

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
**Siambr y Cyngor - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Iau, 23 Mai 2019

Amser y Cyfarfod
10.00 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

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| 1. | YMDDIHEURIADAU |
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Derbyn ymddheuriadau am absenoldeb.

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| 2. | COFNODION Y CYFARFOD BLAEOROL |
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfodydd blaenorol y Pwyllgor a gynhaliwyd ar 2 Mai ac 16 Mai, 2019, fel cofnodion cywir.
(Tudalennau 1 - 8)

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| 3. | DATGANIADAU O DDIDDORDEB |
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- Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau mewn perthynas ag eitemau sydd i'w hystyried ar yr agenda.
- Derbyn ceisiadau gan aelodau i gofnodi eu haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w trafod gan y Pwyllgor hwn.
- Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais unigol sy'n cael ei ystyried gan y Pwyllgor.

- d) Nodi manylion aelodau'r Cyngor Sir (nad ydynt yn aelodau'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolydd Lleol' o ran cais unigol sy'n cael ei ystyried gan y Pwyllgor.

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| 4. | CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR. |
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Ystyried adroddiadau'r Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd a gwneud unrhyw benderfyniadau ar hynny.

(Tudalennau 9 - 10)

4.1. Diweddariadau

Bydd unrhyw ddiweddariadau yn cael eu hychwanegu i'r Agenda, fel Pecyn Atodol, lle bynnag bo hynny'n bosibl, cyn y cyfarfod.

(To Follow)

4.2. 18/1086/FUL Maes Carafanau Banwy Mill, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED

(Tudalennau 11 - 52)

4.3. P/2018/0470 Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Y Drenewydd, Powys SY16 3LA

(Tudalennau 53 - 94)

4.4. 18/0581/OUT Tir 200 metr i'r gorllewin o Fferm Oldfield, Llandysilio, Llanymynech, Powys, SY22 6RB

(Tudalennau 95 - 118)

4.5. 19/0427/AGR The Slangs, Cascob, Llanandras, Powys, LD8 2NT

(Tudalennau 119 - 134)

4.6. 19/0616/DIS Cae Ysgiog 200 Metr i'r Gogledd o Fythynnod Henallt, Llanfair-ym-Muallt, Powys, LD2 3YP

(Tudalennau 135 - 142)

4.7. 18/0390REM Maes Y Nant, Aberriw, Y Trallwng, Powys, SY21 8BG

Sylwer: Mae adroddiad gwreiddiol y Pwyllgor a'r adroddiad diweddaraf [17/01/2019] wedi'u hatodi er hwylustod.

(Tudalennau 143 - 154)

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| 5. | PENDERFYNIADAU'R PENNAETH EIDDO, CYNLLUNIO A GWARCHOD Y CYHOEDD AR GEISIADAU DIRPRWYEDIG |
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Derbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd o dan bwerau dirprwyedig, er gwybodaeth.

(Tudalennau 155 - 170)

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| 6. | PENDERFYNIAD AR YR APEL |
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Derbyn penderfyniad yr Arolygiaeth Gynllunio ynglyn ag apêl.

(Tudalennau 171 - 182)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 2 MAY 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, M J Jones, F H Jump, K Laurie-Parry, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, G I S Williams, D H Williams, J Williams and R Williams

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| 1. | APOLOGIES |
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The Committee noted that County Councillors K Laurie-Parry and P Pritchard would be arriving late. Apologies for absence were received from County Councillors E Vaughan and J Wilkinson.

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| 2. | MINUTES OF THE PREVIOUS MEETING |
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 11 April, 2019.

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| Planning |
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| 3. | DECLARATIONS OF INTEREST |
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- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) County Councillor G Pugh (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application 19/0236/FUL.
- (d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

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| 4. | PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE |
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

County Councillor K Laurie-Parry arrived and was allowed time to read the updates.

The Members confirmed that they had received and had time to read the updates circulated the previous day and prior to the meeting.

4.2 19/0453/FUL Trigfan (Caretakers Flat), Llanidloes High School, Llangurig Road, Llanidloes, Powys SY18 6EX

Grid Ref: E: 295029 N: 283895

Valid Date: 14/04/2018

Community Council: Llanidloes Community Council

Applicant: Llanidloes High School

Location: Trigfan (Caretakers Flat), Llanidloes High School, Llangurig Road, Llanidloes, Powys SY18 6EX

Proposal: Change of use from Residential (C3) to Educational (D1)

Application Type: Full Application

In response to questions the Solicitor advised that conditions could not be added in respect of accessibility as this was covered under separate legislation and would probably be considered by Building Control in due course.

| RESOLVED: | Reason for decision: |
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| that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes. | As officers recommendation as set out in the report which is filed with the signed minutes. |

The Chair moved the order of the Agenda to accommodate the speakers and the public.

County Councillor G Pugh moved to the public area for the next application.

County Councillor P. Pritchard arrived at the meeting and was given time to read the update relating to the next application.

4.3 19/0236/FUL Land Near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery, SY15 6LU

Grid Ref: E: 320409 N: 293424

Valid Date: 08/02/2019

Community Council: Abermule and Llandyssil Community Council

Applicant: Mr E Powell
Tudalen 2

Location: Land Near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery, SY15 6LU

Proposal: Siting of 3 holiday lodges, formation of vehicular access and access road, provision of 4 passing bays, installation of a sewage treatment plant and all associated works (resubmission of planning application P/2018/0498)

Application Type: Full Application

County Councillor G Pugh spoke as the local representative.

Mrs J Knill spoke against the application.

Mr J Powell spoke as the applicant.

The Committee noted the update report. The Planning Officer advised that if the Committee was minded to approve the application the conditions were those detailed in the update report.

In response to questions regarding the water supply, the Planning Officer advised that Natural Resources Wales [NRW] were consulted and had no objections. The Professional Lead – Development Management noted the reference to the Minister’s letter regarding water supply, made by the objector. He confirmed that water supply and water resources are a material planning consideration. However, NRW and Environmental Health had not identified any issues regarding water supplies. He advised that the information from the local representative and objector was only anecdotal. In response to questions, he advised that the addition of conditions had to be reasonable and based on evidence. As NRW and Environmental Health had not raised any issues there was no reason to add conditions regarding the water supply.

Concerns were raised that even if the water supply concerns could be addressed the development was unacceptable due to the visual impact. The development was located on the skyline, in the open countryside and would be seen for miles around.

It was moved and duly seconded to defer the application to enable the applicant to provide further information regarding the water supply issues.

The issue of the visual impact of the proposed development in the open countryside was raised again. It was considered that if this was an issue of concern and one which the Committee may be minded to support, the Committee should consider this first [as an amendment to the substantive motion] rather than deferring consideration and asking the applicant to look into the water supply issue. The latter could entail the applicant in costs. It was moved and duly seconded to refuse the application due to the unacceptable landscape and visual impact of the development in the open countryside.

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| RESOLVED: | Reason for decision: |
| that contrary to officers recommendation the application be refused and that it be | The proposed development is considered to have an unacceptable landscape and |

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| delegated to the Professional Lead – Development Management to agree the reasons for the decision. | visual impact. |
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County Councillor G Pugh resumed his place in the Committee.

4.4 18/1205/OUT Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ

Grid Ref: E: 330039 N: 312483

Valid Date: 19/12/2018

Community Council: Trewern Community Council

Applicant: Mr and Mrs Swain

Location: Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ

Proposal: Demolition of existing buildings, development of 8 x dwellings, formation of estate road and all associated works

Application Type: Outline planning

In response to questions, the Planning Officer advised that a Phase One Contaminated Land Environmental Risk Assessment Report had been submitted in support of the application. In light of this, appropriate conditions were recommended as detailed in the report. The Officer also advised that in light of the amended plans the Welsh Government Transport had confirmed the development was acceptable.

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| RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes. | Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes. |
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4.5 19/0403/HH Glanogeu, Rhiwlas, Oswestry, SY10 7JJ

Grid Ref: E: 320156 N: 331945

Valid Date: 08/03/2019

Community Council: Llansilin Community Council

Applicant: Mrs Julie Davies

Location: Glanogeu, Rhiwlas, Oswestry, SY10 7JJ

Proposal: Erection of orangery to front elevation together with side extension forming a utility and annexe.

Application Type: Householder

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those detailed in the report. The Solicitor advised that as the applicant was related to a Member, he had reviewed the application file and confirmed that it had been processed “normally”, as required under the Planning Protocol.

| RESOLVED: | Reason for decision: |
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| that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes. | As officers recommendation as set out in the report which is filed with the signed minutes. |

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| 5. | DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS |
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 3 April and 24 April 2019. The Committee noted that application 18/0475/FUL had been considered by the Committee rather than under delegated authority.

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| 6. | APPEAL DECISION |
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The Committee received a copy of the Planning Inspectorate’s letters regarding the following:

- appeal in respect of an enforcement notice E/03/2018 - The Slangs, Cascob, Presteigne, Powys, LD8 2NTX. The Committee noted that the Inspector had dismissed the appeal and upheld the enforcement notice
- appeal in respect of application P/2018/0315 - Land at Cefn Llan, Llangammarch Wells. The Committee noted that the Inspector had upheld the appeal and awarded costs.

Concerns were raised regarding the appeal in respect of application P/2018/0315, in that the Local Planning Authority had not submitted a Statement in support of its decision. The Professional Lead – Development Management acknowledged this and advised he would need to consider how officers defend such appeals more strongly on behalf of Committee.

Taxi and other licensing

7. MINUTES OF TAXI LICENSING SUB-COMMITTEES

The Chair presiding at the Taxi Review Panel held on 5 December, 2018 was authorised to sign the minutes as a correct record.

County Councillor K Lewis (Chair)

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 16 MAY 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, H Hulme, M J Jones, F H Jump, H Lewis, I McIntosh, P C Pritchard, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams and R Williams

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| 1. | ELECTION OF CHAIR |
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Resolved that County Councillor K Lewis be elected Chair for the ensuing year.

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| 2. | ELECTION OF VICE CHAIR |
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Resolved that County Councillor E.M. Jones be elected Vice Chair for the ensuing year.

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| 3. | APOLOGIES |
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Apologies for absence were received from County Councillors L George, G Jones, D R Price, J Wilkinson and J Williams.

County Councillor K Lewis (Chair)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Planning, Taxi Licensing and Rights of Way Committee
23rd May 2019

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

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| Application No: | Nature of Development: |
| Community: | Location of Development: |
| O.S. Grid Reference: | Applicant: |
| Date Received: | Recommendation of Head of Planning: |

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| <p>18/1086/FUL</p> <p>Llanfair Caereinion Community</p> <p>E: 309018 N: 307095</p> <p>08.01.2019</p> | <p>Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 23 static caravans, associated infrastructure and new vehicular access</p> <p>Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED</p> <p>Mr & Mrs Pryce</p> <p>Recommendation: Conditional Consent – subject to S106</p> |
| <p>P2018/0470</p> <p>Newtown and Llanllwchaiarn Community</p> <p>E: 311802 N: 293855</p> <p>14.09.2018</p> | <p>Erection of a 32,000 Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works (Resubmission)</p> <p>Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, Powys SY16 3LA</p> <p>Mr Gareth Woosnam</p> <p>Recommendation: Refusal</p> |

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| <p>18/0581/OUT</p> <p>Llandysilo Community</p> <p>E: 326949 N: 318994</p> <p>21.09.2018</p> | <p>Proposed affordable housing development and all associated works.</p> <p>Land 200 Meters West Of Oldfield Farm, Llandysilio, Llanymynech, Powys, SY22 6RB</p> <p>Mr N Savage</p> <p>Recommendation: Conditional Consent subject to S106 Agreement</p> |
| <p>19/04027/AGR</p> <p>Whitton Community</p> <p>E: 323844 N: 266394</p> <p>04.04.2019</p> | <p>Erection of an agricultural barn</p> <p>The Slangs, Cascob, Presteigne, Powys, LD8 2NT</p> <p>Ms E Hammel</p> <p>Recommendation: Refusal</p> |
| <p>19/0616/DIS</p> <p>Duhonw Community</p> <p>E:306713 N:248536</p> <p>03.04.2019</p> | <p>Discharge of conditions no.5 and no.6 of planning approval P/2018/0514</p> <p>Ysgiog Field 200 Meters North Of Henallt Cottages, Builth Wells, Powys, LD2 3YP,</p> <p>Powys County Council</p> <p>Recommendation: Approve</p> |
| <p>18/0390/REM – UPDATE REPORT</p> <p>Berriew Community</p> <p>E:315759 N:301953</p> <p>24.07.2018</p> | <p>Section 73 application to remove planning condition no. 3 attached to planning permission M2004/0930 (occupancy restriction)</p> <p>Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG</p> <p>D Davies</p> <p>Recommendation: Consent</p> |

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

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| Application Number: | 18/1086/FUL | Grid Ref: | E: 309018 N: 307095 |
| Community Council: | Llanfair Caereinion Community | Valid Date: | 08.01.2019 |

Applicant: Mr & Mrs Pryce

Location: Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED

Proposal: Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 23 static caravans, associated infrastructure and new vehicular access

Application Type: Full Application

The reason for Committee determination

In accordance with the Planning Protocol, the Local Member has requested that this application is determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

| Consultee | Received |
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| Community Council | 4th Feb 2019 |
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At the meeting of Llanfair Town Council on Monday 28th Jan 2019 the members voted to NOT SUPPORT the above application for the re-siting of 26 caravans at Banwy Mill Caravan Park, in Melin y Ddol, near Llanfair Caerenion.

The reasons were as follows:

1.The Ecology report is wholly inadequate both in length and detail. A much more detailed and lengthy report would be needed to give a true representation of the species which inhabit the site and the impact such a development will have on them.

2.The Town Council do not accept that this is a 're-development' of the site but is an entirely new planning application. Although previously used as a caravan park the site has not been used as such for a number of years. Google images clearly show that the site has been not been grazed in the interim years and has, in fact, been left to become over grown. This in

itself would encourage the return of wildlife which has not been adequately addressed in the Ecology report.

3.The effect on the village of Melin y Ddol would be highly detrimental to residents due to the size of the development. It is disproportionate to the size of the hamlet of Melin y Ddol and will alter the amenity of the area significantly. Issues such as light pollution, noise nuisance and an increase in traffic have not been adequately or satisfactorily addressed.

4.The Melin Y Ddol road is narrow in places and an area near Neuadd Bridge Caravan Park already has significant subsidence. An increase in traffic would cause further serious damage to this road.

5.There is no footpath into the village of Llanfiar Caereinion from the site. This poses a considerable safety risk to any one walking to and from the proposed site.

A number of the issues stated above were raised in the Town Council's letter of 9th November 2018 as a response to the pre planning consultation. The Town Council does not believe that these issues have been addressed in the planning application and remain extant. Therefore they cannot therefore support it.

Wales & West Utilities - Plant Protection
Team

1st Feb 2019

Wales & West Utilities acknowledge receipt of your notice received on 18.01.2019, advising us of the proposals for:

Banway Mill Caravan Park, Melinddol, Llanfair Caereinion, WELSHPOOL, Powys, SY21 0ED

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Councillor Gareth Jones – Local Member

As the local member for Llanfair Caereinion I wish to call in the above planning application due to public opposition. I would welcome a conversation with you about the application whenever it suits you. I reserve the right to withdraw the call in.

Hafren Dyfrdwy

28th Jan 2019

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Highway Authority

30th Apr 2019

Prior to the first beneficial use of the development, a scheme for a 40mph speed restriction, along the County Class II B4385 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority

No development shall commence, until a Traffic Management Plan (TMP) has been submitted to, and approved in writing by the Local Planning Authority. The approved TMP shall be adhered to throughout the construction period.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the first beneficial use of the development, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any caravan provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the first beneficial use of the developmental radius of 9 metres shall be provided from the carriageway of the county highway on each side of the access to the

development site and shall be maintained for as long as the development remains in existence.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

HC22 Prior to the first beneficial use of the development, any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No surface water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Health

24th Jan 2019

I note that the intention to install a Private Treatment Plant. Is the discharge to the watercourse?

I would recommend that the planning authority confirm that the NRW confirm the “consent to discharge” prior to the commencement of building work.

Environmental Health – Licensing

This department has no objection to the planning application for re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate re-siting of 26 static caravans along with associated infrastructure so long as it complies with the conditions set out in the Caravan Sites and Control of Development Act 1960.

Builth Heritage Officer

Correspondence received 6th March 2019 –

Recommendation - Object

The development as proposed in this location would adversely affect the setting of the designated heritage assets; Cadw ID 8660 Melin-y-ddol included on the statutory list on 10/05/1980 and Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980, by virtue of the proximity of the

proposed caravans to the listed buildings and the height of the land in comparison to the previous caravan park. The site would severely and adversely harm the setting of Cadw ID 8660 Melin-y-ddol and Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed across the river from the A458, and the proximity of the caravans and the required access would affect the setting of Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed from the B4385 and to a lesser extent the setting of Cadw ID 8660 Melin-y-ddol when viewed from the B4385. The caravans by their proximity and relative ground levels would effectively obscure the views of Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed from the A458 and would introduce a form of development encompassing the listed buildings in a manner which the previous caravan park did not. The relative height of the land for the caravan park when viewed against the backdrop of Cadw ID 8660 Melin-y-ddol would result in caravans being visible on land higher than Melin Y Ddol introducing an incongruous relationship between the historic mill and the new development which would harm the setting of Melin y Ddol. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.1.10 of Planning Policy Wales 20th edition 2018, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

Background to Recommendation

Designations in proximity to;

Cadw ID 8660 Melin-y-ddol included on the statutory list on 10 /05/1980

Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980

Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol (former mill and millers house) included on the statutory list on 01/04/1996

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

TD1 – Tourism Development

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, "*For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*"

Section 6.1.9 of PPW 10 advises that "*Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*"

Section 6.1.7 of Planning Policy Wales 10th edition requires that "*it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*"

Firstly I would seek clarification on the description of the development which is identified as *the Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 26 static caravans*. It appears from the documentation provided that the application is for the development of a new caravan park on land adjacent to a previously approved and developed caravan park, which has not been operational since the 1990's. As such I would consider the description misleading as it suggests that the site of the previous caravan park is being redeveloped which appears not to be the case. I note that the reason for the new siting of the caravans is the proximity to the river and the risk of flooding which means that caravans are not able to be insured. However if the permission is indeed extant, could this new site be in addition

to the site previously granted permission ? It is noted that in the submitted pre-application consultation report and the submitted Design and Access Statement that it is maintained that *the lawful planning context is planning permission for 51 caravans that could be resurrected and developed at any time (page 7 of pre-application consultation report) and the permission applying this land adjacent the river remains live and could be resurrected at any time (page 8 of pre-application consultation report)*

I will leave consideration as to whether the caravan park has an extant permission or if that permission has been abandoned to yourself, however, I am providing comments on the basis of the land being a new site for caravans with new access albeit adjacent to a previous/extant caravan park which may or may not be resurrected at any time.

The site is in very close proximity to a number of listed buildings. I note the reference to the listed buildings in section 10 of the Design and Access Statement, however I would not agree with the conclusion that the setting on the mill without any mitigation would be neutral and with the proposed planting would be moderately beneficial, nor on the impact on the cottages would be neutral.

Melin y Ddol is visible from 2 roads the B4385 and the A458, however the main assessment appears to be from the B4385. When viewed from the A458, Melin y Ddol and the 4 listed cottages are visible across the river.

The siting of the caravans in the location proposed would be directly in front of Cadw ID 17583 Cottages (4) at Melin-y-Ddol and Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol . The view of the cottages from the A458 would be severely harmed by the location of the static caravans between the viewer on the A458 and the listed building. These cottages are low in height being one and a half storey and their setting would be harmed by the proposed caravans in the location proposed.

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.... The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features.

There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area. The location of the proposed caravans is on higher ground than the previous site of the caravans and on a flat field adjacent to the listed cottages and as such it could be concluded that the previous siting of the caravans permitted views above the caravans to the flat field in front of the listed buildings and as such the previous siting did not affect the setting of the listed cottages to any significant degree, however the same could not be said for the current proposal that would harm the setting of the listed cottages when viewed from the A 458, and this impact would be compounded by the introduction of decking etc.

I note the provision of an access and the necessary visibility splays and could not conclude that the setting of the listed cottages would not be affected when viewed from the B4385.

In respect of Melin y Ddol itself, the mill is at a low level close to the river and the proposed caravans would be on higher ground when viewed from the A458. I would consider that the introduction of caravans as proposed would have a negative and harmful impact on the setting of the mill, by their proximity, relative ground levels and the grain of the development. Again the previous caravans being on much lower ground did not affect the setting of Melin y Ddol to the same degree. It is also noted that the building was listed after the development of the caravan park and as such a consideration of the setting of historic assets was not afforded to the caravan park at the time of permission being granted.

However the current proposal would need to be assessed against current national guidance and policies. I would remind you of section 6.1.10 of Planning Policy Wales 10th edition 2018 which advises that *For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*

Notwithstanding the planning history on the site which is a consideration and I am assuming relates to the lower ground as identified on Job No 5053 DRG NO 100 and Job No 5053 DRG NO 101, the current proposal is for the location of caravans on a different site on higher land than the previous caravans and as such significant weight should be afforded to the setting of the listed buildings.

As such I would have to object to the proposal on the grounds of the impact on the setting of the listed buildings.

Correspondence received 4th April 2019 –

Recommendation – no objection to amended plans subject to appropriate conditions regarding the future use of this section of the site from development, and appropriate and robust landscaping conditions.

Background to Recommendation

Designation

In proximity to

Cadw ID 8660 Melin-y-ddol included on the statutory list on 10 /05/1980

Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980

Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol (former mill and millers house) included on the statutory list on 01/04/1996

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

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Historic Environment Records

Local Development Plan

Strategic Policy SP7

TD1 – Tourism Development

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ *For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*”

Section 6.1.9 of PPW 10 advises that “ *Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ *it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*”

I note the amended plans drawing number P100a. I previously objected to the proposal on 6th march 2019 on the impact on the setting of the listed Melin y Ddol and I understand that the amended plans seek to address these concerns.

I also sought clarification on the description of the development and I will leave consideration as to whether the caravan park has an extant permission or if that permission has been abandoned to yourself, however, I am providing comments on the basis of the land being a new site for caravans with new access albeit adjacent to a previous/extant caravan park.

The revised plans have omitted three caravans from the area of the site in closest proximity to Melin y Ddol and proposed further planting to supplement the existing trees on the site.

I note the views of Melin-y-Ddol and to a lesser extent the Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn when viewed from the A458, however acknowledge that this view is predominantly for northbound traffic. It is considered that the exclusion of this section of the land from development and robust planting would address those concerns. Subject to appropriate landscaping conditions in terms of the amended plans only and the exclusion of any development on that site coupled with robust planting I would consider that my concerns in this regard have been met.

I also expressed concern in respect of 4 Cottages at Melin-y-Ddol adjoining Ty Gwyn and to a lesser extent Melin y Ddol when viewed when travelling in either direction on the B4385. Again it is considered that the exclusion of this section of the land from development and robust planting would address those concerns. Subject to appropriate landscaping conditions in terms of the amended plans only and the exclusion of any development on that site coupled with robust planting I would consider that my concerns in this regard have been met.

Subject to appropriate conditions regarding the future use of this section of the site from development, and appropriate and robust landscaping conditions I would wish to withdraw my previous objections to this development on built heritage grounds.

Powys Ecologist

13th Feb 2019

Thank you for consulting me with regards to the planning application 18/1086/FUL which concerns a full planning application for the re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 26 static caravans,

associated infrastructure and new vehicular access at Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 61 records of protected and priority species within 500m of the proposed development - no record were for the site itself.

There are no statutory or no-statutory designated sites present within 500m of the proposed development.

A Preliminary Ecological Survey has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the submitted Ecological Assessment (including for protected species) and method statement Report produced by Mid Wales Ecology Ecological Consultants dated April 2018, I consider that the survey effort employed was in accordance with National Guidelines.

A site visit was carried out by the Ecologist on the 4th April 2018. The habitats identified within and adjacent to the proposed development are;

The habitats located within the proposed work area are existing woodland, trees, hedgerows, running water of high biodiversity value, and improved grassland of low biodiversity value.

Therefore, the habitats that will be directly impacted by the proposed developments will be the improved grassland and a small section of hedgerow to create the new access. It is anticipated that the other habitats identified will not be affected by the proposals.

The hedgerow on site are not considered to be 'important' under the hedgerow regulations. However, the hedgerow that will be impacted by the creation of the new access is considered to be of high biodiversity value, particularly for nesting birds. Therefore, where the hedgerow will be impacted by the creation of the new access it is recommended that the 10m of hedgerow is translocated rather than removed to minimise the impacted to this feature of high biodiversity.

The habitats immediately surrounding the Site including the river, and within the Site including the leat, woodland, trees and most of the hedgerow habitats will not be affected by the proposal and will be retained in situ as existing.

Assessment of the potential for protected species to be present was evaluated.

The trees within and adjacent to the development boundary are considered to be suitable to support roosting bats. The surrounding habitats including waterbodies and hedgerows were considered to be suitable commuting and foraging habitats for bats.

Evidence of breeding amphibians (frog spawn) was noted within the development boundary. However, where the frog spawn was noted there it is likely to dry rapidly and not a constant water body. The woodland is considered to be suitable for terrestrial habitat for amphibians. The woodland area is not foreseen to be impacted by the proposed development.

