

PLANNING COMMITTEE – 26th July 2022

Application Number:	22/20989/FUL	Date Validated:	21 April 2022
Site Address:	The Tai'r Bull Libanus Brecon LD3 8EL	Decision Due Date:	16 June 2022
Grid Ref:	E: 299556 N:226071	Proposal:	Erection of extension to the Tair Bull to accommodate dining area and store cupboard, together with external decking area, together with all other associated works.
Case Officer:	Lisa Williams	Community:	Glyn Tarell
Reason(s) Application Reported to Committee:	Applicant is related to a member of the Planning Department at BBNPA		
RECOMMENDATION:	Permit		



1. Description of Development

This planning application is for the proposed construction of an extension to the Tai'r Bull Public House. The extension proposed is to accommodate a larger indoor dining area and store cupboard along with an external terrace style decking area above.

The extension proposed essentially covers an existing outdoor seating area which currently exists at the site.

The proposed extension will protrude from the side elevation of the building a maximum of 8m and will span a width of 6.8m. The overall height of the extension, including the balustrade will reach 4m. The proposed materials to be used are as far as possible to match those of the existing building with the introduction of a glass balustrade and lantern style rooflight. It is proposed to install an external spiral staircase leading to the decked area.

As part of the proposed works and internal reconfiguration, one of the letting rooms will be lost.

2. Site Appraisal

The development site is located immediately adjacent to the A470 Trunk Road heading Southbound from Brecon to Merthyr Tydfil. The whole site is within the settlement limits of Libanus and is neighboured by a number of residential properties.

The property is a public house offering dining and overnight accommodation. The business benefits from some on-site parking on the southwest and west of the site, however, there appears to be an informal parking arrangement which can accommodate 7 vehicles along the lay-by to the south-west. This area is located in front of existing bungalow style properties.

There is currently an outdoor seating/dining area to the south of the building with pergolas, bounded by both stone and brick boundary walls.

3. Planning History

N/A

4. Relevant Local and National Planning Policy

4.1 Brecon Beacons National Park Authority Local Development Plan and Supplementary Planning Guidance

Policy no.	Policy
Policy SP1	National Park Policy
Policy I	Appropriate Development in the National Park
Policy SP3	Environmental Protection
Policy 3	Sites of European Importance
Policy 4	Sites of National Importance
Policy 6	Biodiversity and Development
Policy 7	Protected and Important Wild Species
Policy 10	Water Quality
Policy SP4	Climate Change

Policy SP11	Sustainable Design
S LP 2	Settlements Appropriate Development
S LP3	Mitigating Impact
Policy SP 16	Sustainable Infrastructure
Policy 59	Impacts of Traffic
Supplementary Planning Guidance	
	Biodiversity and Development
	Landscape and Development
	Obtrusive Lighting and Light Pollution

4.2 National Planning Policy and Guidance

Document
Future Wales: The National Plan 2040
Planning Policy Wales: 11 th Edition (February 2021)
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 12: Design (2016)

5. Summary of Consultation responses

Consultee	Comments
Glyn Tarrell Community Council	No comments received
Powys County Council Highways	<p>The County Council as Highway Authority for the County Unclassified Highway, U0354</p> <p>Wish the following recommendations/Observations be applied Recommendations/Observations</p> <p>Thank you for consulting the Highway Authority (HA) on this planning application at "The Tai'r Bull, Libanus, Brecon LD3 8EL. The proposal covers the "Erection of extension to the Tair Bull to accommodate dining area and store cupboard, together with external decking area, together with all other associated works."</p> <p>This site is located adjacent to the A470(T) trunk road, and vehicular access can be taken direct from the A470(T), and also via a short length of the U0354 county highway, which is an unclassified county highway that predominantly serves a row of residential dwellings.</p> <p>The Tai'r Bull already operates as an inn (circa 70m2), and it is understood to also</p>

