site of Special Scientific Interest (SSSI - approximately 300m from the proposed development

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

- Withybeds and Wentes Meadow Wildlife Trust Reserve (WTR)- approximately 450m from the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW and WTR in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the AW and WTR and/or any associated features.

The proposal is for internal renovation of the property with replacement of external windows. The Design and Access Statement asserts that there will be no works to external walls and the roof structure. However, it also identifies that the internal structure appears to be open to the roof and the roof will be relined and insulated. The proposed elevations also identify a flue installed within the roof structure. No information has been provided regarding the current use and condition of the property.

Therefore, consideration has been given to the potential for the structure affected to support roosting bats (all British wild bats are European protected species) and for the proposed development to impact roosting bats. Given the proximity of trees, hedgerows and watercourses to the property it is considered that there is a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

Where it is considered that there is a potential for bats to be present and impacted by a proposed development sufficient information is required to be submitted to the Local Planning Authority to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of these species. Biodiversity is a material consideration in the planning process, therefore information to establish likely impacts to biodiversity is required prior to determination of the application.

Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a Habitat Regulations Species, to determine this application.

In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing roof structure for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately

experienced and licensed bat consultant. The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the current standard survey methodology published by Bat Conservation Trust.

If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat accesses or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

If the preliminary bat roost assessment identifies the need to undertake bat activity surveys these will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition (2016). Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and activity surveys during the recognised activity season May – September. The surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required. Further information regarding the requirement to provide sufficient information in relation to potential impacts to biodiversity can be found in the Powys LDP – Biodiversity and Geodiversity pstatic.powys.gov.uk

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed, i.e. an offence is likely to be committed, a European protected species licence would be required to allow the works to proceed. As part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2017 (as amended) have been met prior to determining the application. If the Species Protection Team at Natural Resources Wales (NRW) is also content that these tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public 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”.

2. That there is “no satisfactory alternative”

3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Details of ecological consultants working in Powys can be found at <https://cieem.net/i-need/finding-a-consultant/> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW’s current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

The proposal will result in an increase in wastewater. It is expected that the dwelling will be connected to the existing mains sewer network but no information has been provided to confirm the means of foul drainage for the development.

Having reviewed the information provided by the applicant it is considered that there is potential for the proposed development to impact the River Wye SAC. Pollution (phosphate) from operation activities could result in a Significant Effect. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the River Wye SAC and/or its associated features during operation of the site the following information is required:

i) Details of the foul drainage system to be used, chosen in accordance with Planning Circular 008/2018.

ii) Confirmation from DCWW that there is capacity to treat additional wastewater and phosphorus from the proposed development (in combination with other planned development) within the existing discharge permit limits.

This information is required to be submitted prior to determination of the application to enable a Habitats Regulations Screening to be undertaken.

It is considered that further information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, local authorities are required to maintain and enhance biodiversity, including through the planning process. Planning Policy Wales 10 states 'planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity'. The Chief Planning Officer for Wales in his letter of 23/10/2019 confirms that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Therefore, details are required regarding incorporation of features to enhance biodiversity and ensure the development provides a net benefit for biodiversity.

Examples of suitable features could include:

- Provision of bird and bat boxes. The proposal should include details of the number, type and location of boxes,
- Provision of wildlife-friendly landscape planting.

Further information is required to demonstrate how the development will result in a net benefit for biodiversity. Features of wildlife enhancement measures proposed as part of the development should be clearly identified and detailed on submitted plans (i.e. locations, dimensions and numbers included) and be achievable.

Additional comments received 3rd November 2021;

RE 21/0937/LBC which concerns an application for listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall at 45A High Street, Presteigne, LD8 2BE.

I have reviewed the Preliminary Bat Roost Assessment produced by Arbtech dated

14/09/2021 and consider that the survey methods and effort employed were in accordance with current National Guidelines. The PRA consisted of an internal and external inspection of the buildings to identify potential bat access points, roost features and evidence of the presence of bats. No evidence of bats was detected and no suitable roost features were identified; the building was considered to have negligible potential for roosting bats and no further surveys are required. No evidence of nesting birds was found despite access being available to the interior of the property.