The proposed development site is considered to be unsuitable to support reptile species.

No evidence of badger was observed during the assessment; however, the habitats present does provide suitable foraging habitat for badgers.

Although no signs of otter were found during the survey, the Afon Banwy which runs adjacent to the proposed development site does hold high potential for otter, and the data search revealed that otter do occur along the river.

The habitats within the Site do offer high potential shelter, nesting and foraging opportunities for common bird species. However, as habitat loss is mainly restricted to the improved fields which have provide negligible potential for nesting birds, and the fact that all woodland, trees and most hedgerow habitats within the Site will be retained as existing, it is assessed that the development will cause low impact on nesting birds in that the section of hedgerow that is proposed to be removed, will be translocated rather than lost.

No field signs or potential habitat for other protected or priority species were recorded at the Site or within the adjacent area.

Following the preliminary ecological assessment of the site the ecologist concludes that; Overall, due to the retention of all mature trees, woodland, and all hedgerow (excluding new access gateway) habitat within the Site area, with all works to be carried out strictly within the Site boundary itself, it is considered that the loss of the Site area mostly within the improved western fields, would cause limited impact on local wildlife. Therefore, it is not considered that further survey is required at the Site for protected species or habitats. However, a Method Statement will be followed during construction works.

Within section 8 of the ecological report a Method Statement, Avoidance and Mitigation Measures is recommended - in order to ensure there is no negative impact to biodiversity on site from the proposed development. Avoidance measures to be adhered to, to ensure there is no disturbance or displacement of bats during the construction phase; referring to external lighting. All work should be undertaken outside the bird breeding season (which is March to August inclusive). Tree and hedgerow protection plan to be implemented to ensure there will be no detrimental impact to the hedgerows or trees during construction. A water

course protection zone to be implemented during construction - the zone distance being 5m along the length of the water course. The creation of a new small pond. Precautionary working methods to avoid impacts to otter and badger which include; only daytime working hour, no fires on site, no external lighting, no open excavation to be left over night, no barriers erected along the watercourse. It is also recommended that provision of bat boxes and bird nesting boxes are included within the final development of the site as well as additional tree planting.

Given the identified Method Statement, Avoidance and Mitigation Measures in section 8 of the Preliminary ecological assessment (including for protected species) and method statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation and adherence of the method statement, avoidance and mitigation measures are secured though an appropriately worded condition.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

The Method Statement, Avoidance and mitigation Measures regarding amphibians, reptiles, otter, badger, nesting birds and bats detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The External Lighting Plan detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and illustrated on plans drawing number P105 dated 12/05/18 produced by Collins Design & Build & Project Management shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The Tree and Hedgerow Protection Plan in accordance with BS: 5837:2012 detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

The Pollution Prevention Plan and Watercourse Protection Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The Hedgerow Translocation Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The Tree Planting Scheme detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Land Drainage

18th Jan 2019

Having assessed the Planning Application Ref 18/1086/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Natural Resources Wales

30th Jan 2019

Thank you for consulting Natural Resources Wales (letter dated 18/10/2018) regarding the above.

NRW commented on this proposal at pre-application stage. Our advice and position on the proposed scheme has not changed as the scheme has not been modified, and we are not aware of changes to planning policy or relevant legislation that may affect our advice/position.

Based on the information submitted to us, we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1- EPS: All avoidance and mitigation measures described in section 8 of the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology are secured through planning conditions and/or a Section 106 agreement.

Protected Species

We note that the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology submitted in support of the above application has identified that bats and otters are likely to be present at the application site. NRW holds record of bats and otter in the vicinity of the site. From the information contained in the ecological report, we consider that

the proposed development represents a lower risk for bats and otters, provided appropriate reasonable avoidance measures are adopted during the construction phase and a wildlife friendly exterior lighting scheme is adopted to avoid light spillages onto the river corridor and surrounding trees / hedgerows.

Bats, otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i i. There is no satisfactory alternative and
- ii ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Because the development represents a lower risk for bats and otters in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided all the recommendations made in the mitigation section 8 of the report are implemented.

Condition 1- EPS: All avoidance and mitigation measures described in section 8 of the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology are secured through planning conditions and/or a Section 106 agreement.

At pre-application stage we suggested that a detailed lighting scheme, illustrating the location and type of proposed lighting devices needed to be submitted at planning stage to demonstrate the proposal will not lead to disturbance of bat flight lines.

A plan has been submitted in support of this application (drawing no. P105). NRW is satisfied that the proposed exterior lighting plan will retain dark flight lines along the area of vegetation between the river and the site itself.

Flood Risk

The application site is adjacent to Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Banwy.

The published flood map, whilst generalised, is considered adequate to determine that the proposed will be out of the extreme flood extent. Lidar topographic information indicates that the proposed will be on elevated ground with adequate freeboard above the flood extent.

Our advice is that the following points should be considered within any formal application:

- o o There must be no ground raising, other than tree planting, within the recognised/published 0.1% flood extent. This is to minimise impact on flood flow routes and flood storage.
- o o Any surplus, excavated material must be disposed of outside of the floodplain.

The River Banwy is designated as an ordinary watercourse, as such, the Lead Local Flood Authority is Powys County Council. The drainage team should be consulted regarding historic flood events and operational issues. This also refers to the mill leat that runs through the site, it's integrity, state of service of the upstream sluice and whether flooding is considered a risk from this source.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

Foul Drainage

The proposal is for 26 static caravans to be connected to a package treatment plant, that means the total volume of discharge is likely to be above 2 cubic metres a day which suggests the discharge would require an Environmental Permit from NRW.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground.

They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Cadw

No Cadw comments received at the time of writing this report.

Clwyd Powys Archaeological Trust

21st Jan 2019

Correspondence received 16:16 -

Thank you for the consultation on this application.

While the intended caravan site is located immediately east of the Grade II listed Melin y Ddol Cottages and approx. 60 metres north of the Grade II listed Melin y Ddol Mill these structures will be adequately screened by existing and proposed tree and hedge foliage screening. The caravans will be located on the lower slopes east of the Melin y Ddol cottages and will therefore largely be obscured by topography as well as the hedge foliage.

There will be no direct impact to any recorded archaeology. The former mill headrace channel from the weir to the north is preserved within the line of trees bordering the river and will not be affected.

We would therefore have no objection to this development proposal.

Correspondence received 16:29 -

On further review of this application site and its topography it is clear that the caravan site plot does not slope away from the frontage opposite the Grade II listed Melin y Ddol Cottages to the degree that we previously thought. The upper tier of caravans will therefore be partly within the view of the listed buildings when the foliage on the roadside hedges

and any additional screening planting is depleted in winter. The immediate setting of Melin y Ddol cottages is the roadside frontage and road where the buildings are most clearly visible and appreciated from. The cottages would have been built with a view to the east across the Banwy valley in mind and this view may be partly obstructed by the upper tier of caravans and the sewage treatment buildings located directly opposite the listed buildings.

To mitigate the visual and setting impact on the listed Melin y Ddol Cottages we would advise that the area marked blue in the attached plan is excluded from the caravan park layout and retained as green space. This will have the added benefit of also removing the caravan and sewage structures further from the setting of the listed Melin y Ddol Mill.

There will be no other direct impacts to any recorded archaeology. The former mill headrace channel from the weir to the north is preserved within the line of trees bordering the river and will not be affected.

I would be grateful if the applicant could get back to me on the maintenance of the outlined exclusion zone and provide a revised layout plan

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 29 third party representations have been received comprising of 21 letters of objection and 8 letters of support. The comments expressed therein can be summarised as follows;

Objections

- Should not be considered as a re-development of an existing site as no caravan site currently operates;
- Proposal is contrary to policy TD1;
- Proposal would have an unacceptable impact on the settlement and its current scale;
- The proposed development would not integrate into the landscape;
- Unacceptable impact on highway network and safety of road users;
- Adverse impact upon the setting of a Listed Building;
- Unacceptable impact on wildlife including Protected Species;
- Adverse impact on the landscape through light pollution;
- Adverse impact on residential amenity;
- Proposed landscaping will have an overbearing impact upon neighbouring properties;
- Oversupply of caravans within the surrounding area may compromise viability of the proposed scheme.

Support

- Caravan parks bring holiday makers to the area – support for local shops;
- Local employment opportunities;

- Supports local communities and businesses;
- Enhance maintenance of the area;
- Improvement of the existing park;
- Local family business;
- High demand for high quality developments in the area;
- Applicants currently run a successful caravan park which is of a high standard.

Planning History

M649

M3439

Principal Planning Constraints

- Listed Building within close proximity of the application site;
- River Banwy located within close proximity of the application site – adjoining field located within the C2 Flood Zone.

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|----------------------------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN5 | Nature Conservation and Planning | | Local Development Plan 2011-2026 |
| TAN6 | Planning for Sustainable Rural Community | | Local Development Plan 2011-2026 |
| TAN11 | Noise | | Local Development Plan 2011-2026 |
| TAN12 | Design | | Local Development Plan 2011-2026 |
| TAN13 | Tourism | | Local Development Plan 2011-2026 |
| TAN15 | Development and Flood Risk | | Local Development Plan 2011-2026 |

| | | |
|-------|--|----------------------------------|
| TAN23 | Economic Development | Local Development Plan 2011-2026 |
| TAN24 | The Historic Environment | Local Development Plan 2011-2026 |
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | Local Development Plan 2011-2026 |
| DM4 | Landscape | Local Development Plan 2011-2026 |
| DM5 | Development and Flood Risk | Local Development Plan 2011-2026 |
| DM6 | Flood Prevention Measures and Land Drainage | Local Development Plan 2011-2026 |
| DM7 | Dark Skies and External Lighting | Local Development Plan 2011-2026 |
| DM13 | Design and Resources | Local Development Plan 2011-2026 |
| TD1 | Tourism Development | Local Development Plan 2011-2026 |
| T1 | Travel, Traffic and Transport Infrastructure | Local Development Plan 2011-2026 |

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Site Location and Description

The site subject to this application is located within the open countryside, approximately one kilometre north-west of Llanfair Caereinion. The application site extends to approximately 1.47 hectares and runs parallel to the B4285, enclosed by mature hedging and trees. The site is bound by the River Banwy to the north and east. Located to the south and west is the public highway with residential properties beyond.

The application site is served by an existing access off the B4385 located opposite a bungalow known as 'Glanaber'.

Consent is sought in full for the change of use of land to include the siting of 23 static caravans, creation of a new vehicular access and installation of a sewage treatment plant.

Planning History

Banwy Mill Caravan Park was formerly known as Riverside Caravan Park and was first established in the mid 1960's. On reviewing the planning history, it is understood that the park was initially granted a five year temporary planning permission on 13th July 1964 for both static and touring caravans and this was subsequently renewed for a further five years.

On the 30th October 1974, permanent planning permission was granted for the extension of the existing park for the siting of 20 additional static caravans (M649) on land to the north west of the existing park, adjacent to the river. In September 1977, planning permission for the siting of 25 static caravans and 6 touring caravans was granted on a permanent basis effectively replacing the previous temporary consent (M3439). On the basis of the above history, it is understood that the total number of pitches permitted on the adjacent site is 45 static caravans together with 6 touring caravans.

It is understood that the park successfully operated in accordance with the aforementioned consents during the 1960's, 70's and 80's however ceased trading in the early 1990's. Nevertheless, it is considered that these permissions remain extant.

Principle of Development

The Powys LDP recognises the high quality, beauty and variety of the Powys landscape, which creates an area of great attractiveness and potential for high value tourism. The LDP further notes that tourism is one of the County's main employment sectors. It is an important component of the rural economy and can help to provide new jobs and it is therefore desirable to support appropriate tourism related developments in principle, whilst sustaining the outstanding natural beauty.

New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have

an unacceptably adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations.

LDP policy TD1 (Tourism Developments) confirms that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

1. Within settlements, where commensurate in scale and size to the settlement.
2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:
 - i. It is part of a farm diversification scheme; or
 - ii. It re-uses a suitable rural building in accordance with TAN 6; or
 - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or
 - iv. It is not permanent in its nature.
3. Accommodation shall not be used for permanent residential accommodation.

The proposed development proposes the siting of 23 static caravans on land adjacent to the Banwy River and effectively seeks to replace an extant planning permission as outlined above. Officers consider that the proposed exchange will result in a reduction in the potential scale of development (45 static units to 23) and also remove a development defined as highly vulnerable for the purposes of TAN15 outside of a C2 flood zone.

In the event that Members are minded to grant planning permission, it is recommended that a Section 106 agreement be prepared to restrict the use of the adjoining site as permitted by planning permission and in doing so, prevent the use of both the application site and adjoining land for the siting of static caravans.

On reviewing the proposed development and notwithstanding the concerns expressed, Officers are satisfied that the proposal is fundamentally in accordance with policy TD1 as above.

Landscape and Visual Impact

The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It is important for the tourism industry and also provides an attractive setting and sense of place in which local people can live and work.

LDP policy DM4 confirms that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

For the purposes of LANDMAP, the application site is located within the Banwy Floodplain visual and sensory aspect area which is defined as a relatively narrow and steep sided valley system with an open valley floor of well defined small to medium scale field pattern associated with the Afon Banwy. The area comprises predominantly of semi improved grassland with a proportion of damp pasture land associated with the river course. Damp woodland is also a strong characteristic of the area. The A458 transport corridor is the principal east to west route between Welshpool and Snowdonia National Park linking with the A470 trunk road. LANDMAP notes that there is caravan development in the valley floor at Y Foel, Llangadfan and north-west of Llanfair Caereinion (Dolgead Hall) however acknowledges that these are not widely visible behind trees and hedges. Whilst recognising the sheltered and settled sensory qualities of the host landscape, the overall evaluation of the aspect area is moderate.

Guidance within the recently adopted Landscape SPG indicates that outside of settlements, applications for new tourism development where the site exceeds 1 hectare should be supported by a Landscape and Visual Impact Appraisal together with details within the Design and Access Statement confirming how the proposal accords with policy DM4. The potential Landscape and Visual Impact is considered within Section 9 of the submitted Design, Access and Planning Statement submitted by the applicant.

The application site comprises of two paddocks extending to approximately 1.47 hectares which runs parallel to the B4385. The paddocks are further subdivided centrally with a native hedge running north eastwards from the road. Running along the north eastern site boundary is a small stream which is bound by mature trees and vegetation. To the east of the stream is a further area of land at a lower level adjacent to the River Banwy which benefits from an extant planning permission. Levels falls eastwards away from the road towards the river and to a lesser extent, southwards towards the Mill. The main part of the site area sits an average of between seven and ten metres above the river level.

The application site is enclosed by mature vegetation which offers screening potential from sensitive receptors including highway users and existing residents whilst internally

existing hedgerows are to be retained. Whilst it is accepted by Officers that the proposed development will represent a substantial development in a rural location, given the topography of the land together with existing and proposed screening, it is not considered that the visual impact will be unacceptable.

Furthermore, whilst noting the relatively remote location of the application site, it is noted that Neuadd Bridge Caravan Park is located approximately 0.9 miles to the north west of the application site. Given the proximity of the application site to the established tourism facility, it is not considered that the proposed static caravans would be read as alien features within the landscape. Indeed, LANDMAP recognises that caravan park developments are a feature of the aspect area. Whilst it is acknowledged that the use of the existing site is contested, Officers would emphasise that there is an extant planning permission for the siting of 45 static caravans on land adjacent to the application site, the fallback position of which is a material planning consideration.

On reviewing the proposal, Officers do not consider that the proposed development will have an unacceptable impact on the character and appearance of the area. Nevertheless, in the event that Members resolve to grant consent, it is recommended that suitable conditions requiring details of existing and proposed site levels, external finish of the proposed statics together with a detailed landscaping scheme including an implementation and maintenance strategy are imposed. Subject to the above, it is considered that the proposed development accords with planning policy, particularly policies SP7, DM4, DM13 and TD1 of the Powys LDP.

Siting, Design and Layout

Policy DM13 indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where the scheme has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The submitted plans indicate that the proposed static caravans will be located in a linear layout that follows the contours of the site. Whilst the layout is relatively structured, the positioning reflects the subtle curves of the river and responds to the location of existing landscaping which is to be retained. The application details indicate that the size and appearance of the proposed units are characteristic of static caravans. As indicated previously, in the event that planning permission is granted, a condition will be attached requiring details of the proposed finish/colour to be provided prior to siting.

Whilst Officers appreciate the concerns expressed in relation to the impact of the development on the surrounding area, given the scale, layout and appearance of the proposed static caravans together with the characteristics of the application site and surrounding area, Officers do not consider that the proposal will be an incongruous feature within the landscape, compliant with policy DM13.

Highway Safety and Movement

In accordance with policies DM13 and T1, development must demonstrate that they have been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The site is currently served by a vehicular access located opposite the property known as Glanaber (within the applicants' ownership). As part of the proposed development, it is proposed to create a new access off the public highway (B4385) in order to maximise visibility and reduce potential impact on residential amenity. Within the site, the caravans will be accessed by tarmac roads whilst parking and turning provision will be provided for each units.

The submission confirms that traffic surveys have been undertaken to establish the average traffic speeds in proximity to the proposed new access which have since informed proposed visibility. The speed survey have also informed the case for a reduction in the speed limit to 40mph which has been agreed by the Highway Authority.

Following consultation, the Highway Authority has offered no objection to the proposed development subject to a series of conditions being attached to any planning permission granted. Although Officers are understanding of the third party concerns expressed, given the Highway Authority's comments, it is not considered that sufficient weight can be given to these to justify a refusal of planning permission. Subject to the imposition of the recommended conditions, it is considered that an acceptable means of access is capable of being provided whilst the proposal will not unacceptably adversely affect highway safety and movement at this location.

On the basis of the above, it is considered that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the Powys LDP.

Cultural Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the

contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features. There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area.

The application site is located within immediate proximity of the following listed buildings;

- Melin-y-ddol;
- Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the south;
- Detached outbuildings to the south of Melin-y-ddol (former mill and millers house).

Following initial review of the application, the Built Heritage Officer confirmed that the proposal would adversely affect the setting of the aforementioned listed buildings by virtue of proximity to the listed buildings, location of the access and relative ground levels. In particular, the caravans by virtue of proximity and relative ground levels would effectively obscure the views of Melin-y-ddol Cottages when viewed from the A458 and would introduce a form of development encompassing the listed buildings in a manner which the previous caravan park did not. The relative height of the land for the caravan park when viewed against the backdrop of Melin-y-ddol would result in caravans being visible on land higher than Melin Y ddol thereafter introducing an incongruous relationship between the historic mill and the new development which would harm its setting. As a result of the adverse impacts outlined above, the Built Heritage Officer indicated that the proposal was considered contrary to planning policy.

In response to the above, an amended plan was received by Officers which removed 3 static caravans located in the area of inter-visibility (eastern area of the site), maintaining the immediate open setting to the listed cottages and mill. In commenting on the amended plans, the Built Heritage Officer noted the exclusion of this section of the land from development and considered that together with substantial planting, the initial concerns had been addressed. This opinion however was given on the understanding that the use of the adjoining site (extant planning permission) would be controlled.

In light of the above observations and on the basis of the Built Heritage comments received, it is not considered that the proposed development will have an unacceptable adverse impact on the setting of the identified listed buildings compliant with policies SP7 and DM13 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

Ecology and Biodiversity

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. In accordance with policy DM2, development proposals will only be permitted where they do not unacceptably adversely affect designated sites, protected species and their habitats together.

Having reviewed the application details, the County Ecologist has confirmed that there are no statutory or non-statutory designated sites present within 500m of the proposed development. Whilst the data search identified 61 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

The application is accompanied by a Preliminary Ecological Survey which assesses the potential of the development to impact any protected species presence or habitats of ecological value. The report confirms that the habitats located within the proposed work area are existing woodland, trees, hedgerows, running water of high biodiversity value, and improved grassland of low biodiversity value. The habitats that will be directly impacted by the proposed developments will be the improved grassland and a small section of hedgerow required to facilitate the new access. It is anticipated that the other habitats identified will not be affected by the proposals.

In commenting on the application, the County Ecologist notes that the hedgerow on site is not considered to be 'important' under the hedgerow regulations. However, the hedgerow that will be impacted by the creation of the new access is considered to be of high biodiversity value, particularly for nesting birds. Therefore, where the hedgerow will be impacted by the creation of the new access, it has been recommended that hedgerow (10 metres) is translocated rather than removed to minimise potential impact.

The habitats immediately surrounding the Site including the river, and within the Site including the woodland, trees and most of the hedgerow habitats will not be affected by the proposal and will be retained in situ as existing.

In respect of Protected Species, trees within and adjacent to the development boundary are considered to be suitable to support roosting bats. The surrounding habitats including waterbodies and hedgerows were considered to be suitable commuting and foraging habitats for bats. Although no signs of Otter were found during the survey, the Afon Banwy which runs adjacent to the proposed development site does hold high potential for Otter, and the data search revealed that Otter do occur along the river.

Having reviewed the ecological information submitted, the County Ecologist confirmed that the proposed development will not result in the loss of any features of ecological importance. Furthermore, the Ecologist does not consider that the proposed works will have a negative impact on biodiversity in the wider area. On the basis of the comments received and subject to the recommended conditions being attached to any planning permission granted, it is considered that the proposal complies with policies DM2 and DM13, Technical Advice Note 5 and Planning Policy Wales.

Agricultural Land

Planning Policy Wales confirms that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Members are advised that the application site is classified as grade 3b and therefore is not considered to be the best and most versatile of land for the purpose of the ALC. In light of the above, it is considered that the proposal is in accordance with Planning Policy Wales.

Impact on Residential Amenity

Guidance with policy DM13 seeks to safeguard the amenities of existing residents by reasons of noise, odour and overlooking. Having reviewed the third party representations received, it is noted that concern has been expressed regarding the potential impact on the amenities enjoyed by the residents of neighbouring properties.

The application is accompanied by a lighting plan which indicates the installation of two street lamps (approximately 6 metres in height) at the entrance to the site whilst low level lighting will be implemented within the site. Whilst the principle of lighting is considered to be acceptable given the existence of street lighting with the surrounding area, Officers would question the suitability of the proposed street lamps in terms of appearance and scale given the relatively rural location of the development. Nevertheless, it is considered that a suitable lighting condition would address the concerns of Officers and would ensure that any lighting is compatible with the character of the surrounding area whilst also safeguarding residential amenity.

In respect of the noise, Members are advised that no adverse comment have been received from Environmental Health following consultation. Whilst Officers acknowledge the third party concerns expressed, given the extant planning permission and potential numbers, it is not considered that sufficient weight can be given to this to sustain a reason for refusal.

Although it is accepted that the development of the site has the potential to affect neighbouring properties, it is noted that the site is bound by established landscaping which Officers consider will seek to mitigate any unacceptable visual impact whilst also providing a natural buffer between existing properties located on the opposite side of the public highway. It is further noted that this landscaping is to be enhanced with additional planting across the proposed caravan park.

Notwithstanding the concerns expressed, in light of the above observations together with the consultation responses received, it is not considered that the proposed development will unacceptably adversely affect the amenities enjoyed by the residents of neighbouring

properties. As such, Officers consider the proposal to be compliant with planning policy, particularly policy DM13 of the Powys LDP and Technical Advice Note 11.

Flood Risk and Drainage

Development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

The area of land subject to the extant planning permission (adjoining land) is located within the C2 flood zone. Information accompanying the submission indicates that one of the key objectives of the proposed development is to remove vulnerable development from land susceptible to flooding.

The application site is adjacent to Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). In responding to the application, NRW indicate that their flood map, which is updated on a quarterly basis, confirms the adjoining site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Banwy.

Thereafter the response confirms that the published flood map, whilst generalised, is considered adequate to determine that the proposed will be out of the extreme flood extent. Lidar topographic information indicates that the proposed development will be on elevated ground with adequate freeboard above the flood extent. On the basis of the above, it is not considered that the proposed development is an unacceptable flood risk. The informatives recommended by NRW however will be attached to any planning permission should Members be minded to grant consent.

Whilst not key to the determination of the current proposal, it is noted that the proposal will result in highly vulnerable development being removed from a C2 flood zone together with a reduction in the scale of development overall which in the opinion of Officers is a favourable alternative within the context of Technical Advice Note 15. In light of the above and consultee comments received, it is considered that the proposal is in accordance with policies DM5 and DM6 of the Powys LDP, Technical Advice Note 15 and Planning Policy Wales.

RECOMMENDATION

Having carefully considered the proposed development, Officers are satisfied that the proposed tourism scheme is in accordance with planning policy. The proposed development will positively contribute to tourism within the County whilst safeguarding the character and appearance of the landscape, highway safety, biodiversity and amenities enjoyed by Powys residents. As such, the recommendation is one of consent subject to the conditions detailed below together with a Section 106 agreement restricting the use of the neighbouring site which at present benefits from an extant planning permission.