	<p>provide 5 bedrooms of guest accommodation together with living quarters. The overall parking requirement for the existing building, based on the requirements of the CSS Parking Standards, is as follows: 1 x commercial vehicle space, 14 spaces for the Inn, 5 spaces for the guest rooms and 3 spaces for the residential accommodation.</p> <p>Unfortunately, the submission fails to demonstrate the existing levels of parking provision at the site, however, it is noted that the existing car parking facilities are limited and that on street parking does appear to regularly occur along the U0354. Notwithstanding the information supplied within the supporting application form, car parking is relevant to this application, as it is not clear if the existing provision will be affected by the proposals, and the proposed extension would also increase demand for parking at this location. Based on the requirements of the CSS Parking Standards, an extension of this scale would require the provision of an additional 7 car parking spaces, unless that level of spare capacity already exists on site, would not appear to be the case in this instance.</p> <p>In light of the above, the current proposal is considered to be contrary to Policy 59 of the adopted LDP, due to insufficient levels of car parking.</p> <p>Should the applicant wish to address this matter, then the HA would happily reconsider its current position.</p>
<p>Powys County Council Highways</p>	<p>The County Council as Highway Authority for the County Unclassified Highway, U0354</p> <p>Wish the following recommendations/Observations be applied Recommendations/Observations</p> <p>Thank you for re-consulting the Highway Authority (HA) on this planning application at "The Tai'r Bull, Libanus, Brecon LD3 8EL. The proposal covers the "Erection of extension to the Tair Bull to accommodate dining area and store cupboard, together with external decking area, together with all other associated works."</p> <p>Unfortunately, the additional information submitted by the applicant does not address the fundamental issues previously highlighted by the HA. As such the previous comments & observations provided via email on 19th May 2022, remain valid.</p>
<p>Powys County Council Highways</p>	<p>Thanks for forwarding on the agent response, the content of which is noted.</p> <p>Whilst the HA fully acknowledge the challenges faced by businesses such as this over recent years, it is clear that the proposed extension would create an additional demand for parking. Whilst the comments made in relation to the outdoor seating area is noted, that area could only really be classed as a beer garden, and it will effectively be replaced by the proposed first floor decking area.</p> <p>Unfortunately plans have not been submitted to demonstrate the existing off street parking levels currently available, and there does not appear to be any scope to provide even an element of the additional 7 spaces an extension of this nature would normally be required to provide, albeit that a single space could be deducted, on the basis that a letting room would be lost under the proposals. Perhaps the agent could consider reconfiguring the spaces to see if any improvements can be delivered?</p>

	On that basis, whilst acknowledging the relatively modest aims of the scheme and the monetary benefits that would deliver to the business, the HA can only reaffirm its view that the proposal is contrary to policy 59, although it does acknowledge that other material planning benefits may outweigh this issue.
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Welsh Government Transport Department	<p>I refer to your consultation of 26th April 2022 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.</p> <p>The applicant must provide the following information to support this application or resubmit the application with the following details;</p> <ol style="list-style-type: none"> 1. The applicant must submit a detailed drainage plan for the proposed works 2. The applicant must submit a suitably scaled drawing illustrating the blue line boundary to confirm the land within the applicant's ownership 3. The applicant must confirm there is sufficient parking available for the development proposed <p>The following points should be brought to the attention of the applicant:</p> <p>A. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system or footways</p> <p>If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@gov.wales</p>
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Welsh Government Transport Department	<p>I refer to your consultation of 07/06/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:</p> <p>1) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system</p> <p>The above conditions are included to maintain the safety and free flow of trunk road traffic.</p> <p>The following points should be brought to the attention of the applicant:</p> <p>A) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;</p> <p>B) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.</p> <p>C) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx</p> <p>If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@gov.wales</p>
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NP Planning Ecologist	The development proposals are for the construction of an extension to the Public House to accommodate a dining area and a store cupboard on the ground floor and a first floor external decking area. The site is an existing Public House and the
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	<p>land that is proposed for the extension currently has an outdoor dining area.</p> <p>The application site is within the river Usk SAC catchment and the application has been screened in accordance with Natural Resources Wales' latest advice for planning applications within the riverine Special Areas of Conservation (SACs) catchments (version 2 issued on 26th May 2021). The development does not result in an increase in the volume of wastewater and is screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs.</p> <p>The proposals do not affect the roof or eaves of the existing building and no impacts on bats or nesting birds are anticipated. However, the following issues need to be addressed:</p> <ul style="list-style-type: none"> o A biodiversity enhancement scheme is required o Details of external lighting will need to be approved, although can be secured through a planning condition. <p>Subject to the submission of the above details (and that they are satisfactory), there is likely to be no ecological objection to approval of this application subject to the imposition of planning conditions and informative notes to safeguard and enhance nature conservation interests at the site.</p>
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NP Rights Of Way Officer	<p>Thank you for your consultation letter.</p> <p>There is a public footpath to the rear of the Tai'r Bull but is located outside the ownership boundary of the public house.</p> <p>The proposed development should not therefore have any impact on the footpath. However, the applicant should ensure, if permission is granted, that activities associated with building works do not pose any risk to users of the footpath.</p>
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Copies of the full consultation responses can be found on our website at: <https://planningonline.beacons-npa.gov.uk/online-applications/?lang=EN>