Biodiversity enhancements in the form of two bat boxes and two bird boxes were recommended to be installed on the completed development. The measures are welcome and should be identified clearly on submitted plans to ensure they are implemented as intended. Bat boxes should be erected on a southeast-southwest elevation; bird boxes on a northerly elevation.

Revised elevation plans are required to confirm type, location and number of bat and bird boxes. Submission of sufficient information prior to determination of the application will remove the need for a pre-commencement condition.

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 or foraging in the local area and to avoid illumination of bat and bird enhancement features. 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 (12th September 2018).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Submitted information confirms the property has been used as a dwelling for several decades and has an established mains sewer connection. In assessing the proposal against current NRW guidance, it is considered that the proposal will not result in an increase in wastewater volume. On this basis a likely significant effect in terms of phosphorus inputs to the River Wye SAC catchment (including via the River Lugg SSSI catchment) can be ruled out. I have attached a copy of the Screening Assessment for Phosphate Inputs for your records.

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

Prior to commencement of development a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority. The plan shall include the location, number and type of bird and bat boxes to be installed on the property. The plan shall be

implemented as approved and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

External lighting of the proposed development shall be restricted to use of downlighters or cowed or hooded luminaries angled downwards preventing light spill above the horizontal plane and there shall be no direct or indirect illumination of adjacent trees, hedgerows or bat enhancement features. Use of bulbs emitting light from the cool-white colour spectrum shall be avoided. Lighting shall be controlled using PIR motion sensors. Use of a manual override switch shall be permitted for occasional use as required.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include 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 on 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.

PCC-Built Heritage Officer

18th Jun 2021

21/0937/LBC | Listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall 45A High Street, Presteigne, LD8 2BE

Background to Recommendation

Designation:

Within Prestieigne Conservation Area – Article 4 which contains a number of listed buildings

Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation:

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan:

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

44 and 45 High Street are identified as Kings Head Stores as a single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind No 45, close studding.

The application site is one of the low 2 storey rear ranges.

The application is a resubmission of LBC 20/1687/LBC which was withdrawn. In consideration of that application I sought clarification on a number of items and expressed concern with the level of information provided with the application.

The current plans and documents under consideration are;

Design and Access Statement dated 16 October 2020,

Heritage Impact Statement dated 27 October 2020,

Drawing Reference Monkton 1 dated August 2020 Floors Survey

Drawing Reference Monkton 2 dated August 2020 Elevations Survey

Drawing Reference Monkton 3 dated August 2020 Floor as proposed

Drawing Reference Monkton 4 dated August 2020 Elevations Proposal

I note that the description of works has changed since the previous application which was

described as “Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber”

However, the plans and information submitted with this application appear to be exactly the same as the previous application and no additional information has been provided. The only exception to that appears to be the application form which is different, most notably question 4 on the previous application form indicated that the development has not already been started without planning permission, however on the current application form the same question confirms that works have commenced without planning permission on 18/01/2019.

I had previously expressed concern with the level of information and for information my previous comments are attached as an appendix to these comments to avoid repetition.

I would not consider that the proposed works have been adequately documented as the requirement in national Policy and guidance. For clarity where I referenced them previously, I shall include them in full here.

Section 6.1.13 of PPW11 “Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed. “

Section 1.26 of TAN 24 states it is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. The paragraph continues that the local planning authority should be able to provide guidance to the applicant during pre-application discussions on the amount of information required to support a proposal. I would consider that the comments made by myself previously outlined the areas where further information would be required.

Paragraph 4.5 of Managing Change to Listed Buildings – Annexe to TAN 24 advises that “You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions s

in a historic room to major new buildings or developments.”

The validation checklist produced by Cadw in the annexe to Managing Change identifies that the Heritage Impact Assessment should provide an explanation of why the works are desirable or necessary; an assessment of the significance of the building; an assessment of the impact of the proposed works on the special architectural or historic interest of the building and its significance; a summary of the options and the reasons for the preferred approach. Section 5.5 of Managing Change to Listed Buildings identifies what should be included in a Heritage Impact Assessment. In addition Cadw has produced guidelines on the preparation of Heritage Impact Assessment which may be useful. I am attaching a hyperlink for ease of reference:

<http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Heritage%20Impact%20Assessment%20in%20Wales%2026917%20EN.pdf>

The Impact Statement is a single page and lists 9 items of works however no details in respect of the works, and the information is conflicting.