Conditions

1. The development shall begin not later than five years from the date of this decision
2. The development shall be carried out in accordance with the following approved plans (P100a, P101P102a, P103a, P104a, P105a and P106) and documents (Design and Access Statement and Preliminary Ecological Assessment).
3. Notwithstanding the approved plans, prior to first siting details and/or samples of the materials including finish/colour palette used in the construction of the external surfaces of the static caravans hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details thereafter.
4. Prior to the commencement of development, a detailed landscaping and implementation scheme together with a maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping and implementation scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall thereafter be undertaken strictly in accordance with the landscaping scheme as approved.
5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
6. Notwithstanding the provisions of schedule 2, part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings or structures shall be erected other than those expressly authorised by this permission.
7. Prior to the first beneficial use of the development, a scheme for a 40mph speed restriction, along the County Class II B4385 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
8. No development shall commence, until a Traffic Management Plan (TMP) has been submitted to, and approved in writing by the Local Planning Authority. The

development shall thereafter be undertaken strictly in accordance with the Traffic Management Plan as approved.

9. Prior to the first beneficial use of the development any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
10. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
11. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
12. Prior to the first beneficial use of the development, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
13. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
14. Prior to the occupation of any caravan provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their

designated use for as long as the development hereby permitted remains in existence.

15. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
16. The width of the access carriageway, constructed as condition 13 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
17. Prior to the first beneficial use of the development a radius of 9 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
18. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
19. Prior to the first beneficial use of the development, any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
20. Upon formation of the visibility splays as detailed in condition 12 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
21. No surface water drainage from the site shall be allowed to discharge onto the county highway.
22. The development hereby approved shall be undertaken strictly in accordance with The Method Statement, Avoidance and mitigation Measures regarding amphibians, reptiles, otter, badger, nesting birds and bats detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and

Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and maintained thereafter unless otherwise agreed in writing by the LPA.

23. Notwithstanding the submitted external lighting plan, prior to the first installation of any external lighting, full details of the proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall reflect the measures detailed within section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and illustrated on plans drawing number P105 dated 12/05/18 produced by Collins Design & Build & Project Management. The development shall thereafter be undertaken strictly in accordance with the external lighting plan as approved.
24. The Tree and Hedgerow Protection Plan in accordance with BS: 5837:2012 detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
25. The Pollution Prevention Plan and Watercourse Protection Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
26. The Hedgerow Translocation Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
27. The Tree Planting Scheme detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In accordance with policy DM13 of the Powys Local Development Plan, Planning Policy Wales (9th edition, 2016) and Technical Advice Note (TAN) 12 (2016).
4. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. In order to ensure proper control of the use of the static holiday units and to prevent the establishment of permanent residency in accordance with policy TD1 of the Powys Local Development Plan.
6. To protect the character and appearance of the surrounding area in accordance with Planning Policy Wales (Edition 9, November 2016), Technical Advice Note (TAN) 12 (2016) and policy DM13 of the Powys Local Development Plan.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.

15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
18. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
19. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
20. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
21. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
22. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
23. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
24. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
25. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
26. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

27. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Case Officer: Holly Hobbs, Principal Planning Officer
Tel: 01597 827319 E-mail: holly.hobbs@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Mae'r dudalen hon wedi'i gadael yn wag yn fwrddol

Reasons for Refusal

An application such as this should include full access details such as the access gradient, radii, surfacing detail, set back of any gates and means of draining the access. None of these details have been submitted for consideration.

The highway network from which the site gains access is sub-standard in terms of width, horizontal and vertical alignment, with a lack of passing bays.

The junction of the C2011/U2621 is substandard in terms of alignment, visibility in both directions including SSD (forward and rear), junction width and radii.

A complete breakdown of the proposed vehicles movements has not been submitted for consideration.

The applicant has stated that their proposal to overcome the access issues at the junction of the C2011/U2621 is to make a contribution towards the cost of double white lines and signage along the C2011 to prevent approaching vehicles overtaking in the vicinity of the junction. Thus deleting the consideration of SSD (front and rear). However, no description of the proposed specification of the signage has been submitted for consideration.

As per Chapter 5 of the Traffic Signs Manual 2003, double white centrelines are not to be used at an access/junction as an alternative to securing the appropriate junction visibility or forward visibility through a junction.

Double white centre lines do not prohibit overtaking maneuvers as suggested on page 4 of the Highway Report - "vehicles may cross the line if necessary, provided the road is clear, to pass a stationary vehicle, or overtake a pedal cycle, horse or road maintenance vehicle, if they are travelling at 10 mph (16 km/h) or less" (The Highway Code 2018).

The swept path drawings submitted as an appendix to the Technical Note are considered to be inaccurate due to not being derived from a topographical survey. The submitted drawings whilst not accurate do show areas of concern mainly being that HGV's are unable to safely turn left out of the U2621 onto the C2011 (Drawings numbers SK21865-12 and SK21865-14).

Vehicles travelling in a northerly direction along the C2011 do not have sufficient forward visibility to see vehicles waiting to turn right into the U2621 and/or vehicles egressing from the U2621 onto the C2011. Similarly, vehicles egressing the U2621 onto the C2011 do not have sufficient visibility to see approaching vehicles from a southerly direction.

As above, the proposed 'Vehicular Access Strategy' fails to address the substandard visibility in both directions including SSD for vehicles ingressing and egressing the junction of the U2621/C2011.

The location of passing bay 1 is adjacent to the proposed access to the development, and is likely to be of little benefit given its proximity to the access. Passing bay 2 is of an irregular design, a standard passing bay should measure 12 metres across the back with 30o tapers into the existing road and an overall width including the carriageway of 5.5 metres.

Additional Correspondence received 28th March 2019

This application should be refused.

Reasons for Refusal

The application site is located off the unclassified highway U2621 and has two potential means of access. The submitted details and routing plan identifies that access will be from the C2011 onto the U2621.

The junction of the C2011/U2621 has poor alignment; junction bellmouth width; visibility to the south west and Stopping Sight Distance [SSD] (forward) to the north.

The U2621 has poor vertical and horizontal alignment along its length with few formal/informal passing bays.

Speed data submitted in support of the application reports 85th percentile speeds of 31.5mph in a northerly direction and 29.5mph in a south westerly direction along the C2011 in the vicinity of the U2621 junction.

The recorded speeds indicate that the use of Manual for Streets(MFS) is appropriate. The survey was carried out during a period of rainfall for much of the survey and therefore no wet weather adjustment is required.

Using the sliding scale in accordance with Manual for Streets 2(MFS2), the recommended visibility splays are 42 metres to the south west and 54 metres to the north due to the gradient. During winter months when the hedges at the junction are cut back, the available visibility to the south west is significantly less than that required being only 26 metres. By comparison, the SSD (rear) during winter months is more than adequate

being 60 metres. The visibility to the north is in excess of the 54 metres required, however, the SSD (forward) during winter months is severely substandard at only 27 metres. It should be noted that the above quoted visibility splays were measured in the absence of any growth on the adjacent hedges, and therefore during spring/summer months when the hedges cannot be cut back (1st of March - 31st of July in accordance with the Wildlife & Countryside Act 1981) the available visibility and SSD could be negatively impacted. The visibility to the north has been adjusted in accordance of the gradient on the downhill, in accordance with MFS2 and is therefore greater than the requirement to the south west.

The proposed double white line on the Class III highway has been withdrawn as the proposal does not accord with the relevant Welsh Government guidance.

The applicant submitted drawing number 70571/18/02 to the Highway Authority following a site meeting which discussed the need for a visibility and SSD improvement at the junction of the C2011/U2621. The drawing showed an improvement at the junction which provided forward visibility cords to the north and south of the junction. It is noted that this drawing has not been submitted in support of this application as the land is not in control of the applicant and it has been stated that no agreement can be reached with the landowner.

Access to the site can also be gained via the U2620 however, the junction of the C2011/U2620 is severely substandard in terms of visibility in both directions and the applicant does not control any frontage that would allow for improvement. Perceived speeds in this area are in excess of 45mph. The available visibility at the junction is limited to 28 metres in a southerly direction and 18 metres in a northerly direction. Furthermore: the width of the bellmouth is just 3.5 metres; the right-hand bend is too tight to allow an articulated HGV to safely manoeuvre and the junction of the U2620/U2621 is severely substandard in terms of visibility and width. The width of the U2620 & U2621 at this junction along with the lack of highway verge means that large vehicles cannot turn left towards the site or right heading away from the site. It is understood that the applicant does not control sufficient frontage at the junction of the U2620/U2621 to make any improvements.

The Highway Authority has considered the relevant guidance and policies in relation to this application, and whilst the movements associated with the proposed development are relatively low, the risk of injury to road users at the three junctions is considered to be high, as is the severity of any such injury. This is due to actual and perceived road speeds being relatively high for the rural location, and that any HGV leaving the site will cross the centreline of the C2011, at one or both junctions with severely substandard visibility/SSD in both directions.

The applicant has indicated a reduction of vehicle movements since dairy operations ceased. The nature of vehicles used in relation to this operation would likely have been smaller than those for the proposed development. After discussion with the planning authority it has been concluded that consideration cannot be given to this reduction.

The submitted swept path drawings have not been based on a topographical survey, and therefore cannot be relied upon as being accurate. Furthermore, no swept path drawing has been submitted for HGV's entering and egressing the junction of the U2621/C2011 to/from the direction of Llanfair Caereinion. Whilst the application includes a routing plan, the Highway Authority do not consider that this can be relied upon, nor can it be enforced.

The application is not in accordance with LDP Policies DM13 Part 10, T1 Part 2, and TAN18 Section 3.14 - the Highway Authority has consistently highlighted that the junctions of the U2621/C2011, U2620/C2011 & U2620/U2621 are not suitable for any increase of HGV movements. However, the application does not seek to address any of these concerns by means of an improvement to the visibility and SSD at the junction of the U2621/C2011.

Both routes have an insufficient number of formal/informal passing bays, but the Highway Authority acknowledges that the applicant has offered a limited number of additional bays to mitigate this

Wales & West Utilities - Plant Protection
Team

15th Oct 2018

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However, Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

PCC-Environmental Health

22nd Oct 2018

Noise

Mechanical plant

The noise data provided for the mechanical fans indicates that the cumulative effect of 16 fans at a distance of 130m (the nearest neighbouring property) will be less than 36dB(A). This is below the WHO guidelines for community and night noise. Given that noise attenuation of 10-15dB is achieved through a partially open window, it is unlikely that fan noise will have a detrimental impact on amenity either inside or outside the nearest dwelling.

Collections/deliveries

In the Design and Access Statement document the applicant has suggested limiting all vehicle movements to and from the site in order to minimise the potential for noise impact. Therefore, I would recommend that this is included as a planning condition, as follows:

"Deliveries shall not be taken or dispatched from the site outside the hours of:

0700 to 2100 hrs Monday to Friday

0700 to 1800 hrs on Saturday, Sunday and Bank Holidays."

Odour

An odour impact assessment has been submitted. The odour dispersion modelling has been carried out in accordance with the Environment Agency/Natural Resources Wales H4 Odour Management Guidance and utilises the concept of the European standard odour unit. The report demonstrates that it is unlikely there will be an adverse impact on amenity due to odour.

Manure management plan - Private water supplies

Our records indicate that private water supply abstraction points are located within 50m of the manure spreading area. The details of the water supplies are as follows:

- Blaenycwm, Cefn Mawr
- Derwen, Cefn Mawr
- Llys Gwyn, Cefn Mawr
- The Goron, Cefn Mawr

Please can the agent/applicant confirm that a 50m buffer zone will be established

between these supplies and the manure spreading area?

Dust

This development is smaller than the recommended threshold for a dust impact assessment to be necessary. However, the nearest neighbouring dwelling is quite close to the development at 130m, and it is recognised that dust emissions can arise from poultry units. Therefore, I would recommend that a planning condition be included to require the submission of a dust management plan, to be approved by the local planning authority, prior to the completion of development.

PCC-Ecologist

16th Jan 2019

Thank you for consulting me with regards to planning application P/2018/0470 which concerns an application for the erection of a 32,000 Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works at Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr Newtown, Powys.

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 37 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for great crested newts, badger, bat species - unidentified bat, protected and priority moth species and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

An Extended Phase One Habitat Survey Report produced by Arbor Vitae Environment has been submitted with the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. I have reviewed the report and consider that the survey effort employed was in line with current best practice guidelines.

Field surveys were undertaken on the 20th June and 13th July 2017, an assessment of the habitats present was undertaken and used to identify the potential for the site to support protected species. The report identifies that the site of the proposed development including the site for the new building, the ranging area and the access road will occupy

land which includes parts of two fields, both of which were identified as improved grassland with a very limited species range - it was also identified that one of the two fields had recently been reseeded. The site including the ranging area is bounded by and intersected by hedgerows, most of which were identified to be mixed, native species hedgerows in good structural condition. The report identifies that it will be necessary to remove several sections of hedgerow to accommodate the proposed development and associated access.

An assessment was carried out to determine the potential presence of protected or priority species including badgers, bats, breeding birds, dormice, great crested newts, hedgehogs and reptiles. No evidence of badgers, hedgehogs, or dormice was found during the surveys. The surveys concluded that no habitat of potential value to dormice, hedgehogs or reptiles would be lost.

The removal of the section of 63 metres of hedgerow was identified as having potential to impact breeding birds, mitigation for this has been identified through the re-planting and protection of 250m of hedgerow as well as in-fill planting and fencing of retained hedgerows surrounding the proposed development. The replacement hedgerow planting and improvement of retained hedgerows as well as protection by fencing to prevent damage from grazing pressure from chickens using the range area are welcomed as in addition to compensating for the loss of hedgerow as a result of the proposed development the increased hedgerow planting also has potential to provide additional benefits for biodiversity 'biodiversity enhancements' as required by Part 1 Section 6 of the Environment (Wales) Act 2016. It has also been identified that hedgerow removal should be undertaken outside of the nesting season.

Two mature oak trees present in the hedgerow adjacent to the proposed development were identified as having good potential as bat roost sites and the adjacent hedgerows were identified as having potential to be used by local bat populations for foraging and commuting purposes, the report concludes that the trees and retained boundary hedgerows will not be directly affected by the proposed development, subject to there being appropriate restrictions to exterior lighting proposed.

A Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted with the application this provides details of the creation of new habitats including the proposed replacement hedgerow planting and native species tree clusters, details provided include species proposed, planting specifications and management as well as a commitment to erect 20 bird boxes across the farm site. The details identified and measures proposed are considered to be acceptable and it is recommended that adherence to the biodiversity action plan is secured through an appropriately worded planning condition to ensure compliance with the requirements of

LDP policies DM2 and DM4.

The report identifies that the nearest suitable breeding site for great crested newts was found to be over 600m from the proposed development site, which is considered to be outside of the normal ranging area for this species. In addition the improved grassland habitats affected by the proposed new building and ranging area were as assessed as being of sub optimal habitat for great crested newt foraging. The report concludes that no further survey work would be required with regards to great crested newts. Whilst it is agreed that the site provides limited potential to support great crested newts it must be acknowledged that this species will occasionally range further - some studies suggest up to 1.2km from breeding ponds - and the species will also cross improved grassland (despite its limited foraging and refugia opportunities) to reach more optimal habitat, as such there is some potential for great crested newts to occur at the site. A Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018 has been submitted to support the application, the method statement includes Reasonable Avoidance Measures for both the construction and operation phase of the proposed development including awareness training for operatives, habitat manipulation, site management etc. The Method Statement has been revised following comments received by NRW on 23/10/2018 regarding measures proposed during the operation phase of the proposed development, I have reviewed the additional measures proposed including management of grass sward height in the range area during the great crested newt active season, fencing of hedgerows throughout the range area to provide grassy herbaceous margin along the hedge base at least 2 metres wide which will act as refuge areas and migration routes for great crested newts in which they will be protected from predation, working areas around the sheds to which chickens have access will be kept free of rubble or other objects which could provide hibernation sites for great crested newts - in light of these amendments I consider that the method statement provides appropriate measures to protect great crested newts during both construction and operation of the proposed development, subject to NRW confirming that they are also satisfied with the amendments I recommend inclusion of an appropriately worded planning condition to secure adherence to the Method Statement.

It is noted that 3rd party individuals have raised concerns with regards to the application of manure to land in proximity to a spring as well as in relation to land in proximity to recorded presence of great crested newts. Having reviewed the Manure Management plan submitted with the application the site of the spring identified by the 3rd party individuals is clearly marked as a 'No-spread Area', I have reviewed the no-spread area surrounding the identified location of the spring and it does appear that the identified 'no-spread' zone may fall below the required 50m buffer for springs/wells - however it should be noted that the quality of the map provided is poor and it is difficult to accurately take measurements from, whilst the plan may not seem to indicate the required buffer for a

spring/well the manure management plan does state that adherence to CoGAP guidelines with regards to 'no-spread' areas will be implemented with regards to application of manure from the proposed poultry unit. I therefore recommend that either adherence to CoGAP is secured through an appropriately worded planning condition or that clarification is sought from the applicant with regards to the exact location of the spring and the Manure Management plan is amended to clearly demonstrate an appropriate 50m 'no-spread' buffer zone.

With regards to potential for negative impacts to great crested newts present in the area, given the nature of the fields onto which the application of manure is proposed they generally provide limited potential to provide favourable terrestrial habitat for this species due to the lack of diverse habitat structure which would provide refugia opportunities for this species, whilst refugia opportunities are limited it is acknowledged that the fields have potential to be used by great crested newts for movement between more favourable foraging and refugia habitats as well as breeding sites. The main concern with regards to application of manure on these fields would therefore be in relation to potential to contaminate waterbodies used as breeding sites for GCN, given the identification of adherence to CoGAP guidelines it is considered that appropriate precautions would be in place to prevent negative impacts to waterbodies used by breeding GCN. In addition it should be noted that the fields identified as Lower Risk with Caution sites i.e. application of fertiliser on these fields is possible but care must be taken prior to application of manure, that no flood warnings have been raised or that excessive rainfall is forecast within 48 hours of the proposed application. It should also be noted that use of manure as fertiliser would be preferable over the use of artificial fertiliser in this location as artificial fertiliser has potential to cause significant harm to GCN and other amphibians if they come into contact with artificial fertiliser grains, the fertiliser grain sticks to their moist skin and the salts dissolve and are absorbed through the skin and have potential to kill amphibians. Therefore I am satisfied that subject to manure application being undertaken in accordance with CoGAP there would be no negative impact to the favourable conservation of great crested newts in this location as a result of the proposed manure management plan.

NRW have reviewed the information provided within the Ammonia and Nitrogen Deposition Results V1 produced by Roger Parry & Partners LLP dated 24th April 2018 submitted to inform the application with regards to statutory designated sites, they have confirmed that the predicted deposition of ammonia and nitrogen are below the thresholds applied to determine potential impacts to protected sites with regards to Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland, an Ammonia & Nitrogen Deposition Results Ancient Woodland Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted to inform the LPA with regards to the potential for the proposed development to negatively impact ancient woodland. The data search identified 71 parcels of Ancient woodland within 2km of the proposed development, the closest parcel being approximately 370m from the proposed development. The submitted report includes the result of preliminary modelling carried out for the closest 3 ancient woodland sites. The report concludes that this modelling indicates that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) in relation to a Critical Level of $3.0 \text{ } \mu\text{g}/\text{m}^3$, however it should be noted that as no surveys have been carried out of the ancient woodland parcels the precautionary Critical Level of $1.0 \text{ } \mu\text{g}/\text{m}^3$ should have been applied due to the potential for ancient woodland habitats to support lichens and bryophytes which are more susceptible to impacts from increased ammonia deposition at the AW sites. Whilst the results provided within the report are incorrect due to the use of the incorrect Critical Level, when the results are amended to take into account the stricter precautionary Critical Level of $1.0 \text{ } \mu\text{g}/\text{m}^3$ which should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of $1.0 \text{ } \mu\text{g-NH}_3/\text{m}^3$. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

Details have also been provided with the Ammonia & Nitrogen Deposition Results Wenallt 'Potential Local Wildlife Site' Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 Report with regards to preliminary modelling of predicted ammonia and nitrogen deposition in relation to Wenallt Potential Local Wildlife site, as no details have provided with regards to the habitat types present within this site it may be assumed that the results provided within the report are incorrect as the precautionary Critical Level has not been applied, when the results are amended to take into account the stricter precautionary Critical Level of $1.0 \text{ } \mu\text{g}/\text{m}^3$ which potentially should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of $1.0 \text{ } \mu\text{g-NH}_3/\text{m}^3$. It is therefore considered that the potential impacts of the proposed development to Wenallt pLWS is within the levels considered to be acceptable by recognised current guidelines.

A Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP dated 24th April 2018 has been submitted with the application. I have reviewed the submitted information and considered that the measures identified are

appropriate and in line with current guidelines - it should be noted that PPG5 has now been replaced by GPP5 which can be found at

<http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf>

In addition, NRW have reviewed the information and have stated that they considered that if the development is undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of the proposed Range Area have been provided on drawing Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018, the range provides details of measures that will be implemented to protect the watercourse along the southern boundary of the range including a 10m fenced out buffer zone and use of land drains to prevent sediment entering the watercourse. The measures proposed are considered to be acceptable and NRW have confirmed they are satisfied with the identified Pollution Prevention Measures. I therefore recommend that adherence to the identified measures is secured through a suitable worded planning condition.

A Manure Management Plan produced by Roger Parry & Partners LLP dated April 2017 has been submitted to support the application, the plan identifies that there is sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha. Manure produced by the poultry unit will be removed every 4 days before being transported by sheeted trailer to a covered manure store - it identified that planning consent has been granted for 1 covered manure store on the farm and the applicants will also seek planning permission of a second manure store on the farm. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations - as identified above there seems to be some ambiguity regarding the buffer zone of a spring however subject to this being clarified the 'no-spread' zones are considered to be in line with current guidelines. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions and in the event that the existing covered manure store is full the applicant would sell manure to the local Anaerobic Digestion Plant. Contaminated wash water will be stored in the dirty water tank upon the farm. Subject to the site being operated in accordance with this manure management plan, it is considered unlikely that the proposal cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure

compliance with the requirements of Powys LDP policy DM2.

Details of drainage for the site have been provided Drainage Plan UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017 these identify that dirty and clean water will be kept separate, dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010), which will be tinkered out and spread on applicant's land in accordance with the farm manure management plan. Clean water from roof and clean surfaces will be drained to open and stone filled trenches and a piped system each side of the building, which will discharge into a soakaway. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank. NRW have identified that subject to the site being operated in accordance with this drainage plan, they consider it is unlikely the proposal will cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

The Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 2018 submitted with the application identifies that the development shall not use perimeter lighting, as birds shall be trained to find their own way back to the building prior to darkness. The building will then be in complete darkness. A small light will be used outside the egg collection unit for use in the winter months when staff enter the building to collect eggs in the morning and evening, this is for health and safety reasons. It is considered that the lighting measures proposed are acceptable and in line with the requirements identified in the Extended Phase One Habitat Survey Report and would ensure minimal disturbance to nocturnal wildlife around the site. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

Therefore subject to confirmation from NRW that they are satisfied with the amendments made to the Great Crested Newt Method Statement and clarification regarding the 'no-spread' zone with regards to the spring in field parcels SO11931663/SO11933559, should you be minded to approve the application I recommend inclusion of the following conditions:

The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

- i. Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP dated 24th April 2018
- ii. Manure Management Plan produced by Roger Parry & Partners LLP dated April

2017

iii. Drainage Plan UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017

iv. Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the mitigation, compensation and enhancement measures identified in the 'Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018', the 'Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018' and Section 6 of the 'Extended Phase One Habitat Survey Report produced by Arbor Vitae Environment'. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

In addition, I recommend inclusion of the following informatives:

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- o Deliberately capture, injure or kill a great crested newt;
- o Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Damage or destroy a great crested newt breeding site or resting place;
- o Intentionally or recklessly disturb a great crested newt; or
- o Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 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 or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

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 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

Natural Resources Wales (North) DPAS

23rd Oct 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 03/10/2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Requirement 1: The submission of revised detailed GCN reasonable avoidance measures (RAM) and amended plans to demonstrate the proposal is not detrimental to the maintenance of the population of the species of GCN concerned at a favourable conservation status in its natural range.

Requirement 2: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

European Protected Species

The application is supported by the ecological submission, Prestwood, W. (2017). Extended Phase One Habitat Survey: Land at Upper Gwestydd, Newtown, Powys. Arbor Vitae. It has considered potential impact on Great Crested Newts (GCN), Dormouse and Bats.

Great Crested Newts, Dormouse and Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

- GCN

Requirement 1: The submission of revised detailed GCN reasonable avoidance measures (RAM) and amended plans to demonstrate the proposal is not detrimental to the maintenance of the population of the species of GCN concerned at a favourable conservation status in its natural range.

Although an ecological appraisal has been submitted, the assessment of impacts only considers the construction phase of the proposal. We concur with this component conclusion. However, no assessments have been made in respect of the impacts during the operational phase of the proposals. We consider this phase has the potential to affect great crested newts. It is important to use a precautionary approach and make sure the impact of foraging chickens on GCN is minimised by limiting access to the grassy areas and excluding hedgerows / woodland from the foraging ground. This can be achieved by installing chicken proof fences at a meter distance from the base of the hedgerow / tree line, to create a poultry risk free buffer for GCN.