6. Third Party Representations

Number of objections	0
Number of representations	1
Number of supporting contributions	0
Number of original consultees	4
Number of contributors	1

7. Well-being and Future Generations (Wales) Act 2015

The well-being of Future Generations (Wales) Act places a duty on public bodies to carry out sustainable development to improve the way in which we achieve the social, economic, environmental and cultural well-being of Wales. The National Park must act in accordance with the sustainable development principle and seek to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. As part of this

duty public bodies must set and publish objectives which are designed to maximise its contribution to achieving each of the well-being goals. The 7 goals are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The primary objective of Planning Policy Wales Edition 10 (2018) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015.

The recommendations made by the Strategy and Policy Team are made in line with the Strategic and individual policies within the adopted Local Development Plan. It is considered that the Local Development Plan has been prepared to ensure the sustainable development of the National Park, particularly in relation to Environmental protection, sustainable distribution of development, housing, economic well-being, sustainable tourism, sustainable communities, sustainable infrastructure and various other considerations.

8. Statutory and Purpose of the Brecon Beacons National Park:

The National Park Authorities have two statutory purposes under the Environment Act 1995:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park
- to promote opportunities for the understanding and enjoyment of the special qualities (of the Park) by the public

Our Statutory duty is to foster the economic and social well-being of communities living within the National Park.

9. Assessment:

9.1 Key Gateway Test – Strategic and Spatial Choices:

The application is considered against Planning Policy Wales Edition 11 (2021) and the first stage of consideration is to assess the proposed development against the Strategic and Spatial Choices issues and the national sustainable placemaking outcomes.

To ensure a balanced assessment is carried out during the decision-making process, PPW explains the social, economic, environmental and cultural benefits of development are to be considered in accordance with the five ways of working: Prevention; Integration; Involvement; Collaboration; and, long-term.

PPW outlines key factors in the assessment process under four headings: social considerations, economic considerations, environmental considerations and cultural considerations and advises an integrated approach to balancing priorities against policy on an individual basis to enable the full range of costs and benefits over the lifetime of development to be taken into account.

9.1.1 Good design

The proposed extension has been designed to accommodate the change in practices due to the Covid 19 pandemic. The size and scale of the extension are modest (and essentially extend over a current outdoor seating area), with the materials palette reflecting the appearance of the existing building and wider site context. The materials to be used are to

be both sustainable and locally sourced incorporating energy efficient measures where possible.

9.1.2 Promoting healthier places

The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors, which determine health and which promotes or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

The proposed extension will allow the existing public house business to respond positively to the Covid 19 pandemic and will ensure an existing business can continue to thrive into the future along with providing work and a social place for local people. This is likely to have an overall positive impact on the health and well-being of the applicants.

9.1.3 The Welsh Language

The proposed development does not include the use of any interpretive materials requiring the use of bilingual signage. The proposed development is also not deemed to present a risk in terms of introducing 'any element of discrimination between individuals on the basis of their linguistic ability', as set out in PPW para. 3.28.