Item 5 indicates that the only external alteration is the provision of a missing door, and in section 4 whilst it would be desirable to reintroduce more traditional joinery to the building the applicant is not in a position to fund any other work other than which is vitally. However drawing Monkton 2 indicates that in addition to the door 2 of the windows are to be replaced, one a like for like renewal the other to replace metal and plastic casement with painted timber.

The current application form states that works commenced without planning permission on 18/09/2019, and item 6 on the Heritage Impact Statement clarifies that internally the only historic remnants are the structural walls, first floor and roof which will be retained as found although lined and insulated. No details of the insulation have been provided and not clarification what works were undertaken on and since 18/09/2019. It is assumed that as the building is a shell and that there are no stairs that they potentially were some of the works undertaken.

Whilst there is support in principle for the sympathetic repair and restoration of this property and whilst while contrary to the national guidance if the only outstanding issues were the details of the windows these could potentially be conditioned. However, the application provides no details as to why the interior is an empty shell with a missing door, what works have occurred since 2019 and details of the works to repair/reinstate the building. As such I would not consider that we have sufficient information to consider this application favourably.

I would therefore have to repeat my previous concerns that the required level of

information has not been provided with this application. I would not recommend that the application be referred to Welsh Government on the basis of the information provided, and would again request that the information sought in my previous comments dated 14 January 2021 be submitted in order that the works to the building can be considered with the necessary information. I would also seek clarification as to what works have occurred since 18/01/219

Should the required information not be provided or should you wish to determine the application on its current merits I would have to recommend refusal and that the application not be referred to Welsh Government for the following grounds.

It is not considered that sufficient information has been submitted with the application to fully assess the extent of the works proposed and as such the proposal is considered to be contrary to; Section 6.1.13 of Planning Policy Wales 11th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The application has failed to show why works which would affect the character of a listed building are desirable or necessary. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

The proposed studding and insulation of this listed building the 2-storey rear range referred to in Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985, are considered inappropriate and if implemented would severely affect the character and appearance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed buildings and Conservation Areas) Act, paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales 11th edition 2021, B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings, and Policy SP7 of the adopted Powys Local Plan and Local Plan Objective 13.

Appendix to Built Heritage Officer's comments;

20/1687/LBC | Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber staircase | 45A High Street Presteigne LD8 2BE

Background to Recommendation

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Within Presteigne Conservation Area – Article 4 which contains a number of listed

buildings

Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985

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The advice has been given with reference to relevant policies, guidance and legislation:

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TAN24

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Historic Environment Records

Local Development Plan:

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments:

44 and 45 High Street are identified as Kings Head Stores as a single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind

No 45, close studding.

The application site is one of the low 2 storey rear ranges.

The proposal seeks to replace the upvc windows on the property, install a door in an existing opening, install a staircase, install a kitchen and sanitary ware and thermally insulate the property.

I note that the application form states that works have not commenced and would seek clarification in this regard, as it appears that works have in fact commenced as there is no stair, no sanitaryware, the doors has been removed and windows. Given the description of the building within the application, I would therefore seek clarification if the building is a habitable dwelling without these features or if these features have been removed prior to the application being received. Full details of the date of the removal of these features would need to be submitted, and any details of the staircase – location and design, and any other works that have been undertaken..

I had understood from previous correspondence that the upvc windows installed were undertaken post listing (reference LB/2015/0085). I note that the first-floor window is to be replaced. However, would seek clarification in respect of the other windows and the discrepancy between the proposed elevational plans which suggest that one window would be replaced, however the Heritage Impact Statement confirms that the only external alteration is the provision of the door which is missing.

I would also seek clarification is sought as the date when the property became a self-contained dwelling unit, and what the implications of that date are in terms of building regulations and any works that may be required in that respect?

Please note that this invitation to include the works already undertaken to the listed building is without prejudice and not a guarantee of the outcome of the application. I would remind you of section B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings which, which advises that “In exceptional circumstances, applications can be made to retain unauthorised works. Local planning authorities will follow the same procedures described above for listed building consent and will consider the merits of the case against the same tests. If consent is granted then the works can remain; if not, then enforcement might follow seeking to rectify any damage or remove the works and, in appropriate cases, a prosecution might be initiated.”