The submitted Amphibian Conservation Scheme (Construction and Operation) dated 24/4/2018 by Roger Parry & Partners LLP sets out appropriate RAMs for the construction phase, however, it does not appropriately assess the operational risks to GCN. RAM for the operational phase are limited to kerb design. Whilst it is important to make sure any GCN that may access the site are not getting trapped in areas where they would be at risk of harm, the main emphasis should be in preventing GCN from accessing the poultry unit and the foraging area. This aspect has not been included in the Scheme and therefore the report should be amended to demonstrate the proposal will not have a detrimental effect on the favourable conservation status of GCN.

- Hazel Dormouse Limited information has been provided in respect of evidencing surveys for hazel dormouse.

The submitted survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

- Bats

Limited information has been provided in respect of surveys for bats. However, given the nature and location of the proposals, the submitted assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of bat

Foul Drainage

Requirement 2: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that the method of foul drainage is unknown. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

Clarification should be sought by the LPA to the method of foul drainage or if there is indeed an intention to operate a non-mains drainage system.

On receipt of the above information we will review our position and advise your Authority accordingly.

Protected Sites and Aerial Emissions Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). We have assessed the proposal using the thresholds introduced in April 2017. NRW assesses the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We have reviewed the SCAL report (Ammonia & Nitrogen Deposition Results 24/04/2018) submitted in support of this proposal.

The process contributions of ammonia and nitrogen from the proposed unit for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI is below the thresholds (above 1% of the critical level and critical load), which we apply in our assessment of potential impacts on protected sites.

Manure Management

We have reviewed the Manure Management Plan ('Manure Management Plan', by Roger. There is sufficient land to spread the manures produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen/ha.

Contingency is described in Section 9 as an existing covered manure store on the farm

and a second manure store is proposed. There is also a possibility that manure could be delivered to an anaerobic digester plant.

The manure spreading map demonstrated suitable 'no-spread' buffers along watercourses and sensitive receptors.

If manures produced are not able to either be spread or stored in field heaps, then the applicant must ensure that the hard-standing areas used comply with the SSAFO regulations.

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Code of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and spread according to the Welsh Government's Code of Good Agricultural Practice

Ranging Plan

NRW note the submission of the Range Area Plan (Range 01 Version 2 18th August 2017). We are generally satisfied with the pollution prevention measures proposed.

Drainage Plan

The drainage plan (UP/Drainage version 2 amended 18th August 2017) which shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards, and the surface water will be piped to an underground tank with the surplus being discharged to watercourses.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Pollution Prevention Plan

We have reviewed the pollution prevention plan (Method Statement Pollution Prevention, Roger Parry & Partners) submitted in support of the proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topicsaugust-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential

effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice to developer:

Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 poultry rearing unit. Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment'.

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-andimpoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surfacewater->

and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/? lang=en

The Applicant should be aware that to operate a non-mains drainage system, they will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a. A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

All fuel, oil and chemicals used on site should be stored away in a locked store which is banded to 110% capacity of the total volume stored.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional Correspondence received 25th Feb 2019

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was

received on 12/02/2019.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirement, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement 1: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

Foul Drainage

Requirement 1: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that the method of foul drainage is unknown. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

Clarification should be sought by the LPA to the method of foul drainage or if there is indeed an intention to operate a non-mains drainage system.

On receipt of the above information we will review our position and advise your Authority accordingly.

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The application is supported by the ecological submission, Prestwood, W. (2017). Extended Phase One Habitat Survey: Land at Upper Gwestydd, Newtown, Powys (Arbor Vitae). It has considered potential impact on Great Crested Newts (GCN), Dormouse and Bats.

Great Crested Newts, Dormouse and Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

- GCN

We note the submission of the revised Amphibian Conservation Scheme (Construction and Operation) dated 05/11/2018 by Roger Parry & Partners LLP and sets out

appropriate RAMs for the construction phase, and following our previous comments, the inclusion of appropriate measures for the operational phase of the proposed development. These include management of the grass sward height in the range area during the great crested newt active season, all hedgerows throughout the range will be fenced (using chicken-proof mesh), working areas around the sheds to which chickens have access will be kept free of rubble or other objects which could provide hibernation sites for great crested newt. We confirm that these measures are acceptable.

- Hazel Dormouse

Limited information has been provided in respect of evidencing surveys for hazel dormouse.

The submitted survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

- Bats

Limited information has been provided in respect of surveys for bats. However, given the nature and location of the proposals, the submitted assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of bat

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Contingency is described in Section 9 as an existing covered manure store on the farm and a second manure store is proposed. There is also a possibility that manure could be delivered to an anaerobic digester plant.

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Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Pollution Prevention Plan

We have reviewed the pollution prevention plan (Method Statement Pollution Prevention, Roger Parry & Partners) submitted in support of the proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification on

any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 poultry rearing unit. Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment'.

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Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

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The written consent of NRW or registration for exemption by the developer will be

required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

The Applicant should be aware that to operate a non-mains drainage system, they will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

All fuel, oil and chemicals used on site should be stored away in a locked store which is banded to 110% capacity of the total volume stored.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Thank you for the consultation on this application.

There are no recorded archaeological sites within, or immediately adjacent to, the red boundary area of the application including the site of the poultry shed and the proposed access.

The nearest designated site is located over 740 metres to the south east and will be screened by intervening vegetation and topography as would further listed buildings 760 metres to the north west.

We would therefore have no objections to the proposed development.

Thank you for your consultation on the planning consultation ref P/2018/0470. Our records show there are no scheduled monuments or registered parks and gardens that would be affected by the proposal. We therefore have no comments to make.

Representations

97 Public Representations have been received in total. 68 objections and 29 in support. The comments can be summarised as follows:

- Support
 - o Economic Development
 - o Farm Diversification
 - o Supporting a Local farming family
 - o Bring local person back to work within the rural community

- Objection
 - o Biodiversity
 - o Great crested Newt impacts
 - o Impact to water sources
 - o Highway safety concerns
 - o Impacts to neighbouring residential properties
 - o Landscape and Visual Impact
 - o Impact to Wildlife areas
 - o Drainage concerns
 - o Errors with Manure Management Plan/ planning application
 - o Animal welfare

Planning History

| App Ref | Description | Decision | Date |
|-------------|--------------------------|----------|------------|
| P/2016/0881 | Erection of poultry unit | Refused | 24/11/2017 |

Principal Planning Constraints

None

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|----------------------------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN5 | Nature Conservation and Planning | | National Policy |
| TAN6 | Planning for Sustainable Rural Community | | National Policy |
| TAN11 | Noise | | National Policy |
| TAN12 | Design | | National Policy |
| TAN13 | Tourism | | National Policy |
| TAN15 | Development and Flood Risk | | National Policy |
| TAN18 | Transport | | National Policy |
| TAN23 | Economic Development | | National Policy |
| TAN24 | The Historic Environment | | National Policy |
| SP7 | Safeguarding of Strategic Resources and Assets | | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | | Local Development Plan 2011-2026 |

| | | |
|--------|--|----------------------------------|
| DM4 | Landscape | Local Development Plan 2011-2026 |
| DM5 | Development and Flood Risk | Local Development Plan 2011-2026 |
| DM6 | Flood Prevention Measures and Land Drainage | Local Development Plan 2011-2026 |
| DM7 | Dark Skies and External Lighting | Local Development Plan 2011-2026 |
| DM13 | Design and Resources | Local Development Plan 2011-2026 |
| DM14 | Air Quality Management | Local Development Plan 2011-2026 |
| T1 | Travel, Traffic and Transport Infrastructure | Local Development Plan 2011-2026 |
| E6 | Farm Diversification | Local Development Plan 2011-2026 |
| SPGBIO | Biodiversity and Geodiversity SPG (2018) | Local Development Plan 2011-2026 |
| 1199 | Environmental Impact Assessment | National Policy |
| SPG | Landscape | Local Development Plan 2011-2026 |

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Site Location and Description

The application site is located within the Community Council area for Newtown and Llanllwchaiarn and is located approximately 1.3 km to the north-east of the settlement boundary of Newtown.

The application site is located within the open countryside and is located within the agricultural holding for Upper Gwestydd. Consent is sought for the erection of a Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works.

The proposed poultry unit will be located to the south-east of the existing farmhouse and associated buildings and will measure approximately 140 metres in length by 20 metres in width. The unit will reach a height of 5.9 metres to the ridge. The proposed feed bins will then reach of a height of approximately 8.2 metres.

Principle of Development

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

TAN 6 supports proposals for the limited expansion, extension or environmental improvement of existing employment sites and buildings within the open countryside such as this proposal. Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses. The proposed development provides a new free-range poultry unit as an expansion to an existing rural enterprise.

In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Farm Diversification

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new

businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments.

Notwithstanding the policy presumption in favour of appropriate rural development, support needs to be balanced against other material considerations including landscape and visual impact, highway safety implications, ecology together with the potential impact on local amenity. Consideration of such matters is duly given below.

Landscape and Visual Impact

Planning policy seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

The application site is located within an area identified as the Tregynon Rolling Hills. LANDMAP evaluates the area as high visual and sensory value with *“An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common i.e hedge laying and few intensive farming practices employed”*.

Upper Gwestydd sits on higher land above the settlement of Newtown which is approximately 1.3km to the south-west of the application site, however given existing topography and mature landscaping between both areas it is unlikely that the building would be seen as a prominent visual structure within the landscape from within the settlement. The nearest County Highway to the application site is Upper Gwestydd Lane which is an unclassified County Highway (U2621) and runs to the western boundary for the holding and joins onto the C2011 which is located to the south-west. The building is proposed to be located adjoining to the existing farmyard and buildings for Upper Gwestydd. Whilst the building will be visual from some sections of the unclassified highway, views will be intermittent given the topography of the land and existing mature screening along the highway network. It is further considered given the proximity of the building to existing agricultural sheds it will look to form a grouping with these existing buildings.

Officers therefore consider that the visual and landscape impact associated with the proposed poultry development can therefore be appropriately managed safeguarding the Powys landscape in accordance with policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

Impact on Amenity, Living Conditions and health of Local Residents

Poultry units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. The application is supported by a number of documents to assess the development.

It is noted that the nearest non-associated residential property is located approximately a distance of 130 metres from the application site.

Noise

Mechanical Noise

A noise assessment was submitted for the cumulative effect of 16 mechanical fans proposed for the application site. The nearest neighbouring residential property at approximately 130 metres was assessed and determined that the noise would be less than 36dB(A) at this location. The Environmental Health Officer confirmed and noted that the data provided confirmed that the noise impact would be below the WHO guidelines for community and night noise.

Collections/Deliveries

The applicant has proposed to minimise the potential for noise impact from vehicles by limiting all vehicle movements associated with proposed poultry unit. The Environmental Health Officer has therefore recommended a condition to limit vehicles movements to as follows:

- 0700 to 2100 hrs Monday to Friday
- 0700 to 1800 hrs on Saturday, Sunday and Bank Holidays

Odour

The application is supported by an Odour Assessment and a Dispersion Modelling Study of the Impact of Odour from the Proposed Free Range Egg Laying Chicken Houses at Upper Gwestydd by AS Modelling & Data Ltd. The Environmental Health Officer has considered the information and concludes that the report demonstrates that it is unlikely there will be an adverse impact on amenity due to odour.

Manure Management Plan- Private Water Supplies

Records indicate that private water supply abstraction points are located within 50m of the manure spreading area. The details of the water supplies are as follows:

- Blaenycwm, Cefn Mawr
- Derwen, Cefn Mawr

- Llys Gwyn, Cefn Mawr
- The Goron, Cefn Mawr

A Manure Management Plan has been submitted but it has been noted that whilst no spread areas have been indicated the quality of the information is questioned by Officers. However, it is considered that an appropriately worded condition could be attached to any grant of consent ensuring that no spreading is completed within 50 metres of the private water supplies to ensure development is completed to a satisfactory standard.

Dust

The Environmental Health Officer has confirmed that the proposed development is smaller than the recommended threshold for a dust impact assessment to be necessary. However, the officer notes the proximity to the nearest residential development at 130 metres and recommended given the dust emissions recognised from poultry units that a dust management plan is provided by an appropriately worded condition prior to the commencement of development.

Conclusion

It is considered given the comments received from the Environmental Health department that the poultry development would not unacceptably worsen the amenities of local residents or visitors to the area subject to appropriately worded conditions in accordance with policy DM13 of the Local Development Plan.

Highway Safety

Policy DM13, criterion 13 and T1 of the LDP seeks to ensure that proposed developments have been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Technical Advice Note 18 (Transport) paragraph 3.14 (Farm diversification) states that:

Local authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport (PPW paragraph 7.3.3). This type of small scale economic development is attached to existing farm businesses that are often situated in relative rural isolation. It is important that a realistic assessment of the transport impacts is made, with a view to reconciling traffic issues with the benefits of encouraging diversification. In the majority of cases, it is expected that any transport problems should be capable of being resolved by appropriate minor junction or other highway modifications. Exceptionally, there may be cases where the anticipated increase in traffic cannot be reasonably accommodated. Such developments are more appropriately located on allocated

industrial/ commercial sites, if available in the locality, or in or adjoining local service centres where the highway network is more robust.

It is noted that the application site has two potential means of access however the submitted details with the application and associated routing plan identifies that access will be from the C2011 onto the U2621 which is located to the south-west of the application site.

The Highway Officer has been consulted and has confirmed that the junction of the C2011/U2621 has poor alignment; junction bellmouth width; visibility to the south and Stopping Sight Distance (SSD) (forward) to the north.

Using the sliding scale in accordance with Manual for Streets 2 (MFS2), the recommended visibility splays are 42 metres to the south-west and 54 metres to the north due to the gradient. During winter months when the hedges at the junction are cut back, the available visibility to the south-west is significantly less than that required being only 26 metres. It should be noted that the above quoted visibility splays were measured in the absence of any growth on the adjacent hedges, and therefore during spring/summer months when the hedges cannot be cut back (1st of March - 31st of July in accordance with the Wildlife & Countryside Act 1981) the available visibility and SSD could be negatively impacted.

Swept Path drawings have been submitted in support of the application, whilst a swept path has been provided it does not include a drawing for HGV's entering and egressing the junction from/to the direction of Llanfair Caereinion. It is duly considered and noted that any HGV leaving the access will cross the centreline of the C2011 with severely substandard visibility/SSD in both directions as indicated above. Additionally, it is noted that this plan has not been based on any topographical survey and therefore the Highway Officer would also question their accuracy and weight which could be afforded to them.

Whilst the Officer noted that there are other alternative routes to the site (although not indicated by the proposed routing plan) these are also noted of being severely substandard in terms of width and access. Given the concerns raised, discussions were therefore held with the agent/applicant and whilst amendments were discussed the land in question to complete the works to the junction are outside of the control of the applicant and therefore have not been put forward for consideration. As an alternative evidence was submitted to argue that the proposed unit would result in a 'trade-off' of vehicular movements.

Evidence was provided which indicated that the farm holding used to have a dairy operation of 35 dairy cows in 1937, which then ceased a number of years ago, approximately in 1977 when the applicant took over operating the farming unit from his father. Given the time-frames and scale of the dairy unit which operated from Upper Gwestydd, including consideration of the lorry size that would have collected the milk churns as indicated within the additional information it is considered that this dairy unit

would not accurately reflect a “trade-off” of vehicular movements as associated with a modern day poultry unit. Indeed, it could be argued that modern day farm practices including the scale of modern day agricultural vehicles could already exceed those movements as was then associated with the existing farm holding back in the 1970’s and therefore would not provide any “trade-off” of vehicles.

In light of the above and taking into consideration the information provided it is considered that the proposed development would result in the increased use of a substandard access to the detriment of highway safety and therefore the risk of injury to road users is considered to be high. Therefore whilst the economic benefit and farm diversification is noted and supported in this instance the anticipated increase in traffic cannot be reasonably accommodated.

The proposed development is therefore considered to be contrary to relevant planning policy.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The data search identified 37 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for great crested newts, badger, bat species- unidentified bat, protected and priority moth species and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

An extended Phase One Habitat Survey Report produced by Arbor Vitae Environment has been submitted with the application.

Hedgerow Removal

Where a hedgerow is required to be removed to accommodate the proposed development appropriate compensation in line with the requirements of LDP Policy DM2 will be required.

It is noted that the removal of the section of 63 metres of hedgerow was identified as having the potential impact to breeding birds. Mitigation has been identified through the planting and protection of 250 metres of hedgerow as well as in-fill planting and fencing of retained hedgerows surrounding the proposed development.

There were also two mature oak trees identified as being present in the hedgerow adjacent to the proposed development and having good potential as bat roost sites. This also included the adjacent hedgerows which were also identified as having potential to be used by local bat populations for foraging and commuting purposes, the report concludes that the trees and retained boundary hedgerows will not be directly affected by the proposed development, subject to there being appropriate restrictions to exterior lighting proposed.

A Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 provides details of the creation of new habitats including the proposed replacement hedgerow planting and native species tree clusters, details provided include species proposed, planting specifications and management as well as a commitment to erect 20 bird boxes across the farm site.

The details identified and measures proposed are considered to be acceptable and it is recommended that adherence to the biodiversity action plan is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

Great Crested Newts

A Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018 has been submitted to support the application. The method statement includes Reasonable Avoidance Measures for both the construction and operational phase of the proposed development including awareness training for operatives, habitat manipulation, site management etc.

The Method Statement has been revised following comments received by NRW regarding the measures proposed during the operation phase of the proposed development. Following re-consultation of the amended information NRW and the Powys Ecologist have confirmed that they consider that the method statement provides appropriate measures to protect great crested newts during both construction and operation of the proposed development.

Hazel Dormouse

The Phase One Habitat Survey has appropriately considered Hazel Dormouse. Whilst NRW acknowledge that little information has been submitted they have concluded that the survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process.

NRW have therefore concluded that they do not consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

Ammonia and Nitrogen

Assessments have been made on the air quality impact a proposed unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

A SCAIL report (Ammonia and Nitrogen Deposition Results 24/04/2018) has been submitted in support of the proposal.

NRW have confirmed that the process contribution of ammonia and nitrogen from the proposed unit for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI is below the thresholds (above 1% of the critical level and critical load), which it applies in the assessment of potential impacts on protected species. The development is therefore considered to be acceptable.

Details have also been provided within the 'Potential Local Wildlife Site' Report V1 produced by Roger Parry & Partners LLP Report (dated 25th April 2018) with regards to preliminary modelling of predicted ammonia and nitrogen deposition in relation to Wenallt Potential Local Wildlife site.

The Powys Ecologist notes that the results provided within the report are incorrect as the precautionary Critical Level has not been applied. The Ecologist however noted that when the results are amended to take into account the stricter precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ which potentially should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of $1.0 \mu\text{g-NH}_3/\text{m}^3$.

It is therefore considered that the potential impacts of the proposed development to Wenallt pLWS is within the levels considered to be acceptable by recognised current guidelines.

Ancient Woodland

With regards to Ancient woodland, an Ammonia & Nitrogen Deposition Results Ancient Woodland Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted to inform the LPA with regards to the potential for the proposed development to negatively impact ancient woodland.

The data search identified 71 parcels of Ancient woodland within 2km of the proposed development, the closest parcel being approximately 370m from the proposed development. The submitted report includes the results of preliminary modelling carried out for the closest 3 ancient woodland sites. The report concludes that this modelling indicates that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the NRW's lower threshold (100% for non-statutory sites) in relation to a Critical Level of $3.0 \mu\text{g}/\text{m}^3$. However, it should be noted that as no

surveys have been carried out of the ancient woodland parcels the precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ should have been applied due to the potential for ancient woodland habitats to support lichens and bryophytes which are more susceptible to impacts from increased ammonia deposition at the AW sites. Whilst the results provided within the report are incorrect due to the use of the incorrect Critical Level, when the results are amended to take into account the stricter precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ which should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of $1.0 \mu\text{g-NH}_3/\text{m}^3$. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

Pollution Prevention Plan

A Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP has been submitted with the application. The Powys Ecologist and NRW have reviewed the submitted information and considered that the measures identified are appropriate and in line with current guidelines.

In addition, NRW have reviewed the information and have stated that they consider that if the construction works and site operations are undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Proposed Ranging Area

Details of the proposed Range Area have been provided on drawing Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018. This provides details of measures that will be implemented to protect the watercourse along the southern boundary of the range are including a 10m fenced out buffer zone and use of land drains to prevent sediment entering the watercourse.

The measures proposed are considered to be acceptable and NRW and the Powys Ecologist have confirmed they are satisfied with the identified Pollution Prevention Measures.

Lighting

The Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 2018 submitted with the application identifies that the development shall not use perimeter lighting. A small light will be used outside the egg collection unit for use in the winter months when staff enter the building to collect eggs in the morning and evening; this is for health and safety reasons.

The Powys Ecologist has therefore considered that the lighting measures proposed are acceptable and in line with the requirements identified in the Extended Phase One Habitat Survey Report and would ensure minimal disturbance to nocturnal wildlife around the site.

Manure Management Plan

A Manure Management Plan produced by Roger Parry & Partners LLP dated April 2017 has been submitted to support the application, the plan identifies that there is sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha.

The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations.

It is noted that third party individuals have raised concerns with regards to the application of manure to land in proximity to a spring as well as in relation to land in proximity to recorded presence of great crested newts. Having reviewed the Manure Management plan submitted with the application, the site of the spring is marked as a 'No-spread Area', however it is noted that the quality of the map provided is poor and it is difficult to accurately take measurements from, whilst the plan may not seem to indicate the required buffer for a spring/well the manure management plan does ensure adherence to CoGAP guidelines with regards to 'no spread' areas will be implemented with regards to the application of manure from the proposed poultry unit.

The Powys Ecologist has therefore recommended that adherence to CoGAP is secured through an appropriately worded planning condition, which is also in line with comments received from NRW.

Foul Drainage

A Drainage Plan has been submitted in support of the application by UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017. The Plan identifies that dirty and clean water will be kept separate, dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010), which will be tinkered out and spread on applicant's land in accordance with the farm manure management plan. Clean water from roof and clean surfaces will be drained to open and stone filled trenches and a piped system each side of the building, which will discharge into a soakaway. At the wash down stage the clean water

system around the yard will be diverted to the underground dirty water tank. NRW have identified that subject to the site being operated in accordance with this drainage plan, they consider it is unlikely the proposal will cause pollution to the wider environment.

NRW have however noted that the development proposes a human toilet facility within the poultry unit for staff although no details have been provided in relation to the proposed foul disposal system for this unit. Concerns have therefore been raised given that the site is not served by the public foul sewer. It is therefore considered that insufficient information has been provided to adequately ensure that the quality of surface and ground waters will not be adversely affected by the proposed development (in line with Water Framework Directive objectives).

RECOMMENDATION

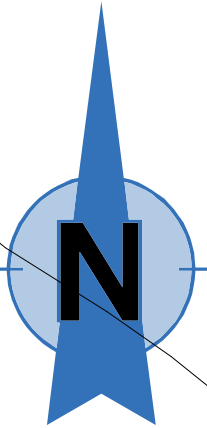
In light of the above it is therefore considered that the proposed development and anticipated increase in traffic cannot be reasonably accommodated and would therefore be to the detriment of highway safety, furthermore insufficient information has been provided for foul drainage. The recommendation is therefore one of refusal.

1. The proposed development would have an unacceptable adverse impact upon Highway Safety. The development is therefore contrary to Policy T1 and DM13 of the Local Development Plan (March 2019) and Technical Advice Note 18: Transport (2007) and Planning Policy Wales (Edition 10).
2. Insufficient information has been provided to adequately ensure that the quality of surface and ground waters will not be adversely affected by the proposed development (Foul Drainage). The proposed development is therefore considered to be contrary to Local Development Plan DM13 2018 and Planning Policy Wales (Edition 10).

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01587 827505 E-mail: gemma.bufton1@powys.gov.uk



PROPOSED POULTRY SHED AT UPPER GWESTYDD,
CEFNAWR, NEWTOWN SY163LA
Ref: Upper Gwestydd 2018 Application
Plan 02
LOCATION PLAN 1: 2000
26/04/2018
A3 SHEET



Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Community Council

29th Oct 2018

For the attention of Planning Dept/Gemma Bufton

Dear Sirs,

Re: 18/0581/OUT - Affordable housing etc at land west of Oldfield Farm, Four Crosses.

Llandysilio Community Council have considered the above application at a meeting held on Thursday 25th October 2018 and wish to OBJECT for the following reasons;-

1. Contrary to Policy SP1 - Housing Growth

The Powys Local development Plan has now been adopted and has identified a site within the Village (P18 HA1) for development which has the capacity for 32 dwellings. Part of this development will include a percentage of affordable homes and there is therefore no justification for a development outside the village development boundary. 32 Homes is considered an adequate supply of housing within the Plan period.

2. Contrary to Policy HP6 Affordable Housing Exemption sites

Policy HP6 states that any developments need to meet a proven, unmet local need. No evidence has been submitted with the application to demonstrate any local need. Planning permission has already been given to 49 dwellings on a site adjacent the Village Boundary (on the other side of the Village) and 10 houses have already been allocated as affordable housing in this development. The last large development in the Village was 57 dwellings at Parc Hafod and as part of this development 13 properties were designated as affordable.

Policy HP6 also states that the proposed development should be of a size and scale commensurate with the defined need and appropriate to the settlement tier - there is no justification for 24 affordable houses.

