

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 16/2017/0628

DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND ERECTION OF A REPLACEMENT DWELLING

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1. PURPOSE OF REPORT

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 16/2017/0628, granted planning permission at the November 2017 meeting of the Committee.

2. BACKGROUND

- 2.1. Planning Committee on the 15th November 2017 resolved to grant conditional planning permission for the demolition of the existing dwelling and outbuilding, and the erection of a replacement dwelling at the abovementioned site, in this case contrary to the Planning Officer's recommendation.
- 2.2. For information, the Officer report to the November meeting and the late information addendum report ('late sheets') for this item follow as appendices to this report. The merits of the application are however not for consideration at this point, as the resolution of the Committee following the vote to grant permission was for Officers to draft a list of conditions to be included in the Certificate of Decision, and report these to Committee for consideration and ratification.
- 2.3. Members will recall that the discussion at the November meeting was based around interpretation of the current Local Development Plan policy on replacement dwellings. Members did not consider the existing dwelling to be of local historical value. They felt the replacement dwelling proposed would be built to 21st century standards and attributed weight to this as it would provide more suitable family accommodation and would be more energy efficient than the existing farmhouse. It was concluded the proposal was broadly in compliance with the policy, having regard to the tests contained therein, and it was considered that the development would not have any unacceptable local landscape or residential amenity impacts.

- 2.4. Officers believe the conditions as drafted in Section 3 of the report are reasonable and necessary in relation to the application having regard to consultation responses, the nature and location of the proposed development, and the identified material planning considerations which were summarised in the Committee Report.

3. DRAFT CONDITIONS

3.1. The recommended Conditions are:

1. The development to which this permission relates shall be begun no later than 13 December 2022
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing elevation / section (Drawing No. Ty/246/SU03) received 21 June 2017
 - (ii) Existing ground floor plan (Drawing No. Ty/246/SU01) received 21 June 2017
 - (iii) Existing first floor plan (Drawing No. Ty/246/SU02) received 21 June 2017
 - (iv) Proposed rear and side elevations (Drawing No. Ty/246/PL04A) received 21 September 2017
 - (v) Proposed front and side elevations (Drawing No. Ty/246/PL03A) received 21 September 2017
 - (vi) Proposed ground floor plan (Drawing No. Ty/246/PL01A) received 21 September 2017
 - (vii) Proposed first floor plan (Drawing No. Ty/246/PL02A) received 21 September 2017
 - (viii) Existing site plan (Drawing No. Ty/246/SU04) received 21 June 2017
 - (ix) Proposed site plan (Drawing No. Ty/246/PL05A) received 21 September 2017
 - (x) Location plan received 21 June 2017
 - (xi) Bat and Nesting Bird Survey (P J Ecological Solutions dated June 2017) received 21 June 2017
 - (xii) Archaeological Assessment (aeon archaeology dated November 2017 V 1.0 Report no. 0145) received 10 November 2017

PRE-COMMENCEMENT CONDITION

3. Development shall not begin until an appropriate photographic survey of the existing building(s) on the site has been carried out, and the survey details and resulting digital photographs have been submitted to and approved in writing by the Local Planning Authority.

4. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed.

PRE-COMMENCEMENT CONDITION

5. No development shall commence until a method statement detailing bat avoidance, mitigation and compensation measures has been submitted to and approved in writing by the local planning authority. The development shall then be implemented strictly in accordance with the approved details.

PRE-COMMENCEMENT CONDITION

6. No development shall commence until a post construction monitoring and surveillance scheme in relation to bats has been submitted and approved in writing by the local planning authority. The approved measures shall be implemented in full.

PRE-COMMENCEMENT CONDITION

7. No development shall commence until an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats, has been submitted to and agreed in writing by the local planning authority.

The reason(s) for the conditions(s) is(are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of investigation and recording of the original buildings for inclusion on the Historic Record archive.
4. In the interest of preservation of archaeological remains.
5. To protect the favourable conservation status of protected bat species which have found to be present in the existing farmhouse proposed to be demolished.
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NOTES TO APPLICANT:

Condition 5 Note - Bat Method Statement:

A bat method statement has been requested as bats roosts were found to be present within the existing farm house.

The Council's Ecologist has advised the bat method statement should incorporate the measures set out in the Bat and Nesting Bird Report Survey (P J Ecological Solutions dated June 2017 received 21 June 2017) submitted with the application and be accompanied by a set of plans which clearly details the locations and specifications of retained/ replacement bat roosts.

European Protected Species Licence Note:

Bat species have been found to be present at the site. You are advised that all bats are European Protected Species (EPS) and it is against the law to damage or destroy a bat roost, or deliberately to capture, kill, injure or disturb a bat. Natural Resources Wales (NRW) grants licences so you can work within the law. Therefore no development should commence until a bat Licence from NRW has been obtained. Please visit the NRW website for further information:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/bat-licensing/?lang=en>

Nesting Birds Note:

Nesting swallows were found to be occupy the existing farmhouse and outbuildings.

Nesting birds are protected by law.

You are therefore advised that works affecting nesting birds including demolition works should be undertaken outside the birds nesting season which is generally March–August (inclusive).

In the event that works are required within this time period then inspections for nests should be undertaken by a suitably qualified ecologist immediately prior to demolition. Should an active nest be found, then works should be stopped and a suitable buffer zone for the species of bird should be clearly marked and all site staff, equipment and machinery should be excluded from this area until such time that the nest is no longer active and all young birds have fledged.

It also recommended that 2 Schwegler Swallow Nest boxes are incorporated into the new building as an enhancement measure. The exact location of these boxes is to be agreed with an appointed ecologist.

Public Rights of Way Note:

The Definitive Map of Public Rights of Way, confirms a Public Footpath abuts the development area.

You are therefore advised that this Public Right of Way needs to be safeguarded:

- No building materials to be stored on the right of way, which may cause a nuisance, or obstruction to the user.
- No diminution in width of the Footpath as a result of the development
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- No alteration to the surface of the Path, unless approved via licence from the County Council. Please contact the Rights of Way unit, on 01824 706872 for further information.

If the Path needs to be closed off temporarily during construction works to ensure public safety, the applicant must apply for a temporary footpath closure order. Short term orders run from 1-5days, long term orders run for up to 6 months. Please note that a period of 6 weeks' notice is required for a long term order. For further information please contact the Public Rights of way Unit on 01824 706872.