In any event, details of the proposed staircase and details of the proposed windows and door should have been included within the application. I would draw your attention to the Annexe to Managing Change to Listed Buildings which identifies what information should be included in a listed building consent application.

For works affecting larger scale features; for example, doors, windows, railings and staircases, drawings at 1:10 and 1:20. For fine and more decorative details; for example, stone mouldings, wooden glazing bars, plaster details, and intricate metalwork, drawings at scale 1:2 or 1:1.

Dated photographs showing the existing appearance of those parts of the building and its setting to be affected must be included. Photomontages showing the visual effects of proposed changes can be used for minor works; for example, addition of lights, aerials, alarms, or changes to shopfronts and signage. The wider setting of the listed building should be shown on more distant photographs.

In addition to clarification in respect of the works undertaken previously, I would also seek clarification in respect of the proposed insulation. The Heritage Impact Statement describes the works as the structural walls, first floor and roof will be retained as found although lined and insulated to achieve a reasonable thermal standard.

No details of the insulation have been provided.

I would express grave concern with the level of information contained within this application, firstly in respect of the works already believed to have been undertaken which this current application appears to seek to regularise and secondly the level of information provided in line with; Section 6.1.13 of Planning Policy Wales 10th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

I would recommend that further information is submitted in respect of the proposals. To assist in that submission I would draw attention to the Annexe to TAN24 - Managing Change to Listed Buildings namely;

Section 2.2 which advises that - The layout and plan of a building is often the basis of its design and provides evidence for its purpose, age and development. Even where the original layout has apparently been lost, there may be physical evidence in the building which can help explain the original form and the sequence of change, such as empty peg and mortise holes in timber frames, straight joints in stone walls, or ghost features such as blocked doorways and windows. Understanding the plan and evolution of your building gives an insight into its history which may guide or inspire options for change. Subsequent alterations and additions may enhance the quality of your listed building and be of interest in their own right as part of its history; equally, they may also detract from it. The guidance is to retain historical form and layout, together with any features relating to it, wherever practicable; reinstate where appropriate; respect inherited character in new

work and alteration.

Paragraph 4.5 which advises that “New work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a new lease of life. You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions in a historic room to major new buildings or developments.”

Section 4.8 refers to energy efficiency measures which advises that “Historic buildings can benefit from well-informed energy-efficiency measures, but measures designed for modern buildings will not necessarily be appropriate for traditional buildings, which perform in a very different way. Given the climatic conditions in Wales, the use of standard materials and methods (such as external wall insulation or cavity wall insulation) may risk damage to the fabric of historic buildings and to the health of their occupants. They may also fail to realise anticipated energy savings because most historic buildings perform significantly better than current assessment methodologies suggest. As with other interventions, understanding the building is the critical starting point. This allows the thermal performance of the building to be analysed so that appropriate energy-efficient measures can be identified and designed to minimise the risk of harm. There may be some scope to upgrade the fabric through interventions that are sympathetic both to the appearance and the performance of traditional buildings, but there may also be simple, low-impact measures that you could undertake — for example, upgrading heating systems, repairing windows, reusing shutters, draught proofing or even using heavy curtains. Keeping the building in a good state of repair will in itself help to improve its energy efficiency and is an essential first step before any other intervention is undertaken.”

I am attaching a hyperlink for ease of reference:

[http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing
%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf](http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf)

However should details of the insulation to be submitted, full details of the product, including details of where it has been used before, and research into the product including an assessment of the property after its installation to establish what benefits have been provided to the building by its use and any disbenefits that have been evident.

The following websites provide information on upgrade of thermal elements that you may

find useful.

- SPAB: <https://www.spab.org.uk/advice/energy-efficiency/>
- Sustainable Traditional Buildings Alliance (STBA): <http://stbauk.org/>
- Responsible Retrofit Knowledge Centre: <http://responsible-retrofit.org>

You may also be interested in an unlisted cottage that Cadw are retrofitting as part of their research into retrofitting traditionally constructed building.

<http://cadw.gov.wales/about/partnershipsandprojects/projectsfundedcadw/Heritage-Cottage/?lang=en>

In making this recommendation I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Section 6.1.9 of PPW 10 advises that “Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way”

I would recommend that the information above is submitted before this application could

be considered favourably. I shall await further information in this regard.