Policy HP6 also states that any sites allocated for affordable housing must show clear and adequate arrangements to ensure that the benefits of affordable housing are secured for subsequent occupiers. No evidence has been submitted to demonstrate this

3. Policy DM1 -Planning Obligations

In line with all the other applications we have received The Community Council wish to draw attention to the need to support the infrastructure of the Village- money is needed from developers to improve the Medical facilities in the Village (planning permission has

been obtained for an extension) as currently there is a 3 week wait for an appointment with a Doctor. Llandysilio Church in Wales School are also in need of assistance as they currently rely on mobile classrooms for some of their classes.

Wales & West Utilities - Plant Protection
Team

23rd Oct 2018

Wales & West Utilities acknowledge receipt of your notice received on 23.10.2018, advising us of the proposals for:

Llandysilio, LLANYMYNECH, Powys, SY22 6RB

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested

before any work commences on site if this period has expired.

Building Control

9th Oct 2018

Building Regulations application required.

Hafren Dyfrdwy

15th Oct 2018

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Environmental Health

17th Oct 2018

Re: Proposed affordable housing development, formation of vehicular access and access road and all associated works.

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains public sewer.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection would recommend that the construction period working hours and delivery times be restricted as follows:

"All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above."

Natural Resources Wales

25th Oct 2018

Thank you for consulting Natural Resources Wales (letter dated 09/10/2018) regarding the above.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Summary of Requirements:

Requirement 1 - bats: The submission of additional information to demonstrate the proposal has taken into account the ecological recommendations and it will not be detrimental to the maintenance of the population of any species of bats concerned at a favourable conservation status in its natural range.

Protected Species

We note that the ecological submission in support of the above application (Arbor Vitae dated January 2018) has identified that several trees within the hedge boundaries have been found to have medium to high potential for bats. NRW holds record of bats in the area and it is likely that the trees and hedgerows present on site provide roosting opportunities and flight lines for foraging and commuting.

In this case, the report concludes that the proposed development is not likely to harm or disturb protected species or their breeding sites and resting places at this site because the above-mentioned trees will not be affected by the proposal and further habitat enhancement will be incorporated within the final design.

We have assessed the Design and Access Statement document and the block plan submitted with this application and we are unable to establish whether the recommendations and statements made in the ecological report have been considered at this outline stage of the design.

Provided the existing trees are retained, reasonable avoidance and some habitat enhancement measures are incorporated within the final design as described in section 6 of the report, we would have no concerns with this proposal.

We recommend that you seek the submission of plans demonstrating that appropriate ecological avoidance and enhancement measures have been considered at this stage.

Requirement 1 - bats: The submission of additional information to demonstrate the proposal has taken into account the ecological recommendations and it will not be detrimental to the maintenance of the population of any species of bats concerned at a favourable conservation status in its natural range.

If any of the mature trees are due for removal, a bat survey will be required prior to determination.

We will be able to revise our comments upon receipt of clarifications on the above.

Advice for the developer:

Foul Drainage

We note from the application form that the proposed method for foul drainage is to mains sewer. Welsh Water should be contacted to ensure that there is sufficient capacity.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage.

All works at the site must be carried out in accordance with PPG6 'Working at construction and demolition sites' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Welsh Government - Highways
Directorate

15th Oct 2018

I refer to your consultation of 08/10/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Clwyd Powys Archaeological Trust

18th Oct 2018

As with the prior application (P2017/1062), which covered this field and a wider area around it, the archaeological evaluation has shown that the whole field is archaeologically sensitive and contains archaeology spanning the Neolithic (4000 BC) to Post Medieval periods. There is a recorded Bronze Age (2000 - 700BC) burial mound within the application area which survives as a low earthwork and is likely to contain a central burial. We also know that Offa's Dyke runs down the west side of the field. The evaluation trenching identified a number of other pit and linear features that represent prehistoric and later archaeology and the surrounding fields include a dense scatter of sites.

We would therefore recommend once more that this field is subject to area excavation prior to development commencing so that a detailed record of the archaeology can be completed. I have included a suggested condition below:

Suggested planning condition to facilitate a scheme of archaeological investigation as a condition of consent:

A) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall include;

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be commenced until the archaeological site investigation has been completed and the post excavation assessment report has been approved in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

In effect the above combined condition means that:

- o Development may commence once the site investigation is complete.
- o The funding for post investigation analysis and reporting is secured and can take place after the development has commenced.

o Full analysis, publication, and archive deposition may take some years to complete, particularly for a large or complex investigation like this one, but the development is not delayed over this period.

Please contact me if you wish to discuss any of the above recommendation or require more information. If there are any alterations to the suggested condition before consent is given please contact me to agree the changes.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report two representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Failure of the applicant or other body to notify neighbouring property of proposal;
- Inadequate notice period for consultation;
- Proposal will place strain upon local amenities and facilities including Primary Schools;
- Unacceptable noise impact – adverse impact on the health of existing residents;
- Disturbance of archaeological remains;
- Residential development outside of the settlement boundary;
- Lack of information regarding renewable energy measures.

Planning History

P/2017/1062 - Outline: Residential development, formation of vehicular access and access road, and all associated works. Refused 15th March 2018.

Principal Planning Constraints

Residential development outside of the settlement development boundary;

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|-----------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN1 | Joint Housing Land Availability Studies | | National Policy |

| | | |
|-------|--|----------------------------------|
| TAN2 | Planning and Affordable Housing | National Policy |
| TAN5 | Nature Conservation and Planning | National Policy |
| TAN11 | Noise | National Policy |
| TAN12 | Design | National Policy |
| TAN18 | Transport | National Policy |
| TAN23 | Economic Development | National Policy |
| TAN24 | The Historic Environment | National Policy |
| SP1 | Housing Growth | Local Development Plan 2011-2026 |
| SP3 | Affordable Housing Target | Local Development Plan 2011-2026 |
| SP5 | Settlement Hierarchy | Local Development Plan 2011-2026 |
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| DM1 | Planning Obligations | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | Local Development Plan 2011-2026 |
| DM3 | Public Open Space | Local Development Plan 2011-2026 |
| DM4 | Landscape | Local Development Plan 2011-2026 |
| DM6 | Flood Prevention Measures and Land Drainage | Local Development Plan 2011-2026 |
| DM13 | Design and Resources | Local Development Plan 2011-2026 |

| | | |
|----|--|----------------------------------|
| H1 | Housing Development Proposals | Local Development Plan 2011-2026 |
| H2 | Housing Sites | Local Development Plan 2011-2026 |
| H3 | Housing Delivery | Local Development Plan 2011-2026 |
| H4 | Housing Density | Local Development Plan 2011-2026 |
| H5 | Affordable Housing Contributions | Local Development Plan 2011-2026 |
| H6 | Affordable Housing Exception Sites | Local Development Plan 2011-2026 |
| T1 | Travel, Traffic and Transport Infrastructure | Local Development Plan 2011-2026 |

Supplementary Planning Guidance - Affordable Housing (2018)

Supplementary Planning Guidance – Biodiversity and Geodiversity (2018)

Supplementary Planning Guidance – Landscape (2018)

Supplementary Planning Guidance – Planning Obligations (2018)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Site Location and Description

The application site adjoins the settlement development boundary of Four Crosses. The site is bound by agricultural land to the north and east. Located to the south are existing residential properties whilst the public highway bounds the site to west.

Consent is sought in outline for the provision of 24 affordable dwellings. Matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration whilst access is to be considered at the outline stage. The site area extends to approximately 8074 square metres/0.80 hectares and proposes a housing density of 30 units per hectare. The proposed affordable housing scheme comprises of the following;

- 10 x 2 bed semi-detached units – approximately 59.9 square metres (House Type 1);
- 2 x 3 bed detached and integral garage - approximately 91.3 square metres (House Type 2);
- 12 x 3 bed semi-detached units – approximately 80.3 square metres (House Type 3).

Access to the proposed residential development will be provided off the highway located to the west whilst parking and turning provision will be provided within the application site boundary.

Planning History

Members are advised that a previous planning application for the erection of 34 dwellings (P/2017/1062) was considered and refused in March 2018, the reasons for refusal as cited on the decision notice being;

1. The proposed development within the open countryside is considered to be unsustainable development contrary to Planning Policy Wales (9th Edition, 2016) and policies SP5, HP4, HP5, HP6 and HP8 of the Powys Unitary Development Plan 2010.
2. The proposed development would result in the unjustified loss of Grade 2 agricultural land, contrary to Planning Policy Wales (9th Edition, 2016) and policy ENV1 of the Powys Unitary Development Plan (2010).

The application site relating to the above proposal included an area of land within the development boundary, located to the south of the current application area. The refused application was considered in accordance with the former Unitary Development Plan, justifying the scheme on the basis that a 5-year housing land supply could not be demonstrated by the Council.

Although the application site as proposed (18/0581/OUT) comprises of land subject to the previous refusal, the proposal differs considerably in that the scheme now includes 100% affordable housing as an exception to normal housing policy and is also to be considered in accordance with the Local Development Plan, adopted in April 2018.

Principle of Development

Strategic policy SP5 confirms that the LDP spatial strategy is based on a sustainable settlement hierarchy which takes account of a settlement's size, levels of service provision and the capacity and suitability of a settlement to accommodate sustainable growth. The sustainable settlement hierarchy comprises:

- Towns
- Large Villages
- Small Villages
- Rural Settlements
- Open Countryside including the Undeveloped Coast

The development limits for Towns and Large Villages are set by designated Development Boundaries shown on the LDP inset maps. For the purpose of the plan, Members are advised that Four Crosses is defined as a Large Village. In such locations, the LDP anticipates at least 25% of the Plan's housing growth will be directed through commitments, new allocations or affordable housing on exception sites where these form a logical extension to the settlement.

Affordable Housing Exception Sites & Delivery

As an exception to normal housing policy, LDP policy H6 allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN 2. Sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority.

In accordance with policy H6, new affordable homes should be of a size, scale and tenure that is commensurate with the defined need. The Powys Local Housing Market Assessment (LHMA) provides robust evidence of local housing need and confirms that there is an overall need for affordable housing across all areas of Powys however identifies a greater need for additional affordable housing for smaller households of 1 or 2 bedrooms. The Affordable Housing SPG indicates that the LHMA is currently undergoing review and therefore the Council will consider other sources of evidence in order to determine need, including the Common Housing Register (identifies need for social housing) and the Affordable Housing Register (Tai Teg).

Whilst the site subject to this application is, for the purposes of the Plan defined as open countryside, the site immediately adjoins the settlement development boundary of Four Crosses and proposes 100% affordable housing. The proposed scheme includes the provision of 10 x semi-detached units (2 bed), 2 x detached units (3 bed) and 12 x semi-detached units (3 bed). Based upon the evidence accompanying the application, it is understood that the housing types proposed in terms of size and nature reflect the proven local need within Four Crosses as demonstrated by the Common Housing Register (CHR).

It is noted by Officers that concerns regarding the principle of the proposed development have been expressed by the Community Council and interested third parties. In particular, concerns relate to the perceived oversupply of affordable housing within the Village given recently consented schemes together with an LDP allocation (P18 HA1, 32 dwellings). Whilst acknowledging the concerns put forward, Officers are satisfied that the proposal includes an appropriate mix of housing, reflective of the housing need as evidenced by the Commons Housing Register. On this basis, it is considered that the proposal is in accordance with LDP policies H1, H3 and H6.

Housing Density

All housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed housing development should be in accordance with the guide ranges detailed within the LDP unless justified by evidence of local circumstances or constraints. Within Towns and Large Villages, the LDP indicates a density of a minimum of 27 units per hectare.

The application site area extends to approximately 0.80 hectares and proposes the erection of 24 dwellings, achieving a density of 30 units per hectare. As such, it is considered that the proposal is compliant with policy H4.

Sustainability & Services

Members are advised that third party concerns have been expressed regarding the sustainability of the development, particularly the increased pressure on local services including health care facilities. Whilst noting the concerns raised, it is considered that the overall sustainable growth and development of the settlement and wider area is controlled via the LDP settlement hierarchy and identified settlement development boundaries.

As discussed, for the purposes of the LDP, Four Crosses is defined as a Large Village. Although smaller than Towns, at least 25% of the anticipated housing growth is to be directed to these locations within the LDP, and whilst they do not possess the range of facilities within Towns, they are regarded as having the capacity to accommodate larger developments.

In light of the above and notwithstanding the concerns expressed, Officers do not consider there to be sufficient evidence to indicate that the proposed development will have an unacceptable impact on existing services within Four Crosses.

Agricultural Land

Planning Policy Wales confirms that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special

importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Members are advised that the application site comprises of a small parcel of land classified as Urban (south-western corner) whilst the remaining area of land is classified as Grade 2 – good quality agricultural land.

In considering the proposal, Members are encouraged to balance the delivery of affordable housing against the desire to safeguard the most versatile agricultural land, both of which are defined as key planning objectives within Planning Policy Wales.

Notwithstanding the previous reason for refusal and policy presumption to safeguard agricultural land of grades 1, 2 and 3a, in this instance, Officers consider that the need to deliver affordable housing in an area where there is a proven need for such housing provides sufficient weight to override the desire to safeguard agricultural land. Therefore, on balance, the proposal is considered to be in accordance with Planning Policy Wales.

Appearance, Layout and Scale

Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape and therefore must be appropriate and sensitive in terms of integration, siting, scale and design. The objectives of policy DM4 as above are further endorsed within policy DM13 which emphasises the need for development proposals to complement and/or enhance the character of the surrounding area.

Guidance within the recently adopted Landscape SPG indicates that outside of settlements, applications for residential development of ten dwellings or more should be supported by a Landscape and Visual Impact Appraisal together with details within the Design and Access Statement confirming how the proposal accords with policy DM4.

Officers note that the application is not accompanied by a LVI Appraisal as its validation pre-dates the adoption of the SPG. Nevertheless, it is considered that there is sufficient information available to make an informed assessment of the potential impact. Whilst the site of development is located within the open countryside, the area of land immediately adjoins the settlement development boundary and in the opinion of Officers, will be read as a logical extension to the built form. Details relating to appearance, layout and scale have been reserved for future consideration however on the basis of the information submitted to date, Officers are satisfied that an appropriate scheme which complements the surrounding area whilst safeguarding residential amenity is capable of being secured. The proposal is therefore considered to be in accordance with LDP policies DM4 and DM13.

Open Space Provision

Policy DM3 of the Powys LDP states;

Development proposals either partially or wholly located on existing Open Space will only be permitted where it can be demonstrated that:

1. There is an excess of such provision in the area; and
2. There is no longer a requirement for that type of open space in the area; and
3. The site would not be suitable to provide an alternative type of Open Space for which there is a shortfall; or
4. It can be demonstrated that alternative provision can be made available that is of enhanced or equivalent community benefit in terms of its size, characteristics, location and accessibility.

Provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

On reviewing the Open Space Assessment, whilst the site has access to an outdoor pitch, cemetery and amenity open space, it is noted that there is no Local Area of Play (LAP) or Local Equipped Area of Play within Four Crosses. Whilst no formal area of open space has been identified within the proposed scheme, Officers consider that this is capable of being secured through an appropriate legal agreement. Should Members be minded to grant consent, it is recommended that a S106 agreement be prepared to secure the provision and future maintenance of the open space provision on site in accordance with policy DM3 of the Powys LDP.

Cultural Heritage

Technical Advice Note 24 confirms that the conservation of archaeological remains is a material consideration in determining a planning application. When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation *in situ*, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. In cases involving less significant archaeological remains, local planning authorities need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

Where development might reveal, disturb or destroy archaeological remains, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed.

An archaeological evaluation of the application site area has shown that the whole field is archaeologically sensitive and contains archaeology spanning the Neolithic (4000 BC) to Post Medieval periods. It is understood from CPAT, that there is a recorded Bronze Age (2000 - 700BC) burial mound within the application area which survives as a low

earthwork and is likely to contain a central burial. Furthermore, Offa's Dyke runs down the west side of the field. In order to ensure a record of any unearthened remains is secured, an appropriate condition has been recommended by CPAT. Subject to the inclusion of the said condition, Officers are satisfied that a record of archaeological evidence can be secured, compliant with Technical Advice Note 24 as above.

Highway Safety and Movement

The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

In accordance with policy DM13, development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Members are advised that the application has been amended to remove highway matters as a consideration of the current submission. It is however understood that in principle, a safe access together with adequate on site provision is capable of being provided, detailed consideration of which will be given upon receipt of any future application for the approval of reserved matters.

Ecology and Biodiversity

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. In accordance with policy DM2, development proposals will only be permitted where they do not unacceptably adversely affect designated sites, protected species and their habitats together.

Following initial consultation, Natural Resources Wales (NRW) requested the submission of additional information to demonstrate that the proposal has taken into account the ecological recommendations and would therefore not be detrimental to the maintenance of the population of any species of bats. Subsequent to the above, a method statement in respect of bats was submitted and has been subject to further review by NRW. Additional comments have since been received which indicate that subject to compliance with the measures contained within the method statement, the proposal would not unacceptably adversely affect protected species at this location.

On the basis of the advice received, Development Management considers the proposal to be in accordance with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

RECOMMENDATION

Having carefully considered the proposed development and notwithstanding the concerns expressed, Officers consider the principle of development to be acceptable. The LHMA evidences a proven need to deliver a greater supply of affordable housing across the County which is further supported by the Commons Housing Register.

Based upon the evidence accompanying the application, it is considered that the proposed housing reflects the housing need within Four Crosses, which given its Large Village status is considered to be a sustainable location. For the reasons indicated above, the proposal is considered to accord with planning policy, therefore the recommendation is one of consent subject to a S106 agreement, and the conditions detailed below.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved plans (drawing no. P-01 & P-02) and documents (Planning and Design Statement, Extended Phase One Habitat Survey & Method Statement: Bats).
5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800-1800 hrs Monday to Friday
0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.
6. No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall include;

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter, the development shall be undertaken strictly in accordance with the Written Scheme of Investigation as approved.

7. No development shall commence until the archaeological site investigation has been completed and the post excavation assessment report has been approved by the Local Planning Authority in accordance with the programme set out in the Written Scheme of Investigation as approved (condition 6) and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.
8. Notwithstanding the approved plan, prior to commencement of development a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include: i) the numbers, type (including no. of bedrooms) tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces; ii) the arrangements for the transfer of the affordable housing to an affordable housing provider; iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
9. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1,

classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

10. Prior to the commencement of development, detailed drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved prior to the first occupation of any of the dwellings hereby consented.

Reasons:

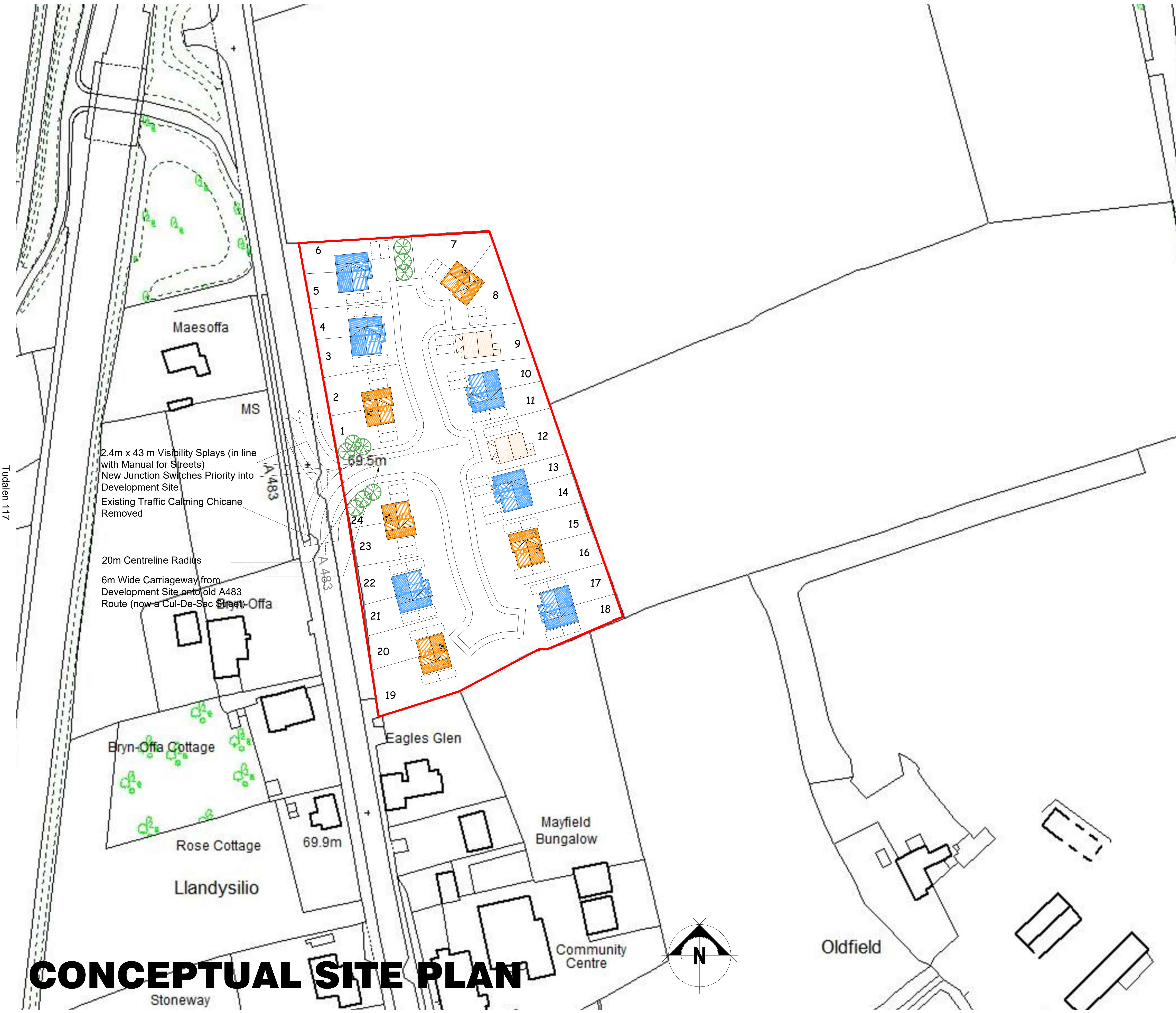
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
4. To ensure adherence to the approved plans.
5. In order to safeguard the amenities enjoyed by occupants of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 11 and Planning Policy Wales (2018).
6. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with policies SP7 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 and Planning Policy Wales (2018).
7. To secure preservation by record of all archaeological remains which will be impacted by the development policies SP7 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 and Planning Policy Wales (2018).
8. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).
9. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).

10. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with policies DM6 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2018).

Case Officer: Holly Hobbs, Principal Planning Officer
Tel: 01597 827319 E-mail: holly.hobbs@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELATED DRAWINGS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR PRODUCING SHOP DRAWINGS. THE ORIGINATOR SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY ROGER PARRY & PARTNERS.



Tudalen 117

2.4m x 43m Visibility Splays (in line with Manual for Streets)
 New Junction Switches Priority into Development Site
 Existing Traffic Calming Chicane Removed

20m Centreline Radius

6m Wide Carriageway from Development Site onto Old A483 Route (now a Cul-De-Sac Street)

Site Area -8074sqm (1.99acres)

24 NO AFFORDABLE DWELLINGS

10no House Type 1 - 2 bed semi - 645sqft
 2 no House Type 2 - 3 bed det/int garage - 981sqft
 12 no House Type 3 - 3 bed semi - 865sqft

| | | | |
|-------------|------|-------|--------|
| Rev | Date | Dr by | App by |
| Original by | | | |



Residential - Agricultural - Commercial

| | | | |
|-------------|--|------|---------|
| Job | PROPOSED RESIDENTIAL DEVELOPMENT, FOUR CROSSES | | |
| Title | CONCEPTUAL SITE PLAN | | |
| Location | FOUR CROSSES | | |
| Client | | | |
| Scales | 1/500@A1 & 1/1000@A3 | | |
| Drawing No. | P-01 | Rev | - |
| Drawn by | | Date | 11/2016 |

CONCEPTUAL SITE PLAN

HOGSTOW HALL, MINSTERLEY
 SHREWSBURY, SHROPSHIRE, SY5 0HZ
 Tel: 01743 791336 Fax: 01743 792770
 email: mail@rogerparry.net
 Web address: www.rogerparry.net

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 Registered in England and Wales.
 A list of members of the LLP is available at the above address.

Mae'r dudalen hon wedi'i gadael yn wag yn fwrddol

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0427/AGR **Grid Ref:** E: 323844
 N: 266394
Community Council: Whitton Community **Valid Date:** 04.04.2019

Applicant: Ms E Hammel

Location: The Slangs, Cascob, Presteigne, Powys, LD8 2NT.

Proposal: Erection of an agricultural barn

Application Type: Full Application

The reason for Committee determination

Given the history to the application site, it was recommended that the application be determined before Members of the Planning Committee.

Consultee Responses

| Consultee | Received |
|--|-----------------|
| PCC-(M) Highways | 8th Apr 2019 |
| Does not wish to comment on this application. | |
| Wales & West Utilities - Plant Protection Team | 12th Apr 2019 |
| According to our records Wales & West Utilities has no apparatus in the area of your enquiry. However, Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. | |
| Welsh Water | 8th Apr 2019 |

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm we have no objections to this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

C P A T

8th Apr 2019

Thank you for the consultation on this application.