9.1.4 Sustainable Management of Natural Resources

The Environment (Wales) Act 2016 introduces the Sustainable Management of Natural Resources (SMNR) and sets out a framework to achieve this a part of decision making. Some of the key features relevant to this application is as follows:

- Halting and reversing the loss of biodiversity. There are proposed biodiversity enhancements proposed as part of this application.
- Ensuring resilient locational choices for built development taking into account water quality. The proposed development is located within the River Usk (SAC) catchment area and NRW have provided planning guidance to control the level of phosphates entering the river. The Brecon Beacons National Park Authority concludes that Adverse Effects on the Integrity of the Site (the River Usk SAC) can be avoided due to the nature of the development not resulting in the creation of additional wastewater. Further detail on this is discussed within this report.

9.1.5 Placemaking in Rural Areas

In accordance with the Planning and Compulsory Purchase Act 2004, Section 38(6) decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal is for a relatively modest extension to an existing public house, entirely within the settlement limits of Libanus (Level 3C settlement) according to the BBNPA Local Development Plan.

Policy S LP2 requires all developments within a settlement to contribute positively to their setting and enhance the quality of the landscape without adverse impact on the wildlife, natural beauty, cultural heritage, environmental assets or biodiversity of the area.

Criterion 2, 3 and 5 of this policy are relevant to the proposal. These state:

2. Proposals that strengthen and enhance the provision of community facilities and services serving the area and its locality. Proposals that are likely to result in the loss of community services/facilities will be resisted.
3. Proposals for new or an extension to existing employment facilities, where the proposal is appropriate in scale and type to the amenity of the area and is in keeping with the environmental capacity of the Settlement.
5. Proposals that strengthen and enhance the provision for tourism, including provision of appropriate guest accommodation in accordance with the National Park Authority Sustainable Tourism Strategy.

The information provided in support of this application is considered to support the requirements of the above policy. The development will strengthen the existing pub facility and will allow the business to continue for locals and visitors to the area to utilise, thus contributing to the sense of place of the wider settlement. The proposal is also an employment generating facility and the proposal will assist its operation into the future.

9.2 Assessing the sustainable benefits of development: (PPW para 2.21)

9.2.1 *Social considerations*

Both the locals of the area and visitors to the National Park will benefit from the proposed development in that the proposed extension will provide a larger indoor dining area over an existing outdoor seating area, combined with an outdoor terrace which can accommodate visitors to the pub. The extension will aid in enhancing the overall visitor experience as well as accommodating such restrictions as a result of the Covid 19 pandemic (although it is recognised the proposal includes the reduction of 1 visitor room).

9.2.2 *Economic considerations*

By improving the indoor dining area within the public house and offering a larger outdoor terraced area, this will continue to encourage visitors to the pub and the village. The public house is an employment generating facility in its own right.

9.2.3 *Environmental considerations*

Whilst a number of visitors to the public house will arrive by car, the location of the pub, being on a bus and cycle route is likely to attract visitors utilising public transport and sustainable transport. The public house is also used by locals within the village, who may walk to and from the facility. The development is not considered to unacceptably harm the environment of the immediate area or wider National Park.

9.3 Detailed Impact Assessment:

This stage sets out the further factors to be considered. They are assessed against the PPW headings, which are shown in italics below.

9.3.1 *Distinctive and natural places*

9.3.1.1 *Visual Amenity*

Policy I of the LDP: Appropriate Development in the National Park
All proposals for development or change of use of land or buildings in the National Park must comply with the following criteria, where they are relevant to the proposal: i) the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surroundings and will maintain or

enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment;

The development proposal is for an extension, comprising of a terraced decking area above, to an existing public house in a prominent location adjacent to the A470 Trunk Road.

It is considered that the proposal is reasonably in keeping with the host property and wider area and will have limited, localised and acceptable impact on the character and appearance of the area and settlement as a whole. The proposal is considered to be compliant with policy I of the LDP.