I would also advise that replacement windows and doors are covered by the Prestiegne Article 4 Direction and as such planning permission is also required for the proposed windows and doors, and for the wall to be reconstructed which would require planning permission.

However, should you wish to determine the application on its current merits, taking into account the information in file LB/2015/0085 and any unauthorised works that may have occurred, I would recommend that the application be refused on the following grounds.

It is not considered that sufficient information has been submitted with the application to fully assess the extent of the works proposed and as such the proposal is considered to be contrary to; Section 6.1.13 of Planning Policy Wales 10th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The application has failed to show why works which would affect the character of a listed building are desirable or necessary. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

The proposed studding and insulation of this listed building the 2-storey rear range referred to in Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985, are considered inappropriate and if implemented would severely affect the character and appearance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed buildings and Conservation Areas) Act, paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales 10th edition 2018, B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings, section 3.2.1 of TAN23, and Policy SP7 of the adopted Powys Local Plan and Local Plan Objective 13.

Presteigne and Norton Town Council

17th Jun 2021

The Town Council has no objection to the above application.

Ward Councillor – Cllr Baynham

10th Jun 2021

Please can I make a request for application 21/0937/LBC to be called into committee please?

On the face of it what seems a simple application it has a history of difficulty that would be far better placed with the committee for determination.

I trust this is sufficient but if you require further information please do let me know.

Dwr Cymru Welsh Water

6th Aug 2021

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.

We do not foresee a significant increase (if any) of foul water generated from the new proposal and therefore have no objections to the application for the repairs and alterations.

ASSET PROTECTION

This site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, it appears the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline and therefore acceptable in principle. Nonetheless, it is recommended that the developer ascertain the distance and relationship of the sewer to the proposed development and should be referred to in any plans, for the purposes of any forthcoming planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note.

PCC-Building Control

No comments received at the time of writing this report.

Representations

The application was advertised in the Mid Wales Journal on 11/06/2021, and a site notice was displayed on 22/06/2021. No public representations have been received at the time of writing this report.

Planning History

From a review of the Council's records, the application site appears to have the following recent planning history of relevance:

App Ref	Description	Decision	Date
20/1687/LBC	Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber staircase	Application Withdrawn	31st Mar 2021

Principal Planning Constraints

- Grade II Listed Building (CADW Ref: 8896)
- Presteigne Conservation Area
- Presteigne Article 4 Direction Area
- Several other Grade II Listed Buildings within 50 metres
- Phosphorous Sensitive Welsh River SACs – River Wye SAC Catchment
- River Lugg SSSI – within approx. 280 metres

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy

TAN24	The Historic Environment	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
DM15	Waste within Developments	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
SPGHE	Historic Environment SPG	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG	Local Development Plan 2011-2026
SPGARC	Archaeology 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

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

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

This application has been considered 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.

Site Location & Description of Development

The application site is located within the Town Council area of Presteigne and Norton, and is also located within the settlement boundary for Presteigne, which is defined as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site relates to 45A High Street, which forms the southern/south-western extent of the wider Grade II Listed Building at 44/45 High Street (CADW reference: 8896). The site comprises an existing two-storey dwelling house, attached to the southern elevation of 45 High Street, which is a 'low two-storey rear range'. The application site is surrounded by the existing buildings at 44 and 45 High Street to the north and west, by neighbouring properties to the east and south-east, and by the High Street Public Car Park to the south. The application site is located wholly within the Presteigne Conservation and Article 4 Direction Areas.

This application seeks Listed Building Consent for the following development:

"Repairs and alterations: provision of new external door, two replacement windows, new internal stairway, installation of kitchen and sanitary ware, thermal insulation and rebuilding of section of garden wall".

It should be noted that this is a re-submission of application reference: 20/1687/LBC, which was withdrawn on 31st March 2021, following concerns being raised by the

Authority's Built Heritage Conservation Officer.

Principle of Development

Policies SP7 and DM13 of the adopted Powys Local Development Plan (2011-2026), and TAN 24 (The Historic Environment), seek to ensure that development proposals do not have an unacceptable adverse impact upon a listed building or the setting of a listed building. Proposals need to be of a high-quality design and use materials that are in-keeping with the character and appearance of the listed building and of the surrounding area.

