

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/1627/HH

Grid Ref: E: 309007
N: 306393

Community Council: Llanfair Caereinion
Community

Valid Date: 08.11.2024

Applicant: SM & GD Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU.

Proposal: Erection of a two storey side extension and associated works

Application Type: Householder

The reason for Committee determination

The applicant is a Powys County Council Councillor.

Consultee Responses

Consultee

Received

Community Council

29th Nov 2024

Community Council made comments in support of the Planning Application

PCC-Ecologist

26th Nov 2024

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 12, 2024
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

None

Non-statutory sites within 500m:

- o Banwy Adopted SINC - approximately 375m from development
- o One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species reported within 500m? Yes

Comments:

The application is informed by the following information:

- o Bat and Nesting Bird Assessment, Star Ecology, Ref: GJ/3191/24.1, dated 06/10/2024

Survey effort and methods employed in accordance with current national guidelines?
Yes

Impacts to protected and priority sites:

There are a number of ancient woodland sites within 500m of the development site. The closest one being 89m away. Due to the topography of the land, it is considered that the proposed works would unlikely affect the ancient woodland site. Additionally, considering the nature, size and location of the proposed development, it is considered that the proposed works will unlikely impact Banwy adopted SINC or any of the other ancient woodland sites in the area.

Impacts to priority habitats:

There are two ponds within 130m of the proposed development. Due to the scale of the proposed development, it is considered that the proposed works will unlikely have an impact on the two ponds.

Furthermore, Google Street View (May 2024) shows that there is a hedgerow, which appears to be mainly leylandii, at the front of the property. From reviewing the Google Street View image, it appears that the proposed extension will not affect the hedgerow.

Impacts to protected and priority species:

Bats - a preliminary assessment of the property was carried out on the 16/08/2024 and on the 25/09/2024 to assess the property for the likely presence or absence of roosting bats and nesting birds. The property is stated as being in good and maintained structural condition. No evidence of bats was found during the assessments. The ecologist states that the property does not provide any bat roost habitat. Therefore, it was deemed that no further survey work was required.

Birds - no evidence of nesting birds was recorded during the assessments. However, it is considered that the exterior of the property offers potential habitat for nesting birds. Therefore, a precautionary approach to works must be adopted.

Lighting

It is unclear whether the proposed development will install any external lighting, therefore, the following advice is given:

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 (2023) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

Furthermore, it is considered that the external lighting specifications identified in Appendix 2 of the Bat and Nesting Bird Assessment report are appropriate and should be adhered to if external lighting is proposed.

Biodiversity Enhancement, Green Infrastructure and Ecosystem Resilience

There has been no Green Infrastructure Statement submitted with this application. However, from reviewing the photographs in Appendix 1 of the Bat and Nesting Bird Assessment report, Google Street View images (May 2024) and aerial images of the site it appears that an area of amenity grass will be lost in order to facilitate the proposed development.

From reviewing the Existing and Proposed Plans by Lloyd Architecture, drawing no. 692/01, dated 02/2024, it appears that one bird box is to be installed close to the eaves on the northeastern elevation as a biodiversity enhancement measure. The details are appropriate and welcomed; however, due to the loss of amenity grass, it is considered that the proposed bird box would not result in a net benefit for biodiversity. Therefore, it is recommended that the applicant proposes at least one more biodiversity enhancement measure to meet the requirements set out in Planning Policy Wales. Additional biodiversity enhancements, for example, could include the installation of a bat box or the planting of a fruit tree.

Therefore, it is recommended that an amended Biodiversity Scheme is secured through an appropriately worded planning condition.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.
2. Notwithstanding the details submitted and prior to commencement of development a Biodiversity Enhancement Scheme shall be submitted to the Local Planning Authority and implemented as approved no later than three months following first beneficial use or the completion of the development (whichever is the sooner) and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Updated recommendation following review of amended plans 8th Jan 2025:

They are all positioned appropriately, except for the 1FF bat box at the rear of the property. This should be placed on either the southeast or southwest elevation of the property. I would suggest on the southwest elevation as the box could be positioned far away from any windows.

If we can ask the applicant to move this bat box on the drawing, then I would recommend this condition:

1. The development shall be undertaken in strict accordance with the recommendations for biodiversity enhancements as identified on the Existing and Proposed Plans, by Lloyd Architects, drawing no. 692/01, dated 02/2024 (amended), and details of raised ridge tile installation should be followed as identified in Appendix 2 of the Bat and Nesting Bird Assessment, by Star Ecology, Ref: GJ/3191/24.1, dated 06/10/2024. The measures identified shall be adhered to and implemented in full.

Informatives:

The following advice for the applicant is also considered appropriate

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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 0345 1300 228 or email 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 by phone at 0300 065 3000.

PCC-(N) Highways

18th Nov 2024

Based on the information submitted, the HA is satisfied that the development will have no detrimental impact on the highway network and as such, it has no objection to the proposal, nor does it recommend any highway related conditions.

Representations

A site notice was displayed on 12th December 2024. At the time of writing this report, no third party representations have been received by Development Management for the application.