The location of the barn and access to it appear to be in the same place as the previous applications for this plot 18/0667/FUL and P/2018/0173. We previously advised that the barn would partially impact PRN 2198 Twiscob Enclosure and one of the former field banks associated with it. To mitigate this impact we advised that a watching brief condition should be attached to any consent so that any archaeology impacted by the development could be recorded and excavated as required.

Given the archaeological sensitivity of the building footprint and the access in this case we would consider that prior notification is required and that the application should be dealt with by the committee. We would recommend that the following condition is attached if the application is approved:

Suggested planning condition to facilitate an archaeological watching brief:

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

PCC-Built Heritage Officer

7th May 2019

RE: 19/0427/AGR Erection of an agricultural barn |The Slangs Cascob Presteigne Powys LD8 2NT

Recommendation - no objections to the building as illustrated on the submitted plans however for the avoidance of doubt I would maintain my objections to the buildings as erected which whilst not part of this application it is not clear if the proposed building is a replacement or an additional building.

Designations

Scheduled Ancient Monuments

RD146 Twiscob Moated Site

Listed Buildings

Church of St Michael Grade II* Cadw ID 9079 included on the statutory list on 24 October 1951

Rectory House Cadw ID 8794 included on the statutory list on 24 October 1951

Telephone call box Cadw Id 9087 included on that statutory list on 16 March 1992

The Schoolhouse Cadw ID 9080 included on that statutory list on 16 March 1992

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I note the Scheduled Ancient Monument RD146 Twiscob Moated Site however as Cadw are the consultee in respect of the setting of Scheduled Ancient Monuments I shall defer consideration of the setting of RD146 if within the required distance for consultation to them and my comments are in respect of the setting of listed buildings only.

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond

its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values." Section 1.26 of TAN 24 advises that "It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings"

I am aware of the previous planning application for which I raised concerns P2018/0173, and I note that there was an agricultural notification AGRI/2018/0019 which addressed the setting of this building on the listed grade II* church. I am also aware of 18/0667/FUL for an agricultural building for which I raised no objections in my comments of 10 December 2018, which was subsequently refused by Committee. Whilst not objecting to the previous application 18/0667/FUL I expressed concern on 2 elements firstly that no indication on the extent of earthworks required to erect this building on such a sloping site. I note that this information has been submitted with this application, Secondly I also noted that no reference had been made to the other buildings on site. I previously assumed that the barn will not provide the same function as the polytunnels, but sought clarification in respect of the stables and other buildings erected adjacent to the church and would they be removed should the application be approved. I note that it is still not clear on the latest application. I note that the application suggests that the proposed building will be used for the housing of works horses during extreme weather which suggests that the current housing for the horses will be removed - however this is not clear.

I had previously objected to the previous application P2018/0173 and I would have concerns if this new building was proposed in addition to the other buildings on site. I would have no objections to the building as illustrated on the submitted plans in terms of the setting of Church of St Michael Cadw ID 9079, however for the avoidance of doubt I would maintain my objections to the buildings as erected which whilst not part of this application it is not clear if the proposed building is a replacement or an additional building.

Environmental Health

8th Apr 2019

Environmental Protection have no adverse comments to make.

Community Council

26th Apr 2019

Whitton Community Council objects to this application on the grounds that nothing has changed from the previous application 18/0667/FUL which was rejected by the Planning Committee.

Ward Councillor

15th Apr 2019

I understand that due to the history of the site Development Control is bringing this application to committee, and I, as Local Member would argue that due to the previous history of this site that the application be treated as a FUL application, therefore I request that, for the above reason that the application does go before committee.

Again as with the previous application 18/0667/FUL, the size and impact of the proposal is the same, which the committee rejected by a very strong majority, therefore, I object in the strongest possible terms to this application for the same reason as previously in that it does not comply with Policy DM4 of the LDP, and would have an unacceptable adverse effect on the valued characteristics and qualities of the Powys Landscape. The visual impact would be considerable, from the opposite side of the valley where the bridal path which runs along the historic drovers road is situated.

I would at this time request to speak at committee as Local Member, however should circumstances warrant it, I reserve the right to withdraw the "Call in" request.

Public Responses

Following the display of a site notice for the period of 21 days, 11 letters of public representation in objection to the proposed development have been received at the time of writing this report.

Objections have been raised in relation to;

- Landscape impact
- Visual impact
- Location
- Scale
- Access
- Groundworks
- Neighbour Amenities
- Safeguarding the landscape
- Size of development not complying with permitted development rights
- Visual impact to neighbouring residential properties
- Size of the development in relation to the holding
- Neighbouring residential property not directly notified of application

Planning History

| App Ref | Description | Decision | Date |
|----------------|--|-----------------------|---------------|
| AGRI/2017/0089 | AGRI: Erection of an agricultural building for storing of hay, straw & machinery | Refused | 13th Dec 2017 |
| P/2018/0173 | Full: Erection of an agricultural barn for storage of fodder, implement and housing of 2 no.work horses | Application Withdrawn | 9th Apr 2018 |
| AGRI/2018/0019 | AGRI: Erection of an agricultural building together with access to the site | Refused | 30th Apr 2018 |
| 18/0119/APP | Allegation on Enforcement Notice - Without planning permission, the change of use of the land from agricultural use to permanent residential use | Refused | 5th Apr 2019 |
| 18/0667/FUL | Erection of a livestock barn and formation of a new vehicular access road | Refused | 18th Feb 2019 |

Principal Planning Constraints

None

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|-----------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN6 | Planning for Sustainable Rural Community | | National Policy |

| | | |
|-------|--|----------------------------------|
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | Local Development Plan 2011-2026 |
| DM4 | Landscape | Local Development Plan 2011-2026 |
| DM7 | Dark Skies and External Lighting | Local Development Plan 2011-2026 |
| DM13 | Design and Resources | Local Development Plan 2011-2026 |
| TAN5 | Nature Conservation and Planning | National Policy |
| TAN11 | Noise | National Policy |
| TAN12 | Design | National Policy |
| TAN18 | Transport | National Policy |
| TAN23 | Economic Development | National Policy |
| TAN24 | The Historic Environment | National Policy |
| T1 | Travel, Traffic and Transport Infrastructure | Local Development Plan 2011-2026 |
| SPG | Landscape | |
| SPG | Biodiversity and Geodiversity | |

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Site Location and Description

The application site is located within the Community Council area for Whitton. The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The site is located off the U1087 unclassified highway and located approximately 0.6 kilometres to the west of Cascob. The existing land is currently agricultural land used for the purposes of grazing. The site is bound by the county highway to the north and agricultural land to the east, south and west.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether prior approval of the planning authority will be required for the siting, design and external appearance of the building.

Prior approval was sought for the erection of an agricultural building for the purposes of storage of machinery and fodder and for the housing of livestock during extreme weather and for kidding goats during inclement weather. The Local Planning Authority determined that prior approval was required due to the siting and design of the proposed building. This application therefore now comes before Members for determination.

Consent is therefore now sought for the erection of an agricultural building for the purposes of storage of machinery and fodder. The proposed building will measure approximately 36.6 metres in length and approximately 12.1 metres in width. The building will reach a maximum height of approximately 5.3 metres.

Principle of Development

Under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 the principle of an agricultural building for the purposes of storage of fodder and machinery is considered to be acceptable however, concerns were

raised over the siting and design of the proposed building and prior approval was therefore determined as being required.

By way of background to the application site, consent was previously sought in full under planning application 18/0667/FUL for the erection of a livestock barn and formation of a new vehicular access road. This application was refused by Members of the Planning, Taxi Licensing and Right of Way Committee on the following reason:

- 1. Due to the scale and location of the proposed development, it is considered that the proposed development would have an unacceptable adverse landscape and visual impact on the surrounding area. The proposed development is therefore considered to be contrary to policy DM4 of the Local Development Plan (2018) and Planning Policy Wales (Edition 10, 2018)*

Design & Siting

With respect to design and siting specific reference is made to LDP policy DM13. This indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. Development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The proposed building will measure approximately 36.6 metres in length and approximately 12.1 metres in width. The building will reach a maximum height of approximately 5.3 metres. The building will be constructed from juniper green box profile steel sheeting for the walls and roof.

Reference is also made to LDP policy DM4 – Landscape. Having assessed the proposed site under LANDMAP, it was evident that the visual and sensory evaluation of the site was classified as *Moderate*. The area is defined as being within “*two extensive areas, either side of Lugg Valley, across to Teme Valley in east of county. More hilly & steep than areas to south and west. Rolling hills & valleys with strong pastoral field patterns, wooded watercourses and scattered trees & small woodlands with scattered farms*”.

Information was submitted which indicates that the proposed building will be set into the original slope and that the excavated material will then be utilised to build up an area of land to the front of the building, approximately 1.8 metres in height. No noted amendments have been submitted to overcome concerns raised in the previous application. Therefore, due to its location on an open hillside in an elevated and prominent location the concerns raised in relation to the proposed siting and scale, and its impact upon the wider landscape remain. The proposal is therefore deemed to have an unacceptable impact on the Powys landscape due to being sited on an open field, not grouped with any other buildings.

Consideration has been given to additional landscaping, however due to the open nature of the field it is considered that the addition of landscaping to screen the building could appear unnatural in the wider landscape and therefore only contributing further to the visual impact of the proposed building.

In light of the above it is considered that the proposed development is contrary to planning policies DM4, DM13.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development. Concerns have been raised regarding the access for the proposed development from third party representations which will now utilise the existing access to the site.

The Local Highway Authority has been consulted regarding the proposed development and have confirmed that they do not wish to comment on the application.

In light of the above and despite the concerns received it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The Built Heritage officer has been consulted and notes the previous history to the application site. The proposed agricultural building has now been located approximately 525 metres from St Michael Church and the Built Heritage officer has confirmed that they would in light of the distances have no objection to the setting of the listed buildings.

In addition to the listed building, it is noted that the application site is approximately 690 metres from Scheduled Ancient Monument RD146 (Twiscob Moated Site). Cadw has

been consulted but no comments have been received at the time of writing this report. An update will be provided to Members prior to the meeting.

CPAT have also stated that they previously advised that the barn would partially impact PRN 2198 Twiscob Enclosure and one of the former field banks associated with it. To mitigate this impact they advised that a watching brief condition should be attached to any consent so that any archaeology impacted by the development could be recorded and excavated as required. These comments still stand and should the proposal be approved than a suitably worded condition be attached.

In light of the above, and subject to the recommended conditions it is considered that the development fundamentally complies with relevant planning policy.

Amenity/ Residential Impacts

With respect to impact upon the amenities afforded to neighbouring properties, reference is made to LDP policy DM13 which seeks to safeguard the amenities afforded to neighbouring dwellings.

The nearest neighbouring dwelling is Twiscob located approximately 355 metres to the west of the proposed site. To the north east is St Michaels church with residential dwellings beyond. The nearest dwelling to the south east is Spriggs Cottage which is located approximately 590metres across the valley from the site.

In light of the distances between the proposed building and neighbouring dwellings it is not considered that the proposed development will impact the amenities afforded to neighbouring dwellings.

Public Representations

It is noted that a number of public representations have been received objecting to the proposed development. Whilst it is considered that a number of objections have already been addressed there are a number of matters which can be addressed as follows:

- Enforcement

It is noted that enforcement matters relating to this application site have been raised within third party representations. It is considered that the enforcement matters are separate to this application and therefore should have no further consideration in the determination of this application.

- Publicity of Application

Concerns have been raised regarding the publicity of the application. A site notice was erected on 11th of April 2019 and therefore I can confirm that the application has been

advertised appropriately in line with the statutory requirements under the Town and Country Planning (development Management Procedure Order) (Wales) Order 2012.

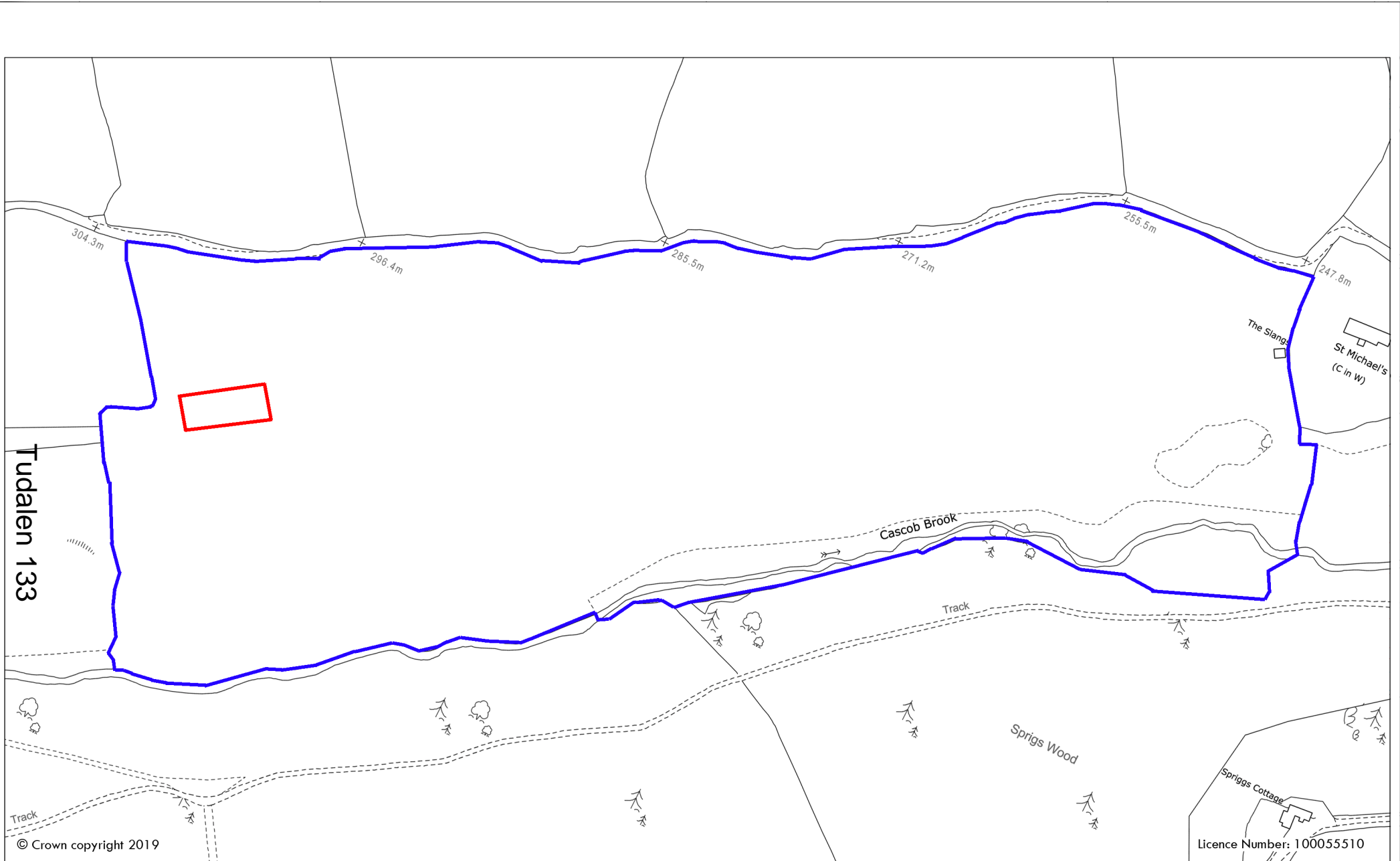
Decision

In light of the above it is considered that the proposed development would be seen as having an unacceptable adverse impact on the landscape and visual impact of the surrounding area. The recommendation is therefore one of refusal.

Reasons

1 Due to the scale and location of the proposed development, it is considered that the proposed development would have an unacceptable adverse landscape and visual impact on the surrounding area. The proposed development is therefore considered to be contrary to policy DM4 of the Local Development Plan (2018) and Planning Policy Wales (Edition 10, 2018).

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

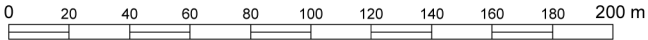


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Scale 1:2500 @ A4



Drawing Title: SITE LOCATION PLAN
 Drawing No.: EH19-SLP
 Location: THE SLANGS, CASCOB

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0616/DIS

Grid Ref: E: 306713
N: 248536

Community Council: Duhonw Community

Valid Date: 03.04.2019

Applicant: Powys County Council

Location: Ysgiog Field 200 Meters North Of Henallt Cottages, Builth Wells, Powys, LD2 3YP,

Proposal: Discharge of conditions no.5 and no.6 of planning approval P/2018/0514

Application Type: Discharge of Condition

The reason for Committee determination

The applicant is Powys County Council.

Consultee Responses

Consultee

Received

PCC-Ecologist

9th May 2019

Thank you for consulting me with regards to application 19/0616/DIS submitted to discharge condition 5 of planning approval P/2018/0514 which concerns change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show at Ysgiog Field, Builth Wells, Powys.

Condition 5 requires that:

Prior to first use/construction of the site each year a Biosecurity Risk Assessment, including measures or actions that aim to prevent INNS being introduced / dispersed from the site for the duration of construction and operational phases of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full prior to the first use of the site and maintained thereafter for the full period of occupation of the site.

I have reviewed the information submitted to as part of the application this includes the following documents:

- Biosecurity Risk Assessment produced by CWIC Engineering Design Service dated 29th March 2019

Having reviewed the submitted information, I consider that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of condition 5.

I therefore consider that sufficient information has been submitted to enable discharge of condition 5 from planning permission P/2018/0514.

PCC-Emergency Planning Officer

12th Apr 2019

Emergency planning have no comments to make on this application. It is noted a comprehensive evacuation plan attached.

Please note that whilst the PCC Emergency Planning Dept (together with other professional partners including NRW and the Emergency Services) provide advice and guidance on Site or Property Flood this should not be seen as 'Rubber Stamping' or 'Sanctioning' these plans, as this is the legal responsibility of the Site / Property Owner and not the Local Authority.

As always please contact me or one of my EPO colleagues should you require any further clarification on the above.

Planning History

| App Ref | Description | Decision | Date |
|----------------|---|---------------------|-------------|
| P/2018/0514 | Full: Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show. | Conditional Consent | 07/12/2018 |
| P/2013/1206 | Change of use of field from agricultural use to a temporary stopping place for Gypsy-Travellers for a two week period to include the time of the Royal Welsh Show annually for five years. | Conditional Consent | 20/02/2014 |

| | | | |
|-------------|---|---------------------|------------|
| P/2012/0291 | Change of use of field from agricultural use to a temporary stopping place for Gypsy-Traveller for a two week period to include the time of the Royal Welsh Show annually for five years. | Conditional Consent | 25/04/2012 |
| P/2011/0298 | Change of use from agricultural use for a two week period to a temporary stopping place for Gypsy-Traveller to include the period of the Royal Welsh Agricultural Show. | Conditional Consent | 20/05/2011 |
| P/2010/0254 | Change of use (2 week period) to temporary stopping place for Gypsy-Traveller to include the period of the Royal Welsh Agricultural Show. | Conditional Consent | 16/06/2010 |
| B/03/0054 | Touring Gypsy-Traveller caravan site for period 12-24 July covering duration of Royal Welsh Agricultural Show. | Conditional Consent | 11/06/2003 |
| B/99/0130 | Touring (Gypsy-Traveller) caravan site for two weeks including 1999 Royal Welsh Show (10-24 July) at OS Parcel 7354 | Conditional Consent | 22/06/1999 |

Principal Planning Constraints

C2 Floodzone
Next to SSSI / SAC
Listed Milestone at Henallt
Listed Milestone near Glanwye Lodge

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|----------------------------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN 5 | Nature, Conservation and Planning | 2009 | National Policy |
| TAN 15 | Development and Flood Risk | 2004 | National Policy |
| DM2 | The Natural Environment | | Local Development Plan 2011-2026 |
| DM5 | Development and Flood Risk | | Local Development Plan 2011-2026 |
| H10 | Gypsy and Traveller Sites and Caravans | | Local Development Plan 2011-2026 |

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Site Location and Description

The application site is in the Community Council area of Duhonw and falls outside of any village or settlement development boundary and therefore for the purposes of this application is development within the open countryside as defined by the Powys Local Development Plan (2018). The site comprises an agricultural field which is used as a temporary stopping site for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show. The application site is bound by the A470 Trunk Road to the north and west elevations, with the River Wye running to the east of the site and further agricultural land located to the south.

This application is to discharge conditions no. 5 and no. 6 of planning approval P/2018/0514 which gave permission for the Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show.

Condition 5

“Prior to first use/construction of the site each year a Biosecurity Risk Assessment, including measures or actions that aim to prevent INNS being introduced / dispersed from the site for the duration of construction and operational phases of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full prior to the first use of the site and maintained thereafter for the full period of occupation of the site”.

In order to discharge this condition, a Biodiversity Risk Assessment produced by CWIC Engineering Design Service dated 29th March 2019 was submitted. The PCC Ecologist reviewed the submitted information and considered that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of the condition.

In light of the above, it is considered that sufficient information has been submitted to enable the discharge of condition 5 from planning permission P/2018/0514.

Condition 6

“Prior to the first commencement of the development hereby permitted a flood evacuation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full for every future occupation of the site”.

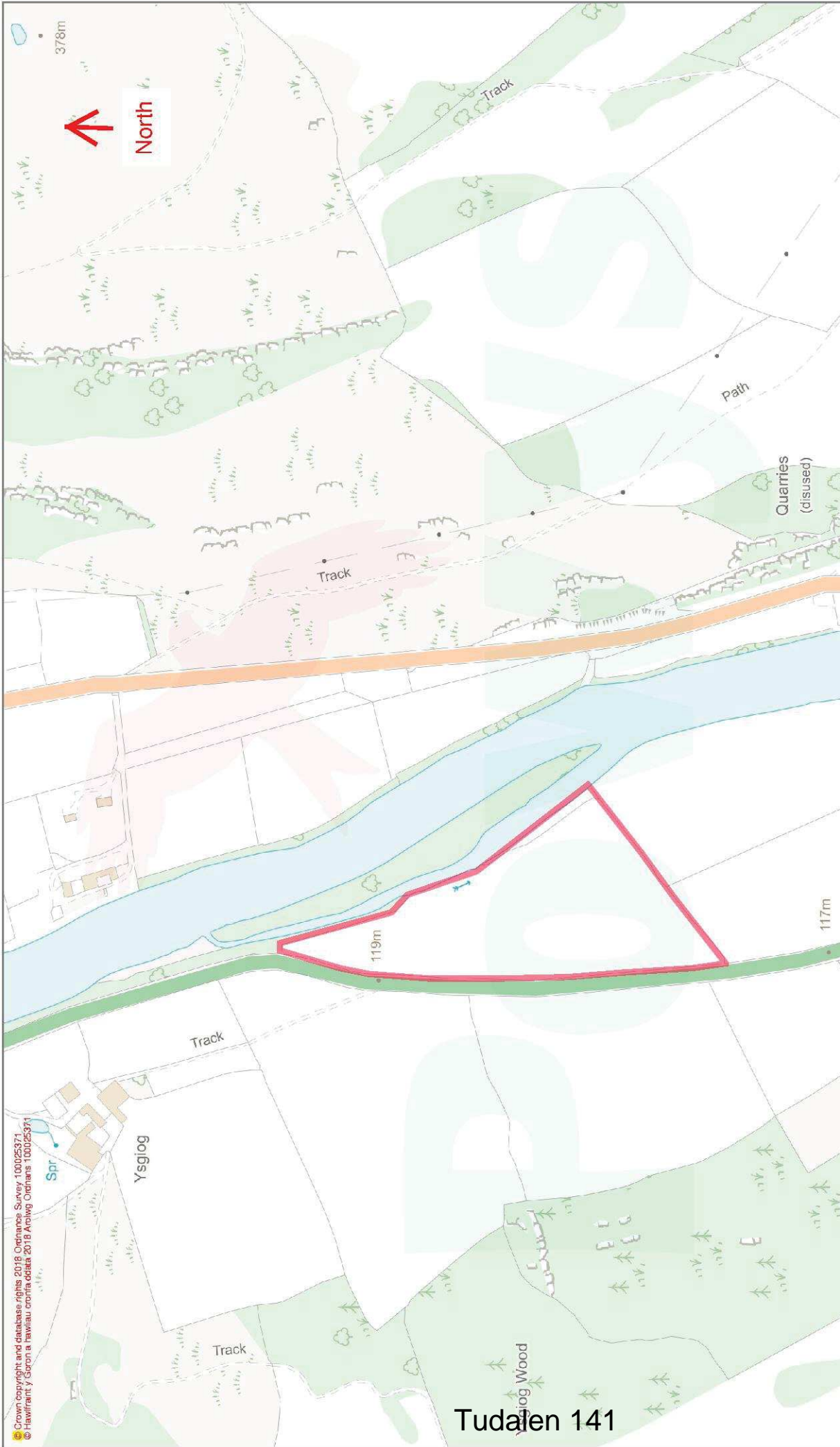
In order to discharge this condition, a Flood Evacuation Plan dated February 2019 was submitted. PCC Emergency Planning Department reviewed the submitted information and raised no concerns or objections to the plan being implemented. Whilst it is noted that Emergency Planning cannot approve Flood Evacuation Plans, they can provide advice and guidance on their adequacy. Given they have no comments to make it is considered that the plan is acceptable.