Listed Building Consent is sought for various works to the building, as outlined above, to generally renovate the property and provide more modern living accommodation. Listed Building Consent is required as the site forms a part of a Grade II Listed Building at 44/45 High Street (CADW reference: 8896). As identified within the Condition Report submitted as part of the application, the existing property is noted to be in a poor state of repair generally, and thus, the principle of bringing the dwelling back into use, with more modern accommodation and facilities, is accepted by officers. This is, however, subject to an in-depth assessment of the built heritage implications of the development, together with other considerations such as ecology, which will be addressed in-turn below.

Built Heritage

Due to the application relating to works to a Grade II Listed Building, the site's location within Presteigne Conservation Area, and the presence of several further listed buildings within the site's vicinity, consideration should be given to the requirements of LDP Policies SP7 and DM13 (Criterion 3), TAN 24 (The Historic Environment), Planning Policy Wales (Edition 11) and the Council's adopted Historic Environment and Conservation Areas SPGs.

Further to this, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given *"considerable importance and weight"* when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in

relation to development proposals within conservation areas, states that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017, and which advises in section 6.4 that *“Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”*

By way of background to the application, it is noted the host building was first Grade II Listed in March 1985 for its group value. The exterior list description for the building reads as follows:

“Single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind No 45, close studding.”

The Local Authority’s Built Heritage Officer has been consulted on the proposed development, and notes that the plans and documents submitted as part of the application appear to be the same as those submitted as part of the previous application (reference: 20/1687/LBC). This previous application was withdrawn by the applicant’s agent in March 2021, following several concerns being expressed by the Built Heritage Officer with regard to the level of information provided with the application.

Whilst the Built Heritage Officer confirms support in-principle for the sympathetic repair and renovation of the building, in this instance, it is acknowledged that the officer has raised an objection to the proposed development, owing largely to a lack of information to fully detail the site’s history and proposed works having been submitted to inform the decision-making process.

Section 6.1.13 of Planning Policy Wales (Edition 11) states that *“applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.”*

This is supported by Section 1.26 of TAN 24 (The Historic Environment), which confirms the following:

“It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- The significance of the asset and the contribution the setting makes to that significance*
- the prominence of the historic asset*
- the expected lifespan of the proposed development*
- the extent of tree cover and its likely longevity*
- non-visual factors affecting the setting of the historic asset such as noise.”*

Furthermore, Paragraph 4.5 of the TAN 24 annexe, *Managing Change to Listed Buildings in Wales* (2017), advises the following:

“New work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a new lease of life. You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions in a historic room to major new buildings or developments.”

It is noted that the validation checklist produced by CADW within the annexe to *Managing Change to Listed Buildings in Wales* identifies that the Heritage Impact Assessment should provide an explanation of why the works are desirable or necessary; an assessment of the significance of the building; an assessment of the impact of the proposed works on the special architectural or historic interest of the building and its significance; a summary of the options and the reasons for the preferred approach. Section 5.5 of *Managing Change to Listed Buildings in Wales* also identifies what should be included in a Heritage Impact Assessment. In addition, it is noted that CADW has produced guidelines on the preparation of Heritage Impact Assessments.

The submitted Heritage Impact Assessment (HIA), by Marches Conservation Services, is noted to be a single page in length and lists nine items of work, however no details in respect of the works proposed have been included, and the Built Heritage Officer considers the included information to be conflicting.

Indeed, the Built Heritage Officer notes that ‘Item 5’ within the HIA indicates that the only external alteration proposed is the provision of a missing door, however in Section

4 it is confirmed that whilst it would be desirable to reintroduce more traditional joinery to the building, the applicant “*is not in a position to fund any work other than that which is vitally necessary*”. However, drawing no: *Monkton 2* (proposed elevations) indicates that in addition to the door, two of the windows are to be replaced; one a like-for-like renewal, and the other to replace metal and plastic casements with painted timber. It is considered that such conflicts and inconsistencies within the submitted HIA mean the application is contrary to the requirements of Section 1.26 of TAN 24 and Paragraph 4.5 of Managing Change to Listed Buildings in Wales.

