

Cyngor Sir CEREDIGION County Council

Russell Hughes-Pickering

Swyddog Arweiniol Corfforaethol : Economi ac Adfywio
Corporate Lead Officer : Economy and Regeneration

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron. SA46 0PA
www.ceredigion.gov.uk



PLANNING DECISION Town and Country Planning Act 1990 PLANNING PERMISSION

Agent:

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Welshpool
SY21 7SQ

Applicant:

Brian Frost
28 Monmouth
NP25 3LT

Part 1 - Particulars of application

Date of application: 02-09-2019 **Application No:** A190707

Particulars and location of development

Site Location: Quarry Cottage, Llanwnnen Road, Pentrebach, Lampeter. SA48 7JR

Proposal: Replacement of a former/abandoned dwelling with a 2 bedroom single storey dwelling and associated works

Part 2 - Particulars of decision

Cyngor Sir Ceredigion hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development shall begin no later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Location plan received 20/12/2019.
 - Proposed dwelling (Drawing reference: 19/05RevA) received 20/12/2019.
 - Amended block plan (Drawing reference: 19/03RevB) received 05/02/2020.
3. Before any building operations commence on the application site, the means of access shall be laid out in accordance with Drawing 1 A, dated December 2019. The access shall be laid out and constructed in accordance with Layout No 6B and the accompanying general Notes and shall be provided with visibility splays of 2.4m min x distance by 25 min y distance by 600mm max height to the written satisfaction of the Local Highway Authority. All growth and obstruction exceeding 600mm above road level shall be cleared on the roadside of a visibility splay and the splay shall thereafter be maintained in perpetuity.
4. Before any building operations commence on the application site the existing access to the Principal Road shall be closed up in perpetuity.
5. Surface water shall be trapped and disposed of so as not to flow from/on to the adjoining highway nor property.
6. No surface water from any part of the development shall be connected into the existing highway surface water drain.
7. The development shall comply with all aspects of the scheme of ecological mitigation and enhancements as included in Section 6 of the Preliminary Ecological Appraisal Revision A January 2020 by Arbor Vitae Environment Limited and will be fully implemented before the development is brought into operation and remain thereafter in

perpetuity.

8. Any exterior security or decorative lights shall be less than 3 m from the ground, and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical, and shall not be fixed to, or directed at, bat boxes or gables or eaves. Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along buildings, eaves or roof or adjacent hedgerows or trees. Any lighting shall be Passive Infrared (PIR) triggered.

9. Prior to the commencement of development on site, a bio security risk assessment must be submitted to the Local Planning Authority for approval and the works carried out in line with the approved details.

Reasons:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. To ensure compliance with the approved plans.
3. In the interest of road safety and free flow of traffic.
4. In the interest of road safety and free flow of traffic.
5. In the interest of road safety, free flow of traffic and protecting the amenity of adjacent land owners in line with DM06 of the LDP.
6. In the interest of road safety and free flow of traffic.
7. To conserve and enhance biodiversity in line with LDP policies DM06, DM14 and DM15 and in accordance with the guidance of the WG Planning Directorate of 23/10/2019 for net biodiversity gain.
8. To avoid adverse effects on European protected species (bats and otters) and nesting birds in line with TAN 5.
9. In the interest of protecting ecological and environmental interests in line with policy DM14 and DM15 of the LDP.

Informatives:

Highways

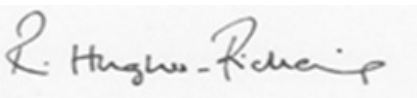
The development shall include any necessary adjustment of any public utilities apparatus, highway drains, street lights, traffic signs or road markings arising from the works, that may include the full cost of introducing any traffic order at the developers expense. (N.B. All works within highway limits have to be supervised and carried out by persons qualified to do so by the Secretary of State under The New Roads & Street Works Act 1991).

Drainage

- SuDS Approval is required. No development can commence until approval has been granted by the SuDS Approval Body (SAB). It is therefore recommended that the applicant contact the SAB as soon as possible to discuss the SuDS Pre-Application.
- Further information can be found on Ceredigion County Council's website under Resident, Planning, Building Control and Sustainable Drainage Body (SAB). - The watercourse at the rear/side/front of the property is not to be culverted.
- Anyone wishing to carry out work in, over or adjacent to an ordinary watercourse must apply for Ordinary Watercourse Consent from the Lead Local Flood Authority. - The proposed site is at risk of surface water flooding.
- The applicant is required to implement SuDs as a solution for the disposal of surface water from the development that meets the Statutory Standards for SuDs. A scheme should be submitted for approval.