Planning History

App Ref	Description	Decision	Date
AGRI/2012/0141	Erection of an agricultural building	Planning Permission Not Needed	30th Nov 2012
21/1516/FUL	Demolition of existing agricultural building and replacement with a new dry manure store	Approve	8th Oct 2021

Principal Planning Constraints

Open Countryside

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 12, February 2024)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998
 Equality Act 2010
 Planning (Wales) Act 2015 (Welsh language)
 Wellbeing of Future Generations (Wales) Act 2015
 Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanfair Caereinion and is situated within the open countryside, as defined by the Powys Local Development Plan (2018).

The site consists of a detached farmhouse situated amongst the farm's agricultural buildings. Access is provided from the U2366 to the northeast of the property.

The application is seeking consent the erection of a two-storey side extension and associated works.

Design

The proposed development would provide a side extension on the northeastern elevation, part two storey and part single storey, measuring overall around 5.4m wide by 15.4m long with a roof ridge height of 7.9m. The extension is subordinate in size and subservient in height to the main dwelling. The extension projects approximately 1.5m beyond the principal elevation in order to provide some natural surveillance of the farmyard to the west through new windows and viewpoints. It is acknowledged that the site is rural and does not form part of an established street scene, therefore this arrangement is considered to be acceptable for this location.

The existing dwelling is a brick and render property with a slate tiled roof. The proposed extension will be constructed from brick with the addition of timber oak framing infilled with glazing. It will have both a slate tiled pitched roof and a flat roof over the single storey element. The materials and design are considered to be complementary to the existing dwelling and acceptable for this rural location.

Overall, the proposed design is considered to be acceptable in scale, materials and appearance. It is therefore considered to be acceptable and compliant with relevant planning policies.

Community Consultation

Public Responses	None
Community Council	Supports

Comments: At the time of writing, no public representations have been received. Comments from the Community Council have been received in support of the application.

Neighbouring Amenity

Loss of Privacy to Neighbouring Properties	No
Loss of Light to Neighbouring Properties	No

Comments: The development is for the provision of a side extension to an existing dwelling. The dwelling is situated amongst the farm's agricultural buildings and is located approximately 95m away from the nearest neighbouring dwelling, which is noted to be within the applicant's ownership.

Given the distances to the neighbouring dwellings, and having consideration for the intervening buildings, topography and mature landscaping, it is considered that the

proposal would not result in a detrimental impact to the amenities enjoyed by the neighbouring properties. Therefore, the proposal is considered to be acceptable and compliant with relevant policies.

Natural Environment

Preliminary/Bat Survey received	Yes
Biodiversity Enhancements received	Yes

Comments: A Bat and Nesting Bird Assessment by Star Ecology (Ref: GJ/3191/24.1) dated 6th October 2024, has been provided which confirmed that there was no evidence of bats or breeding birds at the property. The PCC Ecologist has reviewed the report and is satisfied with their conclusions. As such, it is determined that the proposed development is unlikely to have a detrimental impact on protected species.

A Green Infrastructure Statement has not been provided however it appears that a small area of amenity grass would be lost to site the new extension. The proposal would not result in any detrimental impact to existing trees, hedgerows or shrubs on the site.

Biodiversity enhancement measures have been included and in response to the PCC Ecologist's comments, additional measures for the provision of two bird boxes and one bat box on the exterior of the property have been proposed, as shown on Drawing No. 692/01 (amended 8th Jan 2025). The PCC Ecologist has reviewed the amended plans and confirmed that these measures are suitable to result in a net benefit biodiversity gain. Amended plans have been provided to relocate the bat box as recommended to the southwest elevation away from any windows. A revised condition has been recommended to secure these proposed measures, in conjunction with the provision of raised ridge tiles recommended within the submitted ecological assessment report. As such, the measures are considered to be acceptable and should be secured through a suitably worded condition.

A detailed external lighting plan has not been provided and the PCC Ecologist has recommended that external lighting should be controlled via a restrictive condition to be included on any grant of consent to prevent any potential detrimental impact to surrounding wildlife.

Subject to the inclusion of appropriately worded conditions, it is considered that the development would not have a detrimental ecological impact and therefore complies with relevant planning policies.

Highways

Highway Comments received	No Objection
---------------------------	--------------

Comments: The Highway Authority have been consulted on the application and have provided comments confirming no objection is made to the application, nor are conditions recommended. The proposal would not alter the existing access or parking arrangements and the development is not considered to have a detrimental impact on the highway network. Therefore, it is considered that the development complies with relevant planning policies.

Decision – Conditional Consent

Given the above considerations, it is therefore considered that the proposed development does fundamentally comply with relevant national and local planning policies. The recommendation is one of conditional consent.

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:
 - Application Form
 - Plans: Drawing No. 692/01 Rev A, dated 2/24 (amended 16th January 2025)
 - Bat and Nesting Bird Assessment by Star Ecology (Ref: GJ/3191/24.1) dated 6th October 2024
3. Prior to the first beneficial use of the development hereby approved, biodiversity enhancement measures shall be installed in strict accordance with the details shown on Drawing no. 692/01 Rev A, dated 2/24 (amended 16th January 2025) and the details of raised ridge tile installation as identified in Appendix 2 of the Bat and Nesting Bird Assessment, by Star Ecology (Ref: GJ/3191/24.1) dated 6th October 2024. The measures identified shall be adhered to, implemented in full and maintained thereafter.
4. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.

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 Policy DM2 of the Powys County Council's Local Development Plan (2018) and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's Local Development Plan Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informatives

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 by phone at 0300 065 3000.

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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 2017 (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 0345 1300 228 or email enquiries@bats.org.uk.