The Built Heritage Officer also raises concerns given that the application provides no details as to why the interior of the building is an empty shell with a missing door, and what works have already or previously occurred to the building. As such, the Built Heritage Officer considers that insufficient information has been submitted to enable the Local Planning Authority to consider the application proposals favourably.

The Built Heritage Officer has therefore repeated their concerns originally outlined as part of application reference 20/1687/LBC, confirming that the required level of information has not been submitted as part of the application. In addition, it is considered by the Built Heritage Officer that the studding and insulation details submitted are inappropriate and would cause a detrimental and harmful impact upon the character of the host listed building.

In light of the above, it is considered that insufficient information and details have been submitted as part of the application to fully allow the Local Planning Authority to assess the proposed development. Furthermore, it is considered that the details submitted with regard to the proposed works are unacceptable, have not been sufficiently justified and evidenced, and would thus cause an unacceptable, adverse and harmful effect upon the character, setting and appearance of the host listed building. The proposed development is therefore deemed to be contrary to the requirements of Planning Policy Wales (Edition 11), TAN 24, Managing Change to Listed Buildings in Wales, Powys LDP Policy SP7, and the Council’s adopted Historic Environment SPG, together with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology & 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 11).

The proposed works would involve the re-lining and insulation of the building’s roof, together with the installation of a flue. Upon initial consultation, the Authority’s Planning Ecologist noted that there was a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

Where it is considered that there is a potential for bats to be present and impacted by a proposed development, sufficient information is required to be submitted to the Local Planning Authority to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of these species. Biodiversity is a material consideration in the planning process, therefore information to establish likely impacts to biodiversity is required prior to determination of the application. It is noted that the application, as originally submitted, was not accompanied by any information with regard to ecology.

Subsequent to concerns being raised by the PCC Ecologist in relation to the potential for bats to be present on-site, a Preliminary Roost Assessment Survey, undertaken by Arbtech, has been submitted to inform the application. The assessment undertaken comprised of an internal and external inspection of the building to identify potential bat access points, roost features and evidence of the presence of bats. No evidence of bats was detected, and no suitable roost features were identified; the building was considered to have negligible potential for roosting bats and no further surveys were deemed to be required. Furthermore, no evidence of nesting birds was found despite access being available to the interior of the property. Upon re-consultation, the PCC Ecologist has confirmed they consider that the survey methods and effort employed were in accordance with current national guidelines. Officers therefore consider that protected species are not a constraint for the proposed development, based upon the information submitted as part of the application.

Furthermore, whilst the PCC Ecologist has also suggested that suitably worded conditions are attached to any permission granted in terms of external lighting and biodiversity enhancement measures, given that this is an application for Listed Building Consent, and not for planning permission, officers consider that such conditions would not be necessary or reasonable on this occasion.

The application site is also located wholly within the catchment of the River Wye Special Area of Conservation [SAC]. Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs) (updated 26th May 2021). It is considered that this development is unlikely to increase phosphate inputs because it falls within the following criterion in the

current published NRW advice:

“Any development that does not increase the volume of wastewater”.

Further information with regard to the above can be viewed within the *HRA Screening for Phosphates* record, on the planning file.

In light of the above, officers consider the proposed development to be acceptable and compliant with planning policy in this particular regard.

RECOMMENDATION - Refuse

In light of the above assessment, officers consider that the proposed development fails to comply with all relevant planning policy, guidance and legislation as outlined, and the recommendation is therefore one of refusal for the reasons as outlined below.

Reasons

1. Insufficient information has been submitted to enable a full assessment of the works proposed and the likely impacts of the proposals upon the special architectural or historic interest of the building and on its setting to be undertaken. As such, the proposal is considered to be contrary to the requirements of Section 6.1.13 of Planning Policy Wales (Edition 11), Section 1.26 of TAN 24, Paragraph 4.5 of Managing Change to Listed Buildings in Wales, Policy SP7 of the adopted Powys Local Development Plan (2011-2026) and the Council's adopted Historic Environment SPG.
2. The proposed studding and insulation of the host listed building (CADW ref: 8896) is considered to be inappropriate and if implemented would severely affect and harm the character and appearance of the listed building. As such the proposal is deemed to be contrary to the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales (Edition 11), TAN 24, Section 5.11 of Managing Change to Listed Buildings in Wales, and Policy SP7 of the adopted Powys Local Development Plan (2011-2026).