In light of the above, it is considered that sufficient information has been submitted to enable the discharge of condition 6 from planning permission P/2018/0514.

RECOMMENDATION – Approve

In light of the above, it is considered that sufficient information has been submitted to enable the discharge of conditions 5 & 6 of planning application P/2018/0514.

Case Officer: Rhys Evans, Planning Officer
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk



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Ysglog Field
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Cyngor Sir Powys County Council

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

acknowledge that the property appears to have been actively marketed in newspapers and online and note little interest due to the agricultural restriction in place.

Based upon the marketed price of the dwelling of £235,000 this would derive a value of £1,026 per square metre. The DVS confirmed that without the condition in place the property could attract a higher value in the region of £1,500 per square metre. The unrestricted value of the property was considered to be £345,000 by the Valuation Service. The opinion of Market Value of the freehold interest subject to agricultural occupancy restriction as of 17th April 2019 was considered to be £235,000 by the DVS.

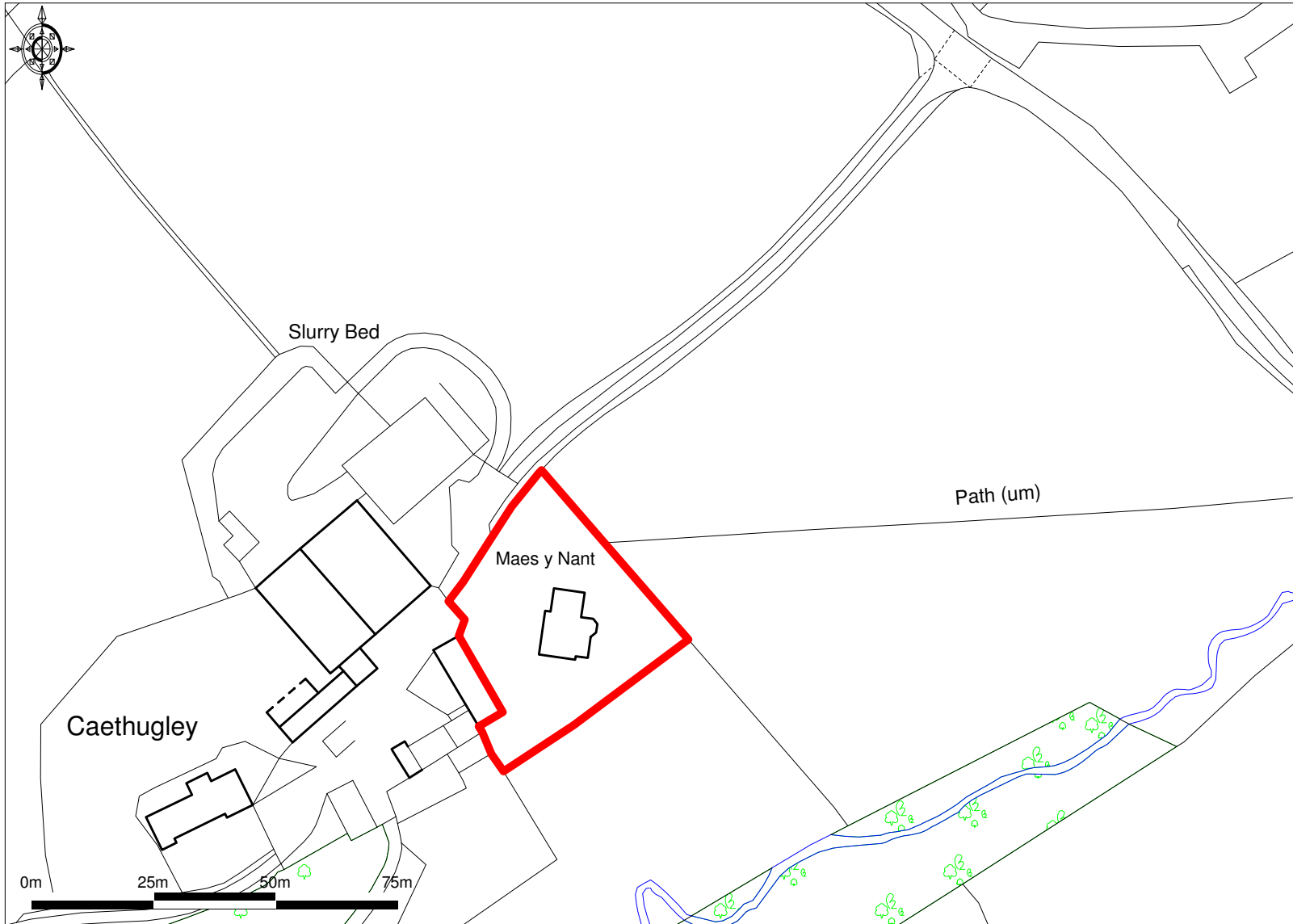
The DVs' report concludes that the evidence suggests that the property was marketed at a price that is fair and not excessive in relation to its setting and restrictions. The report also confirmed that they believe there would be a limited market of potential purchasers that satisfy the occupancy restriction and this is reflected in the marketed price.

RECOMMENDATION

In light of the independent valuation report provided by the DV, Officers are satisfied that the dwelling has been marketed at a price that is fair and not excessive in relation to its setting and restrictions and that the removal of the condition has been justified by robust marketing evidence. The proposal is considered to comply with planning policy and therefore the recommendation remains one of consent.

Case Officer: Bryn Pryce, Planning Officer
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

Tudalen 145



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Community Council

14th Sep 218

Berriew Community Council objects to the removal of the restriction as circumstances have not changed, and the Council wishes to remain consistent in its view of not removing restrictions of this nature

Highway Authority

20th Aug 2018

Does not wish to comment on the application

PCC – Affordable Housing Officer

4th January 2018

Having reviewed the application in the light of our discussion and the comments below I feel it would be just as difficult to market the property as affordable as it has proved for agricultural use.

I would therefore support the application and not wish to impose retention as affordable since this is an area where even following our SPG regarding discount level the price would not be affordable to local earnings levels.

I would therefore have no objection to the application being approved without further condition.

Representations

A public site notice was erected at the site on the 17th of August 2018. No third party representations have been received by Development Management at the time of writing this report.

Planning History

| App Ref | Description | Decision | Date |
|----------------|--|-----------------|-------------|
| M/2004/0930 | Erection of an agricultural workers dwelling & formation of a vehicular access | Granted | 09/03/2005 |
| P/2009/0854 | Erection of an integral double garage | Consent | 15/09/2009 |

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|---------------|---------------------------|-------------|-------------------|
| PPW | Planning Policy Wales | | National Policy |

(Edition 10, December 2018)

| | | |
|------------------|---|----------------------------------|
| TAN6 | Planning for Sustainable Rural Community | National Policy |
| TAN23 | Economic Development | National Policy |
| Welsh Government | Rural Enterprise Dwellings – Practice Guidance 2011 | National Guidance |
| H1 | Housing Development Proposals | Local Development Plan 2011-2026 |

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Officer Appraisal

Introduction

The dwelling known as ‘Maes Y Nant’ was granted planning consent under application M/2004/0930 for the erection of an agricultural workers dwelling, and formation of a vehicular access. The dwelling was granted consent subject to a condition restricting the occupancy of the dwelling to an occupier solely or mainly employed, or last employed prior to retirement, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any dependents normally residing with such person.

The property is not connected to an agricultural farmstead and has no land other than the modest garden lawned area. The dwelling has been actively marketed since November 2016 with the sales particulars identifying that the dwelling was subject to an agricultural occupancy restriction. The property has now been marketed for over 2 years. This application has been submitted with full marketing information and evidence in order to justify the removal of condition 3 of the original consent.

Property Valuation

The information submitted with the application includes a marketing report from a reputable property agent which confirms that the property asking price of £235,000 was realistic and reflected the occupancy restriction attached to the dwelling. The report has compared this dwelling with others on the market in the area without a restriction attached of similar scale which confirms that there are no dwellings below £350,000 at the time of the marketing report. The agent has confirmed that the marketed price realistically reflects the restriction upon it. Officers consider that the marketed price is realistic given the size and scale of the dwelling and current occupancy restriction.

Marketing Information

The marketing report submitted in support of this application confirms that the property has been offered for sale and rent since November 2016 and January 2017 respectively. The dwelling has been advertised on the internet, various local newspapers and at the agent's property offices in both Welshpool and Newtown. Copies of the advertisements have been provided as evidence. Written particulars have been made available at the property offices and to anyone expressing an interest in the dwelling. The property has been advertised on the McCartneys website, rightmove and OnTheMarket.com.

The sales price was listed at £235,000 which is considered to be realistic given the scale of the dwelling and the occupancy restriction in place. The property was also advertised for rent with sales particulars indicated price on application. The agent has confirmed that the rental value for the property was £695 which is considered to be appropriate given the scale, location and condition of the dwelling.

In response to the marketing of the dwelling the report confirms that there has been some enquiries of which none of the parties were compliant with the occupancy condition attached to the grant of consent for the dwelling. No offers for purchase have been received on the property and no tenants who would have met the occupancy restriction criteria have come forward.

Consideration of Marketing and Supporting Information

The property has been marketed appropriately for more than 12 months and the lack of interest is no fault of the advertising process itself. The marketing information submitted with the application and the extent of marketing efforts carried out is considered to be acceptable with the price that the dwelling has been marketed at for sale and for rent is acceptable given the scale, age and condition of the dwelling.

Policy Context

The LDP no longer specifically has a policy relating to dwellings in the open countryside, rural enterprise dwellings and the removal of any occupancy restriction attached to a dwelling. The Welsh Government Rural Enterprise dwelling practice Guidance gives advice to local authorities when considering the absence of continuing need. The guidance refers to the need of effective marketing for at least 12 months and at a price that reflects the occupancy restriction (Para.8.27). The value should be between 70-75% of the open market value (Para.8.28).

The relevant policy position with regards to the removal of occupancy conditions can be taken from Technical Advice Note (TAN) 6 and Welsh Government Circular 016/2014. Paragraph 4.13.5 of TAN 6 states that;

4.13.5 Where planning applications are received to lift existing agricultural occupancy conditions or where enforcement action is being taken for non-compliance with the condition, the planning authority should consider replacing the existing agricultural occupancy condition with the rural enterprise dwelling condition set out in paragraph 4.13.1. This will often be justified to ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

In considering removing the existing occupancy restriction, consideration has been given to replacing the existing agricultural occupancy condition with the rural enterprise condition detailed within the TAN however given the marketing efforts to date together with the scale and value of the dwelling, it is not considered that the accommodation would be suitable for rural enterprise workers.

In terms of affordable housing, the Welsh Governments Acceptable Cost guidance (ACG) figure for an affordable self-contained unit in the area of the dwelling for a 6 person 4 bedroomed house is £192,000. This is significantly below the asking price the dwelling was marketed at even with the reduced market value being applied. The Affordable Housing Officer has been consulted and has stated that the dwelling is located in an area where the discount level price would not be affordable to local earnings levels. As such, the Affordable Housing has raised no objection to the removal of the condition.

Officers do not consider that the value of the dwelling is in accordance with the acceptable cost guidance for an affordable dwelling in this area and is furthermore considered to be in an unsustainable location. On this basis, it would be considered unreasonable to replace the existing condition with the standard affordable housing conditions set out in paragraph 4.13.1 of TAN 6.

Having carefully considered the proposed development, Officers are satisfied that sufficient evidence has been submitted to demonstrate that genuine attempts have been made to market the property at a price that realistically reflects the occupancy restriction. On the basis of the evidence submitted, Officers consider that there is no

longer a continuing need for an agricultural workers dwelling at this location and therefore consider the removal of the condition to be in accordance with planning policy.

RECOMMENDATION

In light of the above, Officers are satisfied that the removal of the condition has been justified by robust marketing evidence and therefore complies with planning policy. The recommendation is therefore one of consent.

Case Officer: Bryn Pryce, Planning Officer
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

Original update report – PTLRW Committee 2019-01-17

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application Number: 18/0390/REM
Grid Ref: E: 315759
N: 301953
Community Council: Berriew Community
Valid Date: 24.07.2018

Applicant: D Davies

Location: Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

Proposal: Section 73 application to remove planning condition no. 3 attached to planning permission M2004/0930 (occupancy restriction)

Application Type: Removal or Variation of Condition

Consultee Responses

Principal Planning Solicitor

Correspondence received 16th January 2019

The Council's Planning Solicitor confirms that, in accordance with paragraph 19.69 of the Planning Protocol, he has had an opportunity to review the file on this application and is content that it has been processed normally.

Representations

Notwithstanding the published Committee Report, it has been brought to the attention of Development Management that a representation expressing an objection was submitted by a third party. Unfortunately, the representation was forwarded to an inaccurate email address and therefore was not received by the handling officer or detailed within the original report. This update report therefore acknowledges receipt of the third party comments and summarises the points raised below;

- Contests that the property has been actively marketed with few adverts in the local papers with no price disclosed.
- Property not advertised online.
- Property advertised with no land which was part of the original planning application for the granting of the agricultural dwelling.

- States that there is demand for agricultural dwellings in the area and lists two dwellings sold in the last few years.

Officer Appraisal

In considering the third party concerns expressed, Officers would refer Members to the original Officer report which considers the submitted property valuation justification and marketing information in support of the proposal. Notwithstanding the concerns expressed, Officers remain satisfied that the removal of the condition has been justified by robust evidence and therefore complies with planning policy.

RECOMMENDATION

The officer's recommendation remains one of consent as set out in the original officer's report.

Case Officer: Bryn Pryce, Planning Officer
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk



Delegated List

76 Applications

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| Parish Name | Decision | Date Application | Application No. | Application Type | Date Decision | Proposal | Location |
|-----------------------------------|----------|------------------|-----------------|------------------------|---------------|--|---|
| Aberhafesp Community | Approve | 19/12/2018 | 18/1040/FUL | Full Application | 29/04/2019 | Demolition of existing dwelling and outbuilding, erection of a replacement dwelling, workshop and all associated works | Wern To Aberhafesp Newtown SY16 3JH |
| Abermule And Llandyssil Community | Approve | 08/10/2018 | 18/0793/DIS | Discharge of Condition | 07/05/2019 | Application to discharge planning condition no's 3, 4, 9, 18 and 19 attached to planning permission P/2017/0134 (highway and drainage details) | Land Directly East Of Abermule House Abermule Newtown Powys |
| Bausley With Criggion Community | Approve | 21/01/2019 | 19/0148/RES | Reserved Matters | 02/05/2019 | Reserved matters application following the approval of P/2016/1077 for the erection of a dwelling and all associated works | Land North Of B4393 Plot 1 Adjacent Tan-Y-Bryn Coedway Shrewsbury Powys SY5 9AR |
| Berriew Community | Approve | 07/03/2019 | 19/0237/FUL | Full Application | 10/05/2019 | Erection of an equestrian manege | Tyn Y Coed Llettycoed Berriew Welshpool Powys SY21 8QG |

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|--|---------|------------|-------------|------------------------|------------|---|---|
| | Approve | 07/03/2019 | 19/0308/FUL | Full Application | 30/04/2019 | Erection of an agricultural building and all associated works | Cefnblewog Berriew Welshpool Powys SY21 8PW |
| Bronllys Community Tudalen 156 | Approve | 07/01/2019 | 19/0018/FUL | Full Application | 08/05/2019 | Erection of 2 detached dwellings and associated works | Land To The Rear Of Greenfields Minfield Lane Bronllys Powys LD3 0LE |
| | Approve | 14/03/2019 | 19/0382/DIS | Discharge of Condition | 29/04/2019 | Application for discharge of planning condition no 15 24 attached to planning approval P/2017/1178 (for 14 dwellings) (details of Construction Method Statement and Construction Environmental Management Plan) | Land At The Rear Of Greenfields Bronllys Brecon Powys LD3 0LE |
| | Refused | 02/05/2017 | P/2017/0483 | Full application | 09/05/2019 | Full: Erection of a dwelling and all associated works | Bridgend Inn Llyswen Brecon Powys LD3 0YB |
| Caersws Community | Approve | 13/08/2018 | 18/0466/FUL | Full Application | 10/05/2019 | Full: Erection of a poultry unit, creation of a new vehicular access and all associated works | Parc Yr Esgob Llanwnog Caersws Powys SY17 5NY |

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|-----------------------------|---------|------------|-------------|------------------------|------------|---|---|
| | Approve | 06/03/2019 | 19/0368/FUL | Full Application | 10/05/2019 | Erection of a general purpose agricultural building for the storage of fodder, machinery, housing of livestock and associated works | Gwern Y Pwll Llanwnog Caersws SY17 5PA |
| Carno Community | Approve | 22/03/2019 | 19/0490/HH | Householder | 30/04/2019 | Erection of a single story extension | Brynhyfryd Carno Caersws Powys SY17 5LE |
| Castle Caereinion Community | Approve | 20/03/2019 | 19/0529/DIS | Discharge of Condition | 10/05/2019 | Discharge of conditions 3, 4, 5, 7, 8, and 10 of planning approval P/2013/0467 | Development Off Swallows Meadow Swallows Meadow Castle Caereinion Welshpool Powys SY21 9DZ |
| Churchstoke Community | Approve | 21/03/2019 | 19/0410/FUL | Full Application | 14/05/2019 | Erection of a garage / workshop and all associated works | The Knapps Hyssington Montgomery SY15 6EF |
| | Approve | 25/03/2019 | 19/0301/FUL | Full Application | 15/05/2019 | Change of use of annex to holiday let | Rhiastyn House Hyssington Montgomery Powys SY15 6AT |

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| Dwyrw Community | Approve | 29/01/2019 | 19/0167/DIS | Discharge of Condition | 25/04/2019 | Application to discharge planning condition no's 15,18, 22, 23, 24 and 25 attached to planning permission P/2018/0466 (gateway closure; landscaping; ground and floor levels and access sections; hedgerow compensation plan; hedgerow protection plan; surface water drainage scheme) | Tyn Yr Wtra New Mills Newtown SY16 3BT |
| Erwood Community | Approve | 28/01/2019 | 19/0124/HH | Householder | 29/04/2019 | Single storey rear extension and associated works | Chapel House Alltmawr Builth Wells Powys LD2 3YR |
| Felin-Fach Community | Approve | 03/04/2019 | 19/0307/FUL | Full Application | 15/05/2019 | Erection of extensions to an agricultural building (retrospective) | Lower Drostre Llanwern Brecon Powys LD3 0RP |
| Forden With Leighton & Trelystan Com | Approve | 26/10/2018 | 18/0837/FUL | Full Application | 25/04/2019 | Change of use from residential (C3) to veterinary practice and creation of new hardstanding | Nant Y Coed Buttington Welshpool Powys SY21 8HH |

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| Approve | 06/12/2018 | 18/1011/FUL | Full Application | 02/05/2019 | Conversion and extension of domestic barn into a holiday let unit, to include the demolition of the part of the barn and all associated works | Barn At Greenfields Forden Welshpool Powys SY21 8LT |
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| Guilsfield Community | Approve | 03/09/2018 | 18/0468/FUL | Full Application | 29/04/2019 | Erection of an agricultural building | Wern Farm Pool Quay Welshpool Powys SY21 9LQ |
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|---------|------------|-------------|------------------|------------|---|---|
| Approve | 01/02/2019 | 19/0025/FUL | Full Application | 08/05/2019 | Creation of a new vehicular access to field and blocking up existing access including regrading of pond | Field North Of Stone Cottage Laundry Lane Moelygarth Welshpool Powys SY21 9JF |
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|------------------------|------------|-------------|------------------|------------|---|--|
| Prior Approval Refused | 16/01/2019 | 18/1199/AGR | Full Application | 30/04/2019 | Erection of a steel portal framed agricultural building for storage of fodder and machinery | Tyddyn Wharf Guilsfield Welshpool Powys |
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| Honddu Isaf Community | Approve | 05/03/2019 | 19/0362/HH | Householder | 25/04/2019 | Erection of a single story extension to dwelling | Troedyrharn Llandefaelog Fach Brecon LD3 9TN |
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| Kerry Community | Approve | 14/02/2018 | P/2018/0147 | Full application | 26/04/2019 | Full: Change of use of land from agricultural to tourism use for the siting of 6 no camping pods, installation of septic tanks and construction of an upgraded access track and parking area and all associated works | Upper Camnant Llaihddu Dolfor Powys SY16 4BS |
| Knighton Community | Approve | 21/01/2019 | 19/0125/FUL | Full Application | 02/05/2019 | Erection of an agricultural building for the housing of livestock | Hill House Farm Knighton Powys LD7 1NA |
| Llanbadarn Fawr Community | Approve | 12/11/2018 | 18/0918/FUL | Full Application | 15/05/2019 | Change of use of redundant farm building to residential dwelling, improvements to access and associated works | Cwmtrallwyn Barns Crossgates Llandrindod Wells Powys LD1 6RE |
| | Refused | 21/09/2018 | 18/0551/FUL | Full Application | 26/04/2019 | Full: Demolition of an agricultural building, erection of 2 holiday lets, installation of a septic tank and all associated works | Brynhunllef Penybont Llandrindod Wells Powys LD1 6UT |
| Llanbadarn Fynydd Community | Approve | 25/01/2018 | P/2018/0023 | Full application | 02/05/2019 | FULL: Erection of a poultry rearing unit including silos and associated works | Garn Llanbadarn Fynydd Llandrindod Wells Powys LD1 6YE |

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| Llanbister Community | Approve | 29/03/2019 | 19/0556/NMA | Non-Material Amendment | 26/04/2019 | Non material amendment for removal of conditions 6, 7 and 8 attached to planning permission P/2014/0280 relating to the Code for Sustainable Homes. | Gravel Garage Llanbister Road Llandrindod Wells Powys LD1 5UT |
| Llanbrynmair Community | Approve | 01/03/2019 | 19/0334/HH | Householder | 26/04/2019 | Demolition of existing shed, and the erection of a single storey rear extension to provide self-contained annexe | Ty Gwyn Bontdolgadfan Llanbrynmair SY19 7BB |
| Llandrindod Wells Community | Approve | 06/02/2019 | 19/0218/LBC | Listed Building Consent | 01/05/2019 | Installation of boiler flues | Albert Hall Ithon Road Llandrindod Wells Powys LD1 6AA |
| | Approve | 06/03/2019 | 19/0313/HH | Householder | 01/05/2019 | Erection of a conservatory and covered walkway | 23 Holcombe Drive Llandrindod Wells Powys LD1 6DN |
| | Approve | 14/03/2019 | 19/0340/HH | Householder | 09/05/2019 | Erection of a first floor extension and associated works | Thornton Cefnlllys Lane Llandrindod Wells LD1 5LJ |
| Llandrinio And Arddleen Community | Approve | 11/02/2019 | 19/0220/DIS | Discharge of Condition | 08/05/2019 | Application to discharge planning condition no's 5 and 20 attached to planning permission P/2017/1087 (highway engineering drawings and pollution prevention plan) | Plot Adjoining Dyfnant Sarnau Llanymynech Powys |

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| Tudalen 162 | Llandysilio Community | Approve | 14/02/2019 | 19/0258/VAR | Discharge/Modification of S106 | 15/05/2019 | Application to modify the section 106 legal agreement attached to planning consent M/2007/0873 | 8 Hafod Cottages Parc Hafod Four Crosses Llanymynech Powys SY22 6NX |
| | | Approve | 06/03/2019 | 19/0290/FUL | Full Application | 03/05/2019 | Erection of an extension of an agricultural building, all associated works | Rhandregynwen Four Crosses Llanymynech SY22 6SN |
| | | Approve | 13/03/2019 | 19/0430/FUL | Full Application | 09/05/2019 | Erection of an extension of an agricultural building and all associated works | Rhandregynwen U2230 Access To Carnbwl And Rhandregynwen From Domgay Lane Four Crosses Llanymynech SY22 6SN |
| | Llanfair Caereinion Community | Approve | 20/03/2019 | 19/0512/HH | Householder | 10/05/2019 | Erection of a replacement garage and storage building and extension to domestic curtilage (part retrospective) | Ty Mawr Melin-y-ddol Llanfair Caereinion Powys SY21 0ED |
| | Llangamarch Community | Approve | 07/03/2019 | 19/0418/DECC | DECC overhead line | 01/05/2019 | Application under Section 37 of the Electricity Act 1989 to erect 6 new telegraph poles for an 11Kv overhead line | Tirabad / Sennybridge Ranges Bivvy Site 3 Llangamarch Wells Powys |
| | Llangedwyn Community | Approve | 15/03/2019 | 19/0499/DIS | Discharge of Condition | 09/05/2019 | Discharge of conditions 22, 23 and 24 of planning approval P/2017/0951 | Highland Uchaf Bwlch-y-ddar Llangedwyn Powys SY10 9LP |