9.3.1.2 Biodiversity

The LDP includes the following policies regarding ecological issues and safeguarding biodiversity are as follows:

Policy SP3 'Environmental Protection' (LDP 2013)

Policy I 'Appropriate Development in the National Park (LDP 2013)

Policy 6 'Biodiversity and Development' (LDP 2013)

Policy 7 'Protected and important Wild Species' (LDP 2013)

Policy 12 'Light Pollution' (LDP 2013)

Representation has been received from the National Park's Ecologist raising no objection to the proposal.

Policy I of the Local Development Plan and Section 6 of the Environment (Wales) Act 2016 require the BBNPA to seek to maintain and enhance biodiversity. The Welsh Government letter to Chief Planning Officers dated 23rd October 2019 has also clarified the necessity for developments to include biodiversity enhancement measures prior to determination of applications. There will be opportunities to accommodate biodiversity enhancement measures within the development.

Details of biodiversity enhancement measures have been included on the submitted plans, these include:

- Raised bed with pollinating plants to be site on the decking area
- 1 bat box at the apex of the rear elevation
- 1 bird box at the apex of the rear elevation

As such, the proposal would comply with the above policies

9.3.1.3 River USK Special Area of Conservation (SAC)

The site is within the River Usk Special Area of Conservation (SAC) catchment area.

The LDP includes the following policies regarding ecological issues and safeguarding biodiversity on site of European and National Importance which are as follows:

Policy 3 'Sites of European Importance' (LDP 2013)

Policy 4 'Sites of National Importance' (LDP 2013)
Policy 10 'Water Quality' (LDP 2013)

Natural Resources Wales has recently set new phosphate standards for the river SACs in Wales (21st January 2021). 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 Habitat Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition. The application site is within the river Usk SAC catchment and has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 26th May 2021).

Given the fact the proposal is a modest extension to an existing public house facility which is likely to already serve members of the community who are already in the River Usk catchment areas – and the fact the proposal reduces the number of visitor rooms by 1 the proposal has been screened out and is not considered to have likely significant effects on the SAC condition. The proposal would therefore comply with the above policies.

9.3.2 Active and Social Places

9.3.2.1 *Transport*

Policy 59 of the LDP refers to the impact of traffic and states that development will be permitted where appropriate access can be achieved. Criterion (c) states that access will be considered to be inappropriate where there is an unacceptable impact on road safety.

The application site is immediately adjacent to the A470 Trunk Road and there is an informal existing parking arrangement which the site can be accessed from along the U0354. Both the Welsh Government Trunk Road Dept and Powys County Council Highways Department were consulted on the proposed development. These comments are summarised earlier in the report.

Objections from both consultees were received mainly due to the parking levels currently available at the site along with the requirements of the development. Further information was also requested relating the drainage.

Further information was provided regarding the existing parking arrangements at the site along with drainage information. The information submitted satisfied the Welsh Government Trunk Road, however, Powys Highways have maintained their objection due to insufficient parking levels at the site.

The comments from the Highways Authority are noted, however, the information submitted from the applicant's agent demonstrates that an existing 7 parking spaces are available within the site itself with an additional 7 spaces being located along the U0354. Whilst it is appreciated that these additional spaces are outside of the site and are not owned or maintained by the applicants, this informal parking arrangement, in this location has been

used by visitors to the public house for a number of years. The development proposed is primarily to provide additional indoor dining space which replaces an existing outdoor seating area. It is acknowledged that a terraced area will be created, however, it is not considered to cause a great increase in the demand for parking at the site to warrant refusal of the application. The removal of 1 visitor room is also noted.

As such the development is considered to not result in unacceptable impact on road safety considering the existing situation and the relatively minor proposal in hand – we consider it therefore complies with policy 59 of the LDP. This view is bolstered by the comment from the Trunk Road Agency which confirm no objection

9.3.2.2 *Neighbour Amenity*

Planning Policy Wales (Edition 11, February 2021), which states

‘Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people’. (2.7, PPW, 2021).

The application site and proposed development works are within close proximity to neighbouring properties. Whilst this is acknowledged, consideration must be given to the existing set up at the site, in that there is an existing outdoor seating/eating area which currently exists on site. It is considered that the proposed extension works would not cause undue harm on neighbouring residents or cast an overbearing impact upon these residents. The proposed terraced seating area does have some potential to present some overlooking and noise disturbance towards neighbouring properties. However, through thorough site assessments of the distance between the terrace and neighbouring properties, the existing boundary treatments and window openings of the neighbouring dwellings, it has been considered that the proposed new terrace area would not give rise to an increased amount of overlooking on these dwellings, in particularly due to the balustrade being close boarded timber on the rear elevation facing the neighbouring properties. In terms of noise disturbance, it has been considered appropriate to restrict the hours that the terrace can be utilised by residents along with including a condition to restrict the use of recorded or live music on the terrace. These conditions will assist in avoiding potential impacts on residential amenity. It should be noted that no letters of objection or representation regarding the development proposed have been received throughout the consultation period.

9.3.3 *Productive and enterprising places*

9.3.3.1 *Tourism*

PPW states that “Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales” (para 5.5.1)

PPW para 5.5.3 states that “rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. In addition to more traditional forms of rural tourism, planning authorities should plan positively for active, green and cultural tourism where they are appropriate. Development should be sympathetic in nature and scale to the local environment.”.

The development as a whole is considered to enhance the visitor experience of the public house and the village itself.

10. Conclusion

This application has been considered against the adopted policies of the Brecon Beacons National Park Authority Local Development Plan (2013). In making a recommendation on this application, I have taken into consideration National Policies within Future Wales – The National Plan 2040 (February 2021), Planning Policy Wales (Edition 11, 2021), Technical Advice Notes (TAN) 5, 12 and policies SPI, SP3, S LP2 S LP3, 1, 3, 4, 5, 6, 7, 12, SPI 1, SPI 6, and 59 the Development Plan and the comments made by the consultees and other interested parties.

National Park Purpose and Duty

The proposed development would contribute to the National Park’s purposes by contributing to the opportunities for the understanding and enjoyment of the special qualities of the National Park. It also helps to conserve the natural beauty of the Park by good design. It will also foster the social well-being of the Community.

Sustainable Development

The proposal delivers a positive impact on the environmental well-being of Wales, without adversely impacting on the other pillars of sustainability. The application is therefore recommended for approval as it delivers sustainable development and meets current needs without hindering those of future generations.

11. Recommendation: **Permit subject to conditions**

Conditions and/or Reasons:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. RP2202- 03C Site Location Plan and Block Plan received 27th May 2022, and RP2202-2B Proposed Plans and Elevations received 06th July 2022), unless otherwise agreed through formal application to the Local Planning Authority.
- 3 The biodiversity enhancement scheme as shown on Drawing No. RP2202-2B Proposed Plans and Elevations received 06th July 2022 shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details and maintained thereafter. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.
- 4 No external lighting shall be installed unless otherwise approved in writing by the Local Planning Authority. The scheme shall avoid conflict with wildlife corridors and biodiversity enhancement measures and shall be implemented as approved.
- 5 No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.
- 6 The external decking area included under this permission, shall not be used between the

- 7 hours of 9:00pm and 11:00am Sunday- Thursday and 10:00pm and 11:00am Friday- Saturday.
No recorded or live music shall be played at any time on the external decking area.

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 a satisfactory form of development.
3 To comply with Section 6 of Planning Policy Wales (2021), Technical Advice Note 5 and Policies SP3, 1, 6 and 7 of the adopted Local Development Plan for the BBNP
To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Environment (Wales) Act 2016
4 To comply with policy 12 of the adopted Local Development Plan for the BBNP
5 To maintain the safety and free flow of trunk road traffic
6 To safeguard the amenity of the locality
7 To safeguard the amenity of the locality

Informative Notes:

- 1 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) disturb any wild bird listed on Schedule I while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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

- 2 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 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at:
NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 0300 065 3000
- 3 The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority
- 4 Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

- 5 Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

Proposed Plans and Elevations (not to scale)

