

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0364/FULL 10.06.2014	Mrs E Dixon 6 Heol-y-garth Rudry Caerphilly CF83 3DQ	Erect a flight cage for the purpose of rehabilitating bats 6 Heol-y-garth Rudry Caerphilly CF83 3DQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: On the south-western side of Heol-y-garth, Rudry.

House type: The host dwelling is an end-of-terrace house.

Development: Erect a flight cage for the purpose of rehabilitating bats.

Dimensions: 3.0 metres wide, by 6.0 metres deep and 2.5 metres high.

Materials: The bat flight cage would be constructed of aluminium mesh panels with one third of the cage covered in clear corrugated plastic sheeting.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies:

CW2 (Amenity).

CW3 (Design Considerations - Highways).

Guidance Note 3 of Supplementary Planning Guidance LDP7.

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NATIONAL POLICY:

Planning Policy Wales (2014).
Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No report required, standing advice to be forwarded to applicant.

CONSULTATION

Draethen, Waterloo & Rudry Community Council - Advise that they are supportive of the proposal.

Head Of Public Protection - Raises no objection subject to conditions regarding waste and the storage of foodstuffs.

Gwent Wildlife Trust - Advises that they support the application.

ADVERTISEMENT

Extent of advertisement: Six neighbours notified, site notice posted.

Response: Three responses received as well as a petition with thirty-three signatures.

Summary of observations: The local residents' comments are as follows:

1. The proposal would de-value the price of neighbouring houses making it difficult to sell them in the future.
2. There are concerns that bats would get in to the neighbouring properties which would then be difficult to remove as they are a protected species.
3. The size of the flight cage is unreasonable.

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4. The garden of the property is overlooked which means that the flight cage and in turn the bats will be visible from neighbouring properties.
5. The proposed coordinated project and educational uses would cause issues with regards to parking, access and disruption caused by people calling to the property day and night to attend to the bats.
6. It is disputed that the bat cage needs to be located on the applicant's property for the bats to be checked twice daily as many residents within the village have stables with horses that require a similar care regime. A location away from an overlooked residential property would be considered a better solution.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The development itself would not give rise to any European protected species implications and therefore no comments required from Council's Ecologist. However, it is noted that the proposal is for the benefit of such a protected species.

Is this development Community Infrastructure Levy liable? Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

ANALYSIS

Policies: The proposed bat flight cage is in proportion to the scale of the site and its design and materials are in keeping with its surroundings. The flight cage does not impact on the space about the host dwelling or the neighbouring property and it is smaller in scale and subservient to the main dwelling. The flight cage would not be over dominant in relation to the existing and surrounding properties, therefore when considering the context of the existing and surrounding properties and the resulting development it is felt that the proposed building would be acceptable in this instance.

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It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land, when considering the attachment of conditions relating

to the control of waste and the storage of foodstuffs, and the proposal would not result in the over-development of the site or have a greater impact on the safe, effective and efficient use of the transportation network subject to a condition restricting its use.

Therefore the proposal is compliant with policies in the Adopted Local Development Plan, Supplementary Planning Guidance LDP7, Planning Policy Wales (2012) and TAN 12: Design.

Comments from consultees: Draethen, Waterloo and Rudry Community Council advise that they are supportive of the proposal.

Head of Public Protection raises no objection subject to conditions regarding waste and the storage of foodstuffs.

Gwent Wildlife Trust advises that they support the application.

Comments from public: The Council's response to the local residents' comments is as follows:

1. This is not a material planning consideration.
2. It should be noted the bat flight cage is proposed to exercise and train bats that are already cared for and will continue to be cared for at the applicant's property. The cage gives the adult bats and hand-reared baby bats the opportunity to fly in captivity, to learn to fly, to learn to catch food and to develop the stamina required for release. Hand reared bats also need exposure to natural weather condition, and time spent in a flight cage will give them the best possible chance of survival upon release. Moreover when released bats are taken back to where they found. The concern that the bats would enter neighbouring properties would not justify the refusal of the proposal.
3. It is considered that the flight cage would be of scale that is akin to a domestic garage and would be reasonable at a domestic property.
4. Many domestic outbuildings are visible from neighbouring properties. This would not be a justifiable reason for refusal.

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5. Further to the neighbouring residents' comments the applicant has amended the scheme so that the bat flight cage will only be used by themselves for the bats that they continue to care for at their dwelling, removing any co-ordinated or educational uses.
6. Whilst other locations may be possible the Council must consider the submitted proposal. When considering the proposed bat flight cage it is felt that its scale and size would be in keeping with that of other domestic outbuildings, whilst its wire mesh construction would limit the impact on the amenities of the adjoining property. In relation to the use of the flight cage it should be noted that bats are already cared for at the property and the cage provides the applicant with a controlled, contained facility to exercise and train the bats prior to release. It should be noted that the need for the close proximity of the flight cage to the applicants property is supported by the comments received from Gwent Wildlife Trust.

Other material considerations: The development is considered acceptable in all other aspects.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the development commencing a scheme for the control of waste at the site, including foodstuffs and animal waste, shall be submitted to and agreed in writing with the Local Planning Authority. The approved use shall be carried out in accordance with the agreed scheme.
REASON: To minimise the attraction of pests to the site, and to prevent any nuisance to the surrounding houses from pests and odour.
- 03) Prior to the development commencing a scheme for the storage of foodstuffs on site shall be submitted to and agreed in writing with the Local Planning Authority. The approved use shall be carried out in accordance with the agreed details.
REASON: To minimise the attraction of pests.

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- 04) The bat flight cage hereby approved shall only be used for the care of bats under the control of and/or in the care of the occupants of 6 Heol-Y-Garth, Rudry only and in accordance with details contained in the applicant's supporting statement, received 26th July 2014, and for no other purpose.
REASON: For the avoidance of doubt as to the extent of this consent, and in the interests of residential amenity.
- 05) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Supporting Information received 26th July 2014 and ED/05/14/PA/100/B, ED/05/14/PA/101/B, ED/05/14/PA/102/B, ED/05/14/PA/103/B received 18th August 2014.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2 and CW3.
