

# Delegated Decision Report

|                 |         |                           |                |
|-----------------|---------|---------------------------|----------------|
| Application No: | 25/0383 | Statutory Period Expires: | 20th June 2025 |
|-----------------|---------|---------------------------|----------------|

|            |                                                                    |       |                     |
|------------|--------------------------------------------------------------------|-------|---------------------|
| Site:      | <i>Chapel Farm Chapel Lane Llandevaud Newport South Wales</i>      |       |                     |
| Proposal:  | <b>PRIOR NOTIFICATION OF DEMOLITION OF 2NO. AGRICULTURAL BARNs</b> |       |                     |
| Applicant: | <i>D Cooke</i>                                                     |       |                     |
| Type:      | Demolition                                                         | Ward: | Bishton & Langstone |
| Decision:  | <b>PRIOR APPROVAL NOT REQUIRED</b>                                 |       |                     |

## 1. BACKGROUND

- 1.1 Demolition of a building is permitted development under Schedule 2 Part 31 of the Town & Country Planning General Permitted Development Order 1995 (GPDO). This means that the demolition works can go ahead without express planning permission from the Local Planning Authority being needed. However, the GPDO does allow the Authority to control the 'method of demolition and any proposed restoration of the site', should it be considered necessary through the prior approval process.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The site is located off Chapel Lane in Llandevaud. It is a working farm comprising a farm house with a complex of nineteenth century agricultural buildings. Some of the outbuildings have fallen into disrepair and are in need of demolition.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 This submission seeks to confirm whether the Council's prior approval is required for the proposed demolition of 2no outbuildings (B1 and B5) at Chapel Farm in Llandevaud.

## 4. RELEVANT SITE HISTORY

| App Number | Proposal                                                                                             | Decision                               | Decision Date |
|------------|------------------------------------------------------------------------------------------------------|----------------------------------------|---------------|
| 24/0511    | PRIOR NOTIFICATION OF DEMOLITION OF 2NO. OUTBUILDINGS AND THE PARTIAL DEMOLITION OF 1NO. OUTBUILDING | PRIOR APPROVAL IS REQUIRED AND REFUSED | 25.07.2024    |
| 24/0764    | PRIOR NOTIFICATION OF DEMOLITION FOR 1NO. OUTBUILDING                                                | PRIOR APPROVAL NOT REQUIRED            | 10/10/2024    |

## 5. CONSULTATION RESPONSES

- 5.1 Natural Resources Wales: **We have no objection to the proposed development as submitted and provide the following advice.**  
**European Protected Species**

The Bat Survey, Ecological Services Ltd. (August 2024), has identified bats are present at the application site. From the information submitted, we consider the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species.”

As this is a lower risk case for bats, we consider the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend you discuss the need to secure any avoidance or mitigation measures with your internal ecological advisor.

We advise the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site. Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

- 5.2 Local Highways Authority: Given the scale of the demolition and its remoteness from highway, there are no anticipated impacts or highway related objections.
- 5.3 Ecology officer: I have considered the Bat Survey report Version 4.0 dated August 2024, and note that a bat was detected roosting in one of the buildings. As NRW have pointed out in their consultation response of 4<sup>th</sup> June 2025, in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case'. Therefore the standing advice is that we can assume NRW would be likely to grant an EPS licence, with the proviso that the recommendations of the Bat Survey Report are implemented.

In this instance, my advice is that the Bat Survey Report, and in particular its Proposed Mitigation & Enhancements (Section 10.0), is suitable for this purpose. Therefore we should require that all of the avoidance, mitigation, compensation and enhancement measures set out in Section 10.0 are implemented, and this should be secured by planning condition.

Please note that an EPS Licence issued by NRW will still be needed to allow this building to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in Section 10.0 of the Bat Survey Report, together with any other that NRW require.

The applicant should be reminded that birds may be nesting in these buildings, and they should avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

- 5.4 Tree officer: No objection subject to compliance with the Arboricultural Report.

## 8. **ASSESSMENT**

- 8.1 The application is supported by a Demolition Method Statement which details such measures including site preparation, safety measures, dust suppression, handling of hazardous substances and waste management. Post demolition the existing floor slabs are to be left in place. The building forms part of a complex of farm buildings and is not highly visible from outside of the site. The proposed restoration is considered to be acceptable.
- 8.2 The Council's Highways officer has confirmed that no objections are offered.
- 8.3 There are trees within close proximity to two of the buildings and the application is

accompanied by an Arboricultural Report. The Council's Tree officer has subsequently confirmed that no objections are offered.

- 8.4 The application is supported by a bat scoping survey. In response the Council's Ecology officer advises that the Bat Survey Report, and in particular its Proposed Mitigation & Enhancements (Section 10.0), is suitable for this purpose. Therefore we should require that all of the avoidance, mitigation, compensation and enhancement measures set out in Section 10.0 are implemented, and this should be secured by planning condition. An EPS Licence issued by NRW will still be needed to allow this building to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in Section 10.0 of the Bat Survey Report, together with any other that NRW require.

## **9. OTHER CONSIDERATIONS**

### **9.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **9.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

- 9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### **9.5 *Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

### **9.6 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **10. CONCLUSION**

- 10.1 The application is accompanied by sufficient information relating to trees and the method of demolition to ensure that there would be no adverse impact to European Protected Species.
- 10.2 Prior notification is not required.

## **11. DECISION**

### **PRIOR APPROVAL NOT REQUIRED**

01 The demolition shall be implemented in accordance with the following plans and documents: Demolition Method Statement Issue 03 16/05/2025, Bat Survey V4.0 August 2024 Arboricultural Report 8/8/2024, site location plan.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

### ***NOTE TO APPLICANT***

01 This decision relates to plan Nos: Demolition Method Statement Issue 03 16/05/2025, Bat Survey V4.0 August 2024 Arboricultural Report 8/8/2024, site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 The applicant is advised that an EPS Licence issued by NRW will still be required. The applicant should be reminded that birds may be nesting in these buildings, and they should avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.