Ecology

1. If any bats are encountered during works, the development must stop immediately and Natural Resources Wales (NRW) contacted for advice on Tel: 03000653000.
2. If birds are creating or using nests in or on the building before or during works then works must stop until the bird breeding season is completed or they have left the nest and there is no evidence of them returning.
3. If birds are creating or using nests on any vegetation to be removed or otherwise affected by the development before or during works then works must stop until the bird breeding season is completed or they have left the nest and there is no evidence of them returning.
4. If hedgehogs are found during the winter they will be hibernating and may appear dead. Call the RSPCA on 0300 123 4999 for information on how to proceed.
5. All bats and their roosts are protected by law and it is an offence to deliberately disturb, handle or kill bats. Once installed, a bat box cannot be opened or removed by someone who does not possess a bat licence. Bat boxes must be located on trees or in areas that are unlikely to be impacted in future. More information is available from the Bat Conservation Trust.
6. It is illegal to deliberately injure, kill, capture or disturb a reptiles which are protected by the Wildlife and Countryside Act, or to damage or obstruct any place used for shelter or protection. Rare reptiles may only be handled by licensed ecologists. Breaking the law can lead to fines of up to £5,000 per offence and potential prison sentences of up to six months. The risks of injuring or killing reptiles can be minimised by not moving or removing suitable hibernation materials during hibernation season (October to May) and by manipulating (cutting short) on site vegetation in phases to reduce the attractiveness to reptiles in construction areas prior to works on site.
7. Any excavations should be covered at night or fitted with escape ramps to allow any trapped animals to escape.
8. Works should be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>
9. Works should be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>
10. Section 14(1) of the Wildlife and Countryside Act makes it illegal to release or allow to escape into the wild any animal which is not ordinarily resident in Great Britain and is not a regular visitor to Great Britain in a wild state, or is listed in Schedule 9 to the Act. It is also illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 to the Act, for example Japanese Knotweed, Himalayan Balsam. The Schedule 9 list of animal and plant species has been amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 9)(England and Wales) Order 2010. Offences under section 14 carry a maximum penalty of a £5,000 fine and/or 6 months imprisonment on summary conviction (i.e. at Magistrates' Court) and an unlimited fine (i.e. whatever the court feels to be commensurate with the offence) and/or 2 years imprisonment on indictment (i.e. at Crown Court). Guidance on Section 14 of the WCA gives further information. Here you can also find a list of species in Schedule 9 of the WCA for England and Wales <https://www.gov.uk/government/publications/preventing-the-release-into-the-wild-of-certain-plants-and-animals-guidance>



Russell Hughes-Pickering
Corporate Lead Officer: Economy and Regeneration
Ceredigion County Council

Date: 12-02-2020

were relevant to the consideration of this application:

DM06 - Design and Placemaking

DM10 - Design and Landscaping

DM14 - Nature Conservation/Ecological Connectivity

DM15 - Local Biodiversity Conservation

DM17 - General Landscape

LU08 - Replacement Dwellings

LU09 - Re-use of Former/Abandoned Dwellings

Planning Policy Wales (edition 10, December 2018)

TAN18 - Transport (2007)

IMPORTANT INFORMATION

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit **www.ceredigion.gov.uk/planning** to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
2. You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
3. You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
4. If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision)
 - Planning Permission (with the exception of Minor Commercial and Householder Applications - see below) Within 6 Months
 - Householder Appeal see endnote i Within 12 Weeks
 - Minor Commercial Appeal see endnote i Within 12 Weeks
 - Listed Building or Conservation Area Consent Appeals Within 6 Months
 - Tree Preservation Order (TPO) Consent Within 28 Days
 - Advertisement Consent Within 8 Weeks
 - Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 Months
 - Hazardous Substances Consent Within 6 Months

5. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5938, or online at www.planningportal.gov.uk/pcs
6. The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
8. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a purchase notice requiring that Council purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

9. Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a “full statement of case”). You must also send a copy of the notice of appeal and full statement of case to the LPA.
10. In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
11. Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
12. Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@ceredigion.gov.uk or 01545 572 484 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION – Please contact technical.services@ceredigion.gov.uk or 01545 572 405

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT.

[i] Please see the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 for appeal procedures and for full definitions of:

- “householder application” (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- “householder appeal” means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- “minor commercial application” (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.

“minor commercial appeal” means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