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| Llangors Community | Approve | 29/03/2019 | 19/0545/HH | Householder | 15/05/2019 | Erection of a porch and extension to the garage | Swan Y Cwm Penpentre Llanfihangel Tal-Y-Llyn Brecon Powys LD3 7TG |
| Llangunllo Community | Approve | 11/01/2019 | 19/0040/FUL | Full Application | 25/04/2019 | Erection of extensions and alterations to dwelling to include some demolition | Lynwood Bleddfa Knighton Powys LD7 1PA |
| Llanidloes Community | Approve | 20/03/2019 | 19/0429/DIS | Discharge of Condition | 30/04/2019 | Discharge of conditions 11, 12 and 13 from planning consent P/2017/1013 in respect of a pollution prevention plan, tree and hedgerow protection plan, and a lighting design plan | Plot Adjacent To Buckhall Farm Llangunllo Knighton Powys |
| Llanidloes Community | Approve | 10/01/2019 | 19/0041/FUL | Full Application | 10/05/2019 | Conversion of barn to a dwelling and all associated works | Barn At Vaenor Park Llanidloes Powys SY18 6DN |
| Llanidloes Community | Approve | 25/03/2019 | 19/0453/FUL | Full Application | 14/05/2019 | Change of use from residential (C3) to educational (D1) | Trigfan (Caretakers Flat) Llanidloes High School Llangurig Road Llanidloes Powys SY18 6EX |
| Llanigon Community | Approve | 02/11/2018 | 18/0822/OUT | Outline planning | 01/05/2019 | Outline application for erection of a dwelling , formation of vehicular access and all associated works | Glandwr Llanthomas Lane Llanigon Hereford HR3 5PU |

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| Llanrhaeadr-Ym-Mochant Community | Approve | 09/11/2018 | 18/0820/RES | Reserved Matters | 08/05/2019 | Reserved matters application for appearance and layout for plots 3 and 4 (substitution of 2 no. house types to previously approved reserved matters for 5 plots - P/2017/0487) | Land Adjoining Brynderw Park Street Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JJ |
| Tudalen 164 | Approve | 04/03/2019 | 19/0350/DIS | Discharge of Condition | 25/04/2019 | Discharge of conditions 4 and 5 from planning consent P/2015/1228 in respect of a biodiversity enhancement plan, and foul and water drainage details | Land Adjacent To Brynderw Park Street Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JJ |
| | Approve | 10/04/2019 | 19/0673/NMA | Non-Material Amendment | 15/05/2019 | Application for non-material amendments to permission P/2017/0230 to allow amendments to the approved plans | Former British Legion Hall Waterfall Street Llanrhaeadr-ym-mochnant Powys SY10 0JS |
| Llansilin Community | Approve | 13/03/2019 | 19/0403/HH | Householder | 02/05/2019 | Erection of orangery to front elevation together with side extension forming a utility and annexe. | Glanogeu C2205 From Jct C2208 To Jct C2206 Rhiwlas Oswestry SY10 7JJ |
| Llanwddyn Community | Approve | 16/10/2018 | 18/0762/FUL | Full Application | 29/04/2019 | Change of use and conversion of existing farm building into 2x dwelling houses | Bryn Y Fedwen Llanwddyn Oswestry Powys SY10 0LS |

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| Llanyre Community | Approve | 26/02/2019 | 19/0321/HH | Householder | 02/05/2019 | Erection of a single storey rear extension replacing existing conservatory | 15 Knapplands Newbridge-On-Wye Llandrindod Wells LD1 6LF |
| | Approve | 18/03/2019 | 19/0469/TRE | Works to trees in Conservation Area | 25/04/2019 | Application for works to a yew tree within a TPO zone | St Llyr's Church Llanyre Llandrindod Wells Powys |
| Machynlleth Community | Approve | 27/03/2019 | 19/0484/FUL | Full Application | 10/05/2019 | Change of use from wholesale showroom to B8 | Unit 1 Treowain Industrial Estate Machynlleth Powys SY20 8EG |
| Meifod Community | Approve | 17/04/2019 | 19/0738/NMA | Non-Material Amendment | 07/05/2019 | Application for non material amendment to planning permission 18/0675/HH in respect of amending approved window size | 4 Rock Terrace Tanrallt Road Machynlleth Powys SY20 8AP |
| | Approve | 14/01/2019 | 19/0131/FUL | Full Application | 10/05/2019 | Siting of 4 no. holiday pod units, formation of vehicular access, access roadway, installation of sewage treatment plant and all associated works | Bryn Buarth Pentre'r-Beirdd Guilsfield Powys SY21 9DJ |
| | Approve | 07/03/2019 | 19/0393/FUL | Full Application | 01/05/2019 | Erection of an agricultural livestock building and all associated works | Lower Fawnog Fawnog Lane Upper Sarnau Llanymynech SY22 6QW |

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| Montgomery Community | Approve | 20/03/2019 | 19/0498/REM | Removal or Variation of Condition | 07/05/2019 | Section 73 application to vary condition no. 2 attached to planning permission P/2018/0414 to allow changes to the external cladding material | Tegfan Kerry Road Montgomery SY15 6HW |
| Nantmel Community | Approve | 11/03/2019 | 19/0379/RES | Reserved Matters | 10/05/2019 | Submission of reserved matters following outline approval P/2017/0345 for 2 dwellings | Land Adjoining Nant Glas Church Nant Glas Llandrindod Wells LD1 6PA |
| | Approve | 11/03/2019 | 19/0380/FUL | Full Application | 10/05/2019 | Change of use of land to allow extension of domestic curtilage to building plots approved under P/2017/0345 | Land Adjoining Nant Glas Church Nant Glas Llandrindod Wells Powys LD1 6PA |
| New Radnor Community | Approve | 06/03/2019 | 19/0080/HH | Householder | 09/05/2019 | Alterations involving restoration, modernisation and extension of dwelling. | Downton Cottage New Radnor Presteigne LD8 2RD |
| Newtown And Llanllwchaiarn Community | Approve | 28/02/2019 | 19/0338/FUL | Full Application | 02/05/2019 | Change of use of premises from class A1 (retail use) & C3 (residential use) to class A2 use (Professional Services) & associated works. | 8 Severn Street Newtown SY16 2AQ |

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| | Approve | 28/02/2019 | 19/0339/LBC | Listed Building Consent | 02/05/2019 | Listed building consent for internal alterations | 8 Severn Street Newtown SY16 2AQ |
| | Approve | 29/04/2019 | 19/0702/NMA | Non-Material Amendment | 15/05/2019 | Non-Material Amendment to planning consent P/2013/0896 to amend the proposed plans in respect of windows | The Flying Shuttle Llanidloes Road Newtown Powys SY16 1HL |
| Old Radnor Community | Approve | 14/03/2019 | 19/0439/HH | Householder | 09/05/2019 | Erection of a front entrance porch | 1 Horseyard Gardens Evenjobb Presteigne LD8 2SA |
| Tudalen 167 | Refused | 08/03/2019 | 19/0233/HH | Householder | 13/05/2019 | Creation of parking area to the front of the property | 6 Court Fold Burlingjobb Llanandras Powys LD8 2RL |
| Penybont Community | Approve | 13/03/2019 | 19/0397/FUL | Full Application | 09/05/2019 | Proposed change of use of land to allow for the siting of a single caravan for holiday accommodation purposes, and associated works including the installation of septic tank and soakaway. | Twisty Back Penybont Llandrindod Wells Powys LD1 5SR |
| Presteigne Community | Approve | 09/04/2019 | 19/0601/TRE | Works to trees in Conservation Area | 09/05/2019 | Works to trees in a conservation area, to include pruning and crown reduction | Lloyds Bank 52 Hereford Street Presteigne Powys LD8 2AT |

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| Rhayader Community | Approve | 28/03/2019 | 19/0576/TRE | Works to trees in Conservation Area | 03/05/2019 | Works to trees in a conservation area | Elan Village Conservation Area Elan Village Rhayader Powys |
| Tregynon Community | Approve | 14/02/2019 | 19/0245/FUL | Full Application | 10/05/2019 | Siting of 2 no. holiday log cabins, erection of an agricultural building, formation of vehicular access, installation of sewage treatment plant and all associated works | Land Near Lane Farm Tregynon Newtown SY16 3PT |
| | Approve | 25/02/2019 | 19/0303/REM | Removal or Variation of Condition | 14/05/2019 | Variation of condition 2 of permission M/2003/1115 in order to site 5 static caravans | Land At Fingerpost Tregynon Newtown SY16 3BW |
| Trewern Community | Approve | 19/12/2018 | 18/1205/OUT | Outline planning | 02/05/2019 | Demolition of existing buildings, development of 8 x dwellings, formation of estate road and all associated works | Old Coal Depot Middletown Welshpool Powys SY21 8EJ |

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| Welshpool Community | Approve | 27/02/2019 | 19/0324/REM | Removal or Variation of Condition | 09/05/2019 | Section 73 application for variation of condition no. 2 attached to planning approval P/2018/0360 (two storey side and rear extension) for design changes | Scavaig Erw Wen Welshpool SY21 7HN |
| Whittin Community | Approve | 04/04/2019 | 19/0580/FUL | Full Application | 15/05/2019 | Change of use of land and the erection of an equestrian arena | The Lluest Rhos-y-meirch Knighton Powys LD7 1PD |
| Ystradgynlais Community | Approve | 15/02/2019 | 19/0252/REM | Removal or Variation of Condition | 29/04/2019 | Section 73 application to vary condition no. 2 attached to planning approval P/2017/1484 to allow design changes to proposed dwelling and increase in eaves and ridge height. | Plot Opposite No. 20 Rhestr Fawr Ystradgynlais SA9 1LD |
| | Approve | 07/03/2019 | 19/0381/HH | Householder | 08/05/2019 | Installation of a roof light and bifold door | Gurnos Cottages Cwmpnil Road Lower Cwmtwrch Swansea SA9 1DB |

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Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 25/02/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.05.2019

Costs Decision

Site visit made on 25/02/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 13.05.2019

Costs application in relation to Appeal Ref: APP/T6850/X/18/3217896

Site address: Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 195, 322C and Schedule 6.
- The application is made by Mr John Carroll for a full award of costs against Powys County Council.
- The appeal was against the refusal of the Council to issue to issue a certificate of lawful use or development for a the siting of 40 touring caravans and 13 static caravans between 1 February and 31 October inclusive in any one year and the winter storage of 42 caravans.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: *Award of Costs* (May 2017) (Annex 12), advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant contends in this case that the Local Planning Authority (LPA) failed to engage with the question of lawfulness in the application for a Lawful Development Certificate (LDC) and misunderstood the legal basis for the application. It is therefore contended that, despite requesting a substantive response, it was necessary to lodge an appeal simply in order to have the question of lawfulness of the proposal addressed. The LPA has chosen not to respond to the application for an award of costs. I shall therefore determine the application on the basis of the information before me and within the context of the concerns raised by the appellant.
4. Despite the outcome of the appeal decision, I have found a number of shortcomings in the way the LPA considered the application. Indeed, the ambiguity of the LPA's reasoning and the lack of a proper assessment of the implications of the 2001 and 2014 LDCs on the enforceability of Condition No.6 of the 1969 permission meant that the appellant needed to utilise the appeals process for such matters to be thoroughly tested. Moreover, the LPA did not assess whether or not the development would constitute a material change of use. I recognise the fact that the overall conclusion of

the appeal was that the LPA's decision not to issue an LDC was well-founded. However, such a finding was made despite the fact that the LPA's reasons for refusing the application were found to be misguided. Indeed, had the necessary issues been fully considered and properly reasoned at the application stage, there is a reasonable likelihood that the appellant may well have taken advice and not progressed with the appeal.

5. I therefore find the LPA's behaviour to be unreasonable, as defined by Annex 12 of the WG's DMM. As such unreasonable behaviour resulted in unnecessary cost for the appellant through the appeals process, it follows that a full award of costs is justified. The application for an award of costs is therefore allowed in the terms set out below.

Costs Order

6. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, it is hereby ordered that Powys County Council shall pay to Mr John Carroll the costs of the appeal proceedings described in the heading of this decision.
7. The applicant is now invited to submit to Powys County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, an application for a detailed assessment by the Senior Courts Costs Office should be considered.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/02/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.05.2019

Appeal Decision

Site visit made on 25/02/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 13.05.2019

Appeal Ref: APP/T6850/X/18/3217896

Site address: Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr John Carroll against the decision of Powys County Council.
- The application Ref: P/2018/0573, dated 23 May 2018, was refused by notice dated 10 October 2018.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the siting of 40 touring caravans and 13 static caravans between 1 February and 31 October inclusive in any one year and the winter storage of 42 caravans.

Decision

1. The appeal is dismissed.

Application for an Award of Costs

2. An application for costs was made by Mr John Carroll against Powys County Council. This application is the subject of a separate Decision.

Reasons

3. The appeal relates to an area of land currently known as Riverside Caravan Park in Llangammarch Wells, Powys. The site is a long-established caravan park which appears to have been originally granted planning permission in 1969 (hereinafter referred as the 1969 planning permission). That permission represented a conditional planning permission, with Condition No.6 stating that: "*Caravans shall be stationed on the site only for the period Maundy Thursday- 31 October in any year and all caravans and associated structures shall be removed during the winter season*".
4. Notwithstanding the terms of the 1969 planning permission, a Lawful Development Certificate (LDC) was issued by the Local Planning Authority (LPA) in November 2001 (hereinafter referred as the 2001 LDC)¹. That LDC certified that the: "*Use of the land for a maximum of twelve static caravans sited permanently for holiday use during the period from Maundy Thursday to 31 October in each year and for the storage of a*

¹ LPA Ref: B/01/0187

maximum of 42 touring caravans on land at Riverside Caravan Park, Llangammarch Wells” was lawful. A further LDC was issued by the LPA in October 2014² (hereinafter referred as the 2014 LDC). That LDC certified that the “...siting of 40 touring caravans and 13 static caravans between Maundy Thursday and 31 October each year and the winter storage of 42 caravans” was lawful. I have been advised that the caravan park is currently operated in accordance with the terms of the 2014 LDC, although the appeal proposal seeks a new LDC for a proposal that would extend the seasonal occupation of the caravans. Specifically, the use for which a certificate of lawful use or development is sought is: “...the siting of 40 touring caravans and 13 static caravans between 1 February and 31 October inclusive and the winter storage of 42 caravans”.

5. The LPA objects to the issuing of the LDC, with the Officer’s Report setting out the use identified as lawful under the 2014 LDC. That same Officer’s Report then goes on to state that: “*In order to extend the season, an application to vary the above restriction would need to be required*” [my emphasis underlined]. In this respect, it would appear that the Council considers the seasonal occupation specified by the 2014 LDC to be a restriction to the development proposed in this case. Nevertheless, the same paragraph of the Officer’s Report goes on to state that: “*The implications of varying the condition would thereafter be considered by Officers in accordance with relevant planning policy*”. Whether the reference to ‘*the condition*’ in this sentence was intended to relate to the general restriction of the 2014 LDC or a more specific planning condition is unclear, although the associated Notice of Decision appears to suggest that it is the latter. Indeed, the Notice of Decision states that: “*The occupancy of the existing site in terms of seasons is restricted by condition. As such, an application to vary/amend the above will be required*”. The evidence submitted by the LPA in response to the appeal is consistent with the Council’s Notice of Decision. Indeed, it clarifies that it is actually Condition No.6 of the 1969 permission that the Council relied upon when refusing the current proposal.
6. Despite the obvious ambiguity surrounding the LPA’s case, there is little doubt in my mind that Condition No.6 of the 1969 permission is no longer enforceable, not least because its prolonged breach has been recognised by the issuing of the LDCs in 2001 and 2014. I concur with the appellant’s arguments to this limited extent. However, it is well-established in law that the principal issue in an appeal under Section 195 of the above Act is whether or not the LPA’s decision not to issue an LDC was well-founded and not whether the reasons that led to that decision were well-founded. Indeed, there would be no public interest in granting an LDC where the evidence suggests that the matter in question would not be lawful, even if the LPA’s reason for coming to that decision is found to be misplaced. Within this context, it is clearly necessary for the proposed use to be assessed relative to the lawful fall-back position, most notably in relation to whether or not the development would constitute a material change of use. As the appellant has clearly addressed this issue in his written submissions, I am satisfied that there is no prejudice in me considering such matters.
7. It is well-established in law that, for there to be a material change of use in such circumstances, there would need to be a definable change in the character of the use of the land. The appellant contends that the change from the position certified as lawful in the 2014 LDC to that proposed through the appeal proposal would not represent a material change of use. Specifically, it is submitted that the character of the land would be identical under the proposed seasonal operations to the existing situation, having particular regard to the fact that the storage of caravans on the site

² Ref: P/1014/0799

during the winter months can be lawfully undertaken. However, whilst I do not dispute the fact that the terms of the 2014 LDC enable the appellant to lawfully store caravans during the winter months, for the reasons set out below, I consider that the proposed extension of the seasonal holiday use would result in a definable change to the character of the use of the land and that it would, therefore, represent a material change of use.

8. It is clearly notable that the development only seeks to increase the residential occupation of the caravan site by approximately two months relative to the current situation. It is also notable that no additional caravans would be added relative to that established through the 2014 LDC. However, an assessment of character goes beyond visual impact and, having had regard to the difference between the proposed residential occupation of the caravans and the lawful storage of such structures, I do not consider that the change to the overall character of the use, or indeed the land, would be insignificant or immaterial. In coming to this conclusion, I have been particularly mindful of the numbers of caravans involved and the impact that their occupation would have on the land and wider area. Specifically, the increased period of occupation would inevitably result in an increased level of human activity on and around the appeal site, including increased vehicular movements and levels of noise and general disturbances, whilst also resulting in wider amenity implications. Indeed, it is the combination of such factors that leads me to find that the extended period of occupation of the caravans would, as a matter of fact and degree, result in materially different planning circumstances that would, as a result, constitute a material change of use.
9. Based on the foregoing I find that, despite there being some ambiguity in respect of the LPA's reasons for refusing to issue the LDC, the overriding decision not to grant an LDC was well-founded. The appeal should therefore fail. I shall exercise the powers transferred to me under Section 195(3) of the 1990 Act, as amended, accordingly.

Richard E. Jenkins

INSPECTOR

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 12/03/19

Ymweliad â safle a wnaed ar 12/03/19

gan **Richard Duggan BSc (Hons)**
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.05.2019

Appeal Decision

Hearing Held on 12/03/19

Site visit made on 12/03/19

by **Richard Duggan BSc (Hons) DipTP**
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.05.2019

Appeal Ref: APP/T6850/A/18/3218736

Site address: Land adjacent to Llawnt Uchaf, Newmills, Newtown SY16 3NW

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Davies against the decision of Powys County Council.
 - The application Ref P/2018/0567, dated 24 May 2018, was refused by notice dated 3 October 2018.
 - The development proposed is the erection of 1 rural enterprise dwelling, installation of septic tank and all associated works (some matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters, except access, reserved for later determination. Notwithstanding the contradictory reference on the Council's decision notice to 'full planning permission', I have dealt with the appeal on this basis, treating the proposed block plan as indicative.
3. The description of the development in the banner heading above is taken from the Council's decision notice, but with the addition of the word "works" as agreed at the hearing. I consider this to be more precise than the description set out on the planning application form.
4. Following the adjournment of the hearing I undertook an accompanied site visit. At the site visit the Appellant submitted a revised Transfer of Management Agreement and a signed and dated planning obligation which sought to tie the appeal site to the agricultural holding. Due to the inclement weather at the time of the site visit and the isolated location of the appeal site it was not possible to have a constructive discussion about these documents. Therefore, the Appellant was given an opportunity to submit the documents within an agreed timetable after the hearing closed and the Council was then given a further time to provide its comments. These documents are discussed in more detail below.

Main Issue

5. The main issue is whether the proposed development is justified on the basis of supporting the existing rural enterprise, having regard to the location of the site within the open countryside.

Reasons

Background

6. The appeal relates to an agricultural holding extending over approximately 133 acres with the primary activities relating to harvesting hay and the keeping of livestock, which includes 400 ewes, 15 rams, 20 cows and a bull. The Appellant is in partnership with his father Mr Michael Davies and trade under M.F & A.J Davies. The Appellant currently lives in the existing farm house at Llwynrhyddod but this arrangement is temporary given the Appellant's intention to start a family with his partner.
7. The statutory Development Plan is the Adopted Powys Local Development Plan (LDP), April 2018 with the most relevant policy being Policy H1, which amongst other things, seeks to focus new development within the development boundaries of towns and villages and to restrict new development in the open countryside outside development boundaries. The policy includes opportunities for agricultural workers and rural enterprise workers to be housed in suitable accommodation that supports their employment. Planning Policy Wales (PPW) Edition 10 states that new housing in the open countryside should be strictly controlled. One exception to this is where it is essential for a dwelling to house a worker in a rural enterprise.
8. National guidance on rural enterprise dwellings is set out in PPW and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities. TAN6 sets out how proposals for permanent rural enterprise dwellings should be assessed and is supplemented by Practice Guidance on Rural Enterprise Dwellings. These specify a series of tests to be considered, including a. the *functional test*, b. the *time test*, c. the *financial test*, d. the *other dwelling test*, and e. *other normal planning considerations*. At the hearing the Council confirmed that the appeal proposals complied with tests a, d and e, and I agree with this assessment. The financial test (test c) is discussed in the following paragraphs.

Financial Test

9. The Appellant is justifying the proposed dwelling on the grounds that the management of the farm holding has been transferred to him by his father, and that the Welsh Government is seeking to encourage younger people to manage farm businesses. TAN6 seeks to fulfil this policy objective by allowing a second dwelling on established farms that are financially sustainable¹. In this regard, the Appellant confirms that the farm of Llwynrhyddod has been established for many years and has been passed on through several generations, and in the last 5 years the business has operated as a partnership between the Appellant and his father. Three sets of accounts for the business for the years ending 31 March 2015, 2016 and 2017 have been provided which show that the business created a profit of £5,576 in 2015, rising to £6,404 in 2016 and £10,008 in 2017. However, the Appellant confirmed at the hearing that he did not have the accounts for the 2018 period.
10. Although the accounts for 2015 – 2017 show a profit, no information has been provided which shows that the Appellant or his father have received any wages during

¹ Paragraph 4.5.1, TAN6

the time that the partnership has been in existence. The submitted accounts under the 'Partners Salary' column clearly show that no salaries have been taken out of the business in any of the years provided, and the Appellant could not provide any credible explanation for this when questioned at the hearing. Therefore, I cannot be satisfied from the evidence provided that the business has been financially sound for a number of years or has good prospects of remaining economically sustainable in the future. Therefore, the proposal fails the financial test set out within TAN6.

Transfer of Management

11. Although I have concluded that the proposal fails the financial test, I will go on to discuss the Transfer of Management Agreement of the holding. One of the requirements included within the Welsh Government's policy objective of encouraging younger people to manage farm businesses is where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management². In such cases, the younger person should demonstrate majority control over the farm and be the decision maker for the business.
12. It is clear to me that the Appellant has been an active partner in the farm since 2015 and has now taken control over the majority of the day to day running of the business. The Appellant confirmed at the hearing that the physical nature of the work has meant that his father is no longer able to be fully involved in the heavier farming activities and that the administrative and managerial duties, including decisions relating to the finances of the business, now falls within his duties.
13. A Transfer of Management Agreement dated 1 March 2018 was submitted by the Appellant with the appeal which confirms that the Appellant's father had transferred the administrative and operational responsibilities, the financial rewards and liabilities to the Appellant. However, I share the Council's concerns regarding this agreement in that Clauses 2 and 3 allows the transfer of management to be passed back to his father at any time. Therefore, the justification for the second dwelling based on the transfer of management in perpetuity fails.
14. Following the closure of the hearing the Appellant submitted a revised Transfer of Management Agreement which removed Clauses 2 and 3. I consider that the amended agreement is now acceptable and reaffirms my conclusion that the Appellant has taken over the control of the management of the farm holding and that he is critical to the continued success of the business. The Council has also confirmed that the revised transfer agreement is now acceptable.
15. As the appeal proposal complies with the first requirement set out within paragraph 4.5.1 of TAN6, there is no need for me to assess the second part; whether there is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary from the business.

Section 106 Agreement

16. In line with the guidance set out within TAN6³, it is important to ensure that the new dwelling is tied to the agricultural holding through the provision of a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as

² First bullet point, Paragraph 4.5.1, TAN6

³ Paragraph 4.5.3, TAN6

amended). The Appellant submitted a planning obligation following the closure of the hearing.

17. In order to comply with the guidance set out within TAN6, a section 106 obligation must be in place prior to the grant of planning permission. When determination of the application lies with the Council, it is able to make a resolution to grant planning permission upon completion of the required section 106 agreement, and then grant permission once the required legal agreement is in place. However, my decision must be either to grant or refuse permission on the basis of the documents and evidence before me.
18. Whilst the Appellant's planning obligation reads as a Unilateral Undertaking there is a requirement for the County Council to execute the Undertaking, but this has not taken place. In addition, the document does not include evidence of the Title Register, and the plans annexed to the document are not sufficiently clear to show the exact boundaries of the appeal site. With regard to the occupancy of the proposed dwelling, the document fails to ensure that the house would remain available for occupation by rural enterprise workers in perpetuity, and the obligations set out within the Third Schedule of the document do not conform with the wording set out within TAN6.
19. Therefore, in the absence of an effective legal undertaking there is no mechanism to tie the proposed dwelling to the agricultural holding or ensure control of the future occupation of the dwelling.

Conclusion

20. Having regard to the above, I cannot be satisfied that the business is financially sustainable and the absence of a completed legal agreement renders the proposal in conflict with the requirements of TAN6 and Policy H1 of the LDP.
21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
22. Having considered all other matters raised, I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol