

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 22/0510/FUL

**Grid Ref:** E: 317874  
N: 329184

**Community Council:** Llansilin Community

**Valid Date:** 21.03.2022

**Applicant:** Mr B Davies

**Location:** Nant Hirwaun, Moelfre, Oswestry, Powys, SY10 7QW.

**Proposal:** Barn Conversion to a residential holiday unit and associated works

**Application Type:** Full Application

### The reason for Committee determination

The applicant is an elected member for Powys County Council.

### Consultee Responses

#### Consultee

#### Received

Hafren Dyfrdwy

29th Mar 2022

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.

PCC-(N) Highways

29th Mar 2022

Thank you for consulting the Highway Authority on this planning application at Nant Hirwaun Moelfre Oswestry Powys SY10 7QW. The proposal seeks barn conversion to a residential holiday unit and associated works.

This site is remote from local facilities and the immediate highway network which serve it is constrained. Access to the site would be gained via the existing access off C2208.

The C2208 is constrained by its width and availability of adequate passing bays. The Highway Authority notes that the applicant has offered no mitigation to this. It is our view that the scheme is over-reliant upon the existing 'Informal Passing Bays' of which, by virtue

of their scale, siting and form, fail to mitigate the aforementioned constraints and provide satisfactory refuge for the safe passing of vehicles. Vehicles need to reverse reasonable distances when met by on-coming traffic, including at times when rear visibility is obscured by reason of the vertical and/or horizontal alignment of the highway.

The existing access is substandard in terms of visibility in both directions, the highway verge to the southwest of the access exceeds 600mm, radii, no bound material in the area of the access and no means of draining the access. We note the access track gives access to a previously consented development for education centre and agricultural buildings and it will also serve the current development.

We note that the applicant controls sufficient frontage to which improvements can be made, therefore, should the Local Planning Authority be minded approving the application the Highway Authority wish the following conditions to be attached to any such consent.

1. No other development shall commence until the access has been 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 34 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.
2. Upon formation of the visibility splays as detailed 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.
3. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
4. No surface water drainage from the site shall be allowed to discharge onto the county highway.
5. Prior to any works being commenced on the development site the applicant shall construct one passing bay along the C2208 county highway in a location to be agreed in writing by the Local Planning Authority.
6. The passing bay referred to above shall be constructed to adoptable standard prior

first beneficial/operational use of the development hereby approved.

#### Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Environmental Protection

24th Mar 2022

Foul drainage

The proposal is for a new septic tank and drainage field system. It is important to establish whether the ground conditions are suitable and that there is sufficient space available for the system. Therefore, please can the applicant/agent submit the results of percolation tests, carried out in accordance with the methodology in approved document H2 of the Building Regulations, to demonstrate these requirements?

Environmental Protection

*Additional Comments received 5<sup>th</sup> Apr 2022*

I can confirm that the results demonstrate the ground conditions are suitable and there is sufficient area for its implementation. Therefore, I have no objection to the application.

PCC-Ecologist

8th Apr 2022

Holding objection - further information is required to be submitted prior to determination of the application.

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o N/A

Non-statutory sites within 500m:

- o Ancient Woodland Inventory Site (Plantation on Ancient Woodland site) located within approximately 450m south-east of the proposed development.

Records of protected and/or priority species identified within 500m?

- o Yes - (6 records)

Comments

No ecology information has been submitted to support this planning application.

From reviewing the submitted information and photographs provided by the applicant's agent I am of the opinion that in light of the construction and condition of the existing structure there is extremely limited potential for the barn to support roosting bats and that the proposed change of use of the 2nd floor from storage to a holiday unit will not result in any impacts to roosting bats and therefore it would not be necessary to require a bat survey to be undertaken to inform the application.

Biodiversity enhancement:

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all its functions - this includes the planning process. The Welsh Government letter to Chief Planning Officers dated 23rd October 2019 has also clarified the necessity for developments to include biodiversity enhancement measures prior to determination of applications.

Having reviewed the Proposed Elevations shown within the Proposed Floor and Elevation Plan drawing no. GD-MZ780-05 produced by Roger Parry & Partners dated 21/03/2022 I note that the proposals include the provision of two bird boxes on the gable ends of the barn. The inclusion of these features is welcomed and would contribute to increasing features of biodiversity value at the site. The details provided regarding location of nest box features are considered to be appropriate and implementation of these measures should be secured through an appropriately worded condition.

## Tree and Hedgerow Protection Plan

The submitted plans identify that works will be undertaken in close proximity to the retained trees that exist onsite - of particular note is the proximity of the proposed area of hardstanding (parking and turning area) and septic tank and associated soakaway to retained trees within the site - the submitted plans identify that the proposed area of hardstanding would significantly encroach into the root zone of at least one retained tree. Given the nature of the proposed works required in close proximity to these features it is considered prudent to require information as to how these features of biodiversity importance will be impacted by the proposals and subsequently protected during the construction phase in order to ensure no significant harm.

It is therefore considered necessary that an Arboricultural Impact Assessment (AIA) is undertaken by a suitably qualified professional and that this is used to identify a Tree Protection Plan, this information will need to be submitted prior to determination of the application. If in light of the AIA it becomes apparent that a suitable protection plan cannot be identified and it is deemed that the impact of the construction would result in significant harm to the any trees which may result in their loss to accommodate the proposals, then it will be necessary to identify appropriate compensation for this biodiversity loss.

### External lighting:

No details with regards to any proposed external lighting has been included within the application details.

Given the rural nature of the site if it is proposed to include external lighting within the proposed development then careful consideration will need to be given to any external lighting design to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. In addition, any proposed external lighting must avoid conflict with the identified enhancement measures and existing/proposed wildlife corridors.

Controls could be exercised through an appropriately worded planning condition, however as additional information has been identified as required to be submitted prior to determination of the application, the applicant may wish to submit a Wildlife Sensitive Lighting Plan at this stage to avoid the need to submit information to discharge a condition

at a later date.

Sustainable Drainage System Approval Body (SAB):

It should be noted that in addition to planning approval the proposed development will require approval from the Sustainable Drainage System Approval Body (SAB) prior to any construction works commencing onsite - i.e. new developments of more than 1 house or the area of the Project proposals with drainage implications is likely to exceed 100m<sup>2</sup> (including access tracks, areas of hard standing etc.).

Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality).

Further information required prior to determination:

- i. Arboricultural Impact Assessment and Tree Protection Plan
- ii. External Lighting Plan

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity?

- o N/A – Further information is required.

PCC-(N) Land Drainage

25th Mar 2022

PCC Land Drainage have no comments to make on this application at this time.

However, the SuDS Approval Body (SAB) deem that the proposed hardstanding area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

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>

If for any reason you believe your works are exempt from the requirement for SAB approval,

we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Natural Resources Wales (Mid Wales) DPAS

1st Apr 2022

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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.

Community Council

No comments had been received at the date of writing this report

PCC-Building Control

24th Mar 2022

Building Regulations application required.

Ward Councillor

No comments had been received at the date of writing this report.



The application proposal involves the conversion of an agricultural building to form a residential unit. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states:

"Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course. "Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

#### Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

## Representations

Following the display of a site notice on 28<sup>th</sup> March 2022, no public representations have been received at the time of writing this report.

## Planning History

App Ref	Description	Decision	Date
P/2012/0564	Erection of an agricultural building (retrospective)	Consent	27th Jul 2012
P/2013/0264	Change of use and renovation of agricultural buildings to an education centre, together with the erection of extensions, raising of roof heights and access improvements.	Consent	18th Apr 2013
19/0992/AGR	Agricultural Notification for the erection of an extension	Approve	4th Jul 2019

## Principal Planning Constraints

Open Countryside	
Unrestricted Highway: C2208	
Public Footpath: 242/45/2	Approximately 150m west
Plantation on Ancient Woodland Site	Approximately 500m west

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy

TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
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
DM15	Waste Within Developments	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	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  
Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description

The property is located within the community of Llansilin and is in an area designated as open countryside under the Powys Local Development Plan (2018). The property has vehicular access onto the C2208. The property is located within a rural area with no immediate neighbouring residential properties.

This application seeks consent for the conversion of the second floor of the building into a 2 bedroom self-catering holiday unit with amenity area and parking area to the rear and of the barn. Access will utilise the existing farm track.

### Principle of Development

Policy TD1 of the Powys Local Development Plan states that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted in the open countryside, where it re-uses a suitable rural building and is 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.

New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation.

It is considered that the existing barn is suitable for its intended use as a holiday let, and due to the nature of the proposal, only minor alterations to the existing building's design and structure would be necessary. As such, the visual and landscape impact of the development would be limited. The building is in generally sound condition and is capable of conversion without major or complete reconstruction. Furthermore, it is noted that the barn is not listed nor of traditional construction and the proposed development would therefore not have an impact on buildings of historic or architectural interest.

In light of the above, and subject to the inclusion of appropriately worded conditions removing permitted development rights and limiting the use of the accommodation to a holiday let only, it is considered that the principle of development is acceptable on this occasion, in compliance with Policy TD1 of the Powys LDP, TAN 6 and TAN 23. This is,

however, subject to a review of the broader material planning considerations, which are addressed in-turn below.

### Design, Scale and Appearance

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy 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.

With regard to the potential impact upon the surrounding landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The proposed development seeks to convert part of an existing agricultural building to a holiday-let unit, with associated works.

The building comprises a steel portal frame building with timber cladding to walls under a metal clad roof which is on various levels.

There are no proposed alterations to the external appearance of the building. The external wall coverings and roof will be retained and windows/doors will utilise the existing openings within the building where possible.

The proposed design does incorporate the closing up of an existing opening on the southwest elevation of the building, however taking into account the existing architectural merit of this part of the building, the proposed changes are considered to be acceptable. In this respect, the works required to facilitate the conversion would not to be extensive and, on balance, the design is considered acceptable.

It is however noted that no information with regard to external materials and finishes of some of the fenestration details have been submitted as part of the application. Officers consider that it is therefore appropriate to attach a condition relating to further details of the windows to be submitted prior to the commencement of development.

Subject to the above conditions, it is considered that the proposed conversion scheme fundamentally retains the traditional character and appearance of the building and thus assimilates within the immediate context and surrounding landscape.

Overall, the design is considered to respect the character of the existing building in accordance with LDP Policy DM13. In order to enable consideration of future extensions and alterations, that have the potential to impact upon the character and appearance of the building, it is recommended that permitted development rights are removed by condition.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policies and guidance.

### Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The existing barn is located to the north of the main farmstead and farmhouse, which is in the control of the applicant. Given that no large-scale extensions or alterations to the existing building's footprint are proposed, it is considered there would be no impact upon the dwelling with regard to overbearing and overshadowing effects. It is also noted that the main glazing elements from the principal rooms of the conversion would not face directly towards the neighbouring dwelling, and therefore it is not considered that there will be any increased risk of overlooking.

It is acknowledged that the proposed holiday-let unit will be located above an agricultural fodder store and livestock yard and these uses are proposed to continue after the unit has been converted. It is Officer opinion that, as the proposed barn conversion will not be for residential use, but to be limited in use to a holiday-let unit by condition attached to any grant of planning consent, the residential amenity of the occupiers of the holiday-let unit will not be adversely affected.

The Council's Environmental Protection Team have also been consulted on the proposed development and have not raised any concerns.

In light of the above, the development is considered to be acceptable in this regard, and compliant with planning policy and guidance.

### Highways

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

The proposed development seeks to gain vehicular access via the existing farm track onto the C2208 county highway with a parking area created to the side of the barn conversion utilising an existing hardcore area. The Local Highway Authority have been consulted on the proposed development and have noted that, subject to the inclusion of recommended conditions, they do not raise any objection to the development. It is considered that the recommended conditions are commensurate to the scale of the development and are necessary and would see the provision of one additional passing bay along the county highway to the benefit of all users.

In light of the above, and subject to the inclusion of the recommended conditions, the proposal is deemed to be acceptable and compliant with planning policy.

### Natural Environment

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.

#### *Protected sites*

There are no protected sites within 1km of the proposed development. There are a several parcels of Ancient Woodland within 500 metres of the proposed development. However, due to the separation between the proposed development and ancient woodland and lack of connectivity, it is Officer opinion that the proposed development will not have any adverse effect on these sites.

#### *Protected Species*

The application has not been accompanied by any ecological information. The proposal includes the change of use of the second floor of the building to holiday-let use. Due to the construction and condition of the building, being of relatively modern construction, it is Officer opinion that the existing building offers negligible opportunities for ingress by bats and therefore the proposed development will not have an adverse effect on roosting bats or nesting birds. The County Ecologist has been consulted and has confirmed that a preliminary bat roost assessment is not considered necessary in this case.

A 'Reasonable Avoidance Method Statement and Wildlife Sensitive Lighting Plan' has since been submitted by the applicant, whilst no further comments from the County Ecologist have been received at the date of writing this report, the method statement is considered to be acceptable. However, given that the Lighting Plan did not include the location of any proposed external lights, it is considered necessary to attach a condition to any grant of consent to secure the submission of a detailed external lighting design scheme, should any external lighting be proposed.

The County Ecologist also requested that an Arboricultural Impact Assessment (AIA) was completed. Additional information was submitted which confirmed that the hardstanding will be as existing with no proposed ground works as part of parking area. In addition, aerial imagery shows that the proposed septic tank and soakaway will be located away from existing trees. It is therefore considered that in this instance sufficient information has been demonstrated to confirm that no trees would be impacted upon as a result of the development.

Therefore, subject to the inclusion of suitably worded conditions to any grant of planning consent, the development is not considered to conflict with LDP Policy DM2 in respect of protected species.

### *Biodiversity Enhancements*

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Local Authorities are required to maintain and enhance biodiversity through all its functions – this includes the planning process. As part of the application, biodiversity enhancements have not been directly proposed. It is considered that this may be overcome with a carefully worded condition to ensure the provision of 1No. bird/bat box on the site of development.

Biodiversity enhancement measures are noted on the submitted proposed elevation plans through the inclusion of 2No bird boxes to the side elevations of the building. A suitably worded condition securing these enhancement measures should be attached to any grant of planning consent and would help to achieve a biodiversity net gain within the site and its vicinity.

Subject to the inclusion of a suitably worded condition to the grant of any planning permission, this measure is considered appropriate to provide biodiversity enhancement in accordance with the Biodiversity SPG and LDP Policy DM2.

### Contaminated Land

Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past.

The Contaminated Land Officer has recommended a condition be included on any granting of consent ensuring that appropriate investigations, risk assessments, and remediation is undertaken if contamination is encountered when carrying out the development. It is considered that the recommended condition is appropriate and necessary.

In light of the above, and subject to the inclusion of an appropriately worded condition, the development is considered to be acceptable in this regard, and compliant with planning policy and guidance.

## **RECOMMENDATION**

In light of the above assessment, it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.



## Conditions

1 The development shall begin no later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents:

Application Form (dated: 21/03/2022)

Location Plan (Drawing No.: GD-MZ780-01)

Proposed Block Plan (Drawing No.: GD-MZ780-02)

Proposed Floor and Elevation Plan (GD-MZ780-09)

Proposed Floor and Elevation Plan (GD-MZ780-07)

Proposed Floor and Elevation Plan (GD-MZ780-05)

Planning Statement

Reasonable Avoidance Method Statement and Wildlife Sensitive Lighting Plan

3. Before the first beneficial use of the development hereby approved, no fewer than 2No. bird boxes are to be installed at least 3m from the ground, as shown on the Proposed Floor and Elevation Plans (Drawing Nos.: GD-MZ780-05, GD-MZ780-07 and GD-MZ780-09) and shall be retained thereafter in perpetuity.

4. The development shall be undertaken in strict accordance with the recommended mitigation measures for bats and nesting birds set out in Reasonable Avoidance Method Statement and Wildlife Sensitive Lighting Plan. The measures identified shall be adhered to and implemented in full.

5. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

6. Notwithstanding the detail shown on Drawing Nos.: GD-MZ780-05, GD-MZ780-07 and GD-MZ780-09, no development shall commence until full details (including elevation drawings and manufacturers details) of all external fenestration have been submitted to, and approved in writing, by the Local Planning Authority. The details as approved shall be implemented in full and retained in perpetuity.

7. No other development shall commence until the access has been 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 34 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.

8. Upon formation of the visibility splays as detailed 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.

9. Prior to the occupation of the holiday accommodation the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

11. Prior to any works being commenced on the development site the applicant shall construct one passing bay along the C2208 county highway in a location to be agreed in writing by the Local Planning Authority.

12. In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

14. 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.

## **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 To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the Powys LDP, Planning Policy Wales (Edition 11) and TAN 12 (Design).
7. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
8. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
9. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
10. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
11. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
12. To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Plan (2018).

13. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan and Powys Residential Design Guide 2020 SPG.

14. To ensure that the development is not used as a permanent residential accommodation contrary to policy TD1 of the Powys Local Development Plan (2018).

## **Informative Notes**

### 1. Ecology

#### **Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)**

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

#### **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:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on

Schedule 1 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.

## 2 Building Control

Please be aware that the proposed works will require Building Regulations approval. Should you wish to discuss the project please do not hesitate to contact Paul on paul.metcalf@powys.gov.uk or 07876216734

## 3 County Highways Authority

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

#### 5. Land Drainage

As the construction area is greater than 100m<sup>2</sup>, the proposed development will require SAB approval prior to any construction works commencing on-site.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)  
